

FROM *ECCLESIA DISCENS*  
TO *ECCLESIA DOCENS*:  
THE REPRODUCTIVE HEALTH BILL –  
TURNED-LAW CASE

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*Vatican II has endorsed a Church that is humble and listening as called forth by the spirit of aggiornamento. When the Catholic Bishops' Conference made its official stand against the controversial Reproductive Health Bill, pro-RH Catholics of goodwill interpreted this as a deviation from the spirit of dialogue which fired up the Council Fathers. The article problematizes the anti-RH stand of the bishops within the larger framework of presumed clerical superiority over the laity embedded in the hierarchical apparatus. The way out is by overcoming institutional inconsistencies, correcting power imbalances in the Church, and removing clericalism. Genuine initiative for reform and renewal towards a Church of co-equals must come from critical communities of faith that have touched and are touching base with the peoples' rough grounds of existential questions and concerns.*

INTRODUCTION

**F**ifty years after the opening of the Second Vatican Council, the Philippine local church finds itself deeply polarized over the controversial reproductive-bill-turned-law (henceforth, RHBL; RHB is Reproductive Health Bill while RHL is Reproductive Health Law). Throwing caution to the wind, the CBCP made a collective stand against the hitherto raw bill in its January 2011 pastoral letter entitled "Choosing Life, Rejecting the RH Bill." The title insinuates that those who are for the passage of the bill have opted for death. In print and in pulpit, many in the Catholic hierarchy thereafter mounted an even more spirited campaign against the passage of the bill and

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eventually against the law itself. The more rabidly anti-RHB flock followed their shepherds with the fierceness of a warrior in this good-versus-evil war, perhaps matched only in ferocity when the Catholic hierarchy vehemently opposed the integration of Rizal course in the Philippine educational curriculum in the 50s. An investigative journalist writes: “Never before had the Church taken a hard-line position on a public policy issue, which the vanguards of the faith insisted was more of a moral issue than the right of women to have control over their bodies, and allowing couples the widest choice of planning their family size and spacing their pregnancies.”<sup>1</sup>

This essay contends that the intransigent stand of the Catholic Bishops’ Conference of the Philippines as a collegiate body as well as the concomitant actuations of a good number of ecclesiastical authorities and their kindred *contra* the RHBL seems to have veered away from the principle of *aggiornamento* and the underpinning spirit of dialogue which fired up the Council Fathers to bring the Church on the road to renewal and relevancy. To be sure the teaching mission or character of the Church is essential to its divinely rooted corporate identity, yet as will be shown below (“Revisiting Vatican II’s *Aggiornamento* and Dialogue”), Vatican II has underscored a Church that is a humble listener-learner, a dialogical partner. Wittingly or unwittingly the CBCP and their anti-RHBL allies have moved, as it were, from Vatican II’s *ecclesia discens* (“listening church”) to a mere *ecclesia docens* (“teaching church”) in their negative stand against the reproductive health bill-turned-law.<sup>2</sup>

<sup>1</sup> Aries C. Rufo, *Altar of Secrets: Sex, Politics, and Money in the Philippine Catholic Church*, with an introduction by Marites Dañguilan Vitug (Pasig: Journalism for Nation Building Foundation, 2013), 135.

<sup>2</sup> *Ecclesia docens* refers to the teaching Church while *ecclesia discens* to the learning, hence listening, Church. Before Vatican II both expressions reflect and parallel the hierarchy-laity split in the Church. The teaching Church is the hierarchy; the learning Church is the laity. Vatican II collapsed the distinction, meaning the Church, the entire People of God, is at once *docens* and *discens*. Before Vatican II, the teaching authority of the Church was limited to the hierarchy, while the rest of the faithful, including theologians, were considered merely as *ecclesia discens*. A post-Vatican II ecclesiology emerged which broadly views the teaching authority in the church as inherent in and exercised by every member of the church. It is known simply as the magisterium of the whole Church and is rooted in Baptism. At a broader *official* (italics, mine) level, the magisterial authority inheres in and

By taking a partisan stand, the CBCP precisely has closed the door to a continuously respectful dialogue with the bill's advocates and supporters for what is there to talk about? Concomitant to this is that the CBCP's stand has provided a reinforced ideological ammunition to the more passionate oppositionists to the bill to ventilate even more visibly their adversarial stance towards their fellow Catholics who are for the bill. By siding with the antis, the CBCP has compromised a graced opportunity to play a much needed mediatorial role to create conditions, both on the national and local levels, for a truly dialogical conversation to happen between the two groups in a manner where no one lords it over the other (cf. Luke 22:24-27).

The paper does not purport to suggest naively that the CBCP should not have leaned on either the RHB proponents and supporters in order for dialogue to have been achieved. Neither does it intend to undermine the goodwill, efforts and initiatives of individual bishops or bishops acting as a group in extending the hands of dialogue to concerned groups in other contexts. A good example would be the interreligious dialogue in Mindanao sponsored by the Bishops-Ulama Conference.<sup>3</sup> On the controversial reproductive health issue perhaps there are probably soft-line bishops who, despite having to toe the CBCP line, have exhibited a more gentle, more sober approach in dealing with those on the other side of the fence. However their exceptional softness and sobriety represent silver lining,

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exercised by the hierarchy and theologians alike. This is known as the double magisterium and is rooted in both episcopal ordination (thus, the magisterium of the cathedral chair) and theological competence (the magisterium of the professorial chair) [<http://ncronline.org/blogs/essays-theology/elizabeth-johnson-and-teaching-authority-bishops>, (accessed 15 May 2014)]. The Council has emphasized “the participation of all the members of the people of God. . . in all the roles and offices of Jesus Christ, notably in his roles of prophet, priest and king, and in his mission (LG 9, 10, 12). An implication of this common sharing of all the faithful in the divine sonship of Christ is that *all* members of the church share in his authority; authority in the church is *not* something simply confined to the hierarchy . . .” (Edmund Hill, “Church,” in *The New Dictionary of Theology*, eds. Joseph A. Komonchak, Mary Collins, and Dermot A. Lane [St. Paul Publications, n.d.], 200).

<sup>3</sup> See <http://bishop-ulma.page.it/Organizational-Structure.htm>, (accessed May 14, 2014).

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the paper considers this as a footnote to the main text, as individual trees to the forest.<sup>4</sup>

What the paper wishes to highlight is that the manner by which the more anti-RHBL hierarchs and their allies engage the RHBL advocates has not come across to the latter as consistent to the task of *aggiornamento* and its attendant dialogical approach which caught fire in the halls of Vatican II. And the CBCP official position against the RHB precisely compounded the already conflictive intra-ecclesial atmosphere. Before I bring to a close my essay, I will attempt to offer a critical account of why dialogue was well-nigh impossible to come by given the very firm position of the bishops against the passage of the bill. In the end I invite the readers to go beyond the RHBL issue and reaffirm the valuable role of faith-driven grassroot movements/communities from below as agents of renewal and reform movement towards de-clericalization of the church.

### **REVISITING VATICAN II'S AGGIORNAMENTO AND DIALOGUE**

If the Council of Trent is referred to as the Council of the Counter-Reformation, one could, for good reason, refer to Vatican II as the *Aggiornamento* Council.<sup>5</sup> Vatican II's *aggiornamento* (a bringing up to date) calls for a Church that is humble, listening and dialogical – a Church that does not pretend to know all the answers to the complex questions of modern age. Fifty years after, Cardinal Tagle's well-received plea for a humble and listening church, certainly a loud echo of the voices of the reform-minded Council Fathers, reverberated in the hall of the recent Synod of Bishops in Rome.

<sup>4</sup> A case in point is the remarkably collaborative involvement of Archbishop Antonio Ledesma with the government's Population program. Instead of cursing the (imagined) darkness he has been pro-actively helping propagate the church-approved natural family planning methods in his archdiocese. He calls this "principled collaboration." This apparently is not pleasing to his brother bishops. Aries Rufo in his increasingly-becoming popular book on sex, politics and money in the Philippine church believes that Ledesma's collaboration with the government cost him his downfall as potential successor of then CBCP president, Archbishop Angel Lagdameo. See Rufo, *Altar of Secrets*, 132-135.

<sup>5</sup> <http://vatican2voice.org/3butlerwrites/aggiorna.htm>, (accessed September 2, 2013).

The Church is an institutionalized interfacing of the divine and the human, sign and instrument of God's offer of salvation for the past 2,000 years. As one endowed with a divine character, the Church in its inner reality is a *mysterion*.<sup>6</sup> As a human reality, it is aptly portrayed as a historical institution of imperfect human beings in earthly pilgrimage. As such "Christ summons" it "to continual reformation of which it is always in need . . ." (UR, # 6). The ancient image of the church as pilgrim people is a fitting reference to a people who are part of an entity which takes on "the appearance of this passing world" (LG, # 48). Human finiteness and the time-bound character of any institution call for the necessity of reform and renewal in the church's journey through history.<sup>7</sup> The Federation of Asian Bishops' Conferences (Asia's continuing Vatican II, as Fr. James Kroeger would put it)<sup>8</sup> has re-affirmed the ecclesial image in the Asian context believing that "everyone in Asia is a partner and co-pilgrim in the journey to God's Reign. . . ."<sup>9</sup>

As far back as the beginning of Christianity the nascent movement when faced with a plurality of contextual issues and challenges had to adopt creative approaches and responses to make her message not only faithful to the Jesus-story but acceptable as well. Arguably, the Church's past pastoral and theological history is a witness to how the *simul justus et peccato* institution has tried to adjust to changing and changed situations. In the early 1960s the Council Fathers recognized the need for *aggiornamento* in a contemporary global environment with its challenges, issues and concerns in which the Church has to live and function. The pace of change and the profound complexity of the contemporary world behooves that "Christians are joined with the rest of men and women in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals and from social relationships" (GS, # 16).

<sup>6</sup> The term occurs in chapter 1 of *Lumen Gentium*, also in 5a, 39a, and 63a; *Unitatis Redintegratio* 2f and 20a; *Optatam Totius* 9a and 16d; *Ad Gentes* 16c; *Gaudium et Spes* 2a and 40a; *Nostra Aetate* 4a.

<sup>7</sup> <http://americamagazine.org/issue/5153/editorial/aggiornamento-2012>, (accessed August 29, 2013).

<sup>8</sup> <http://www.lst.edu/academics/landas-archives/353-an-qasianq-dialogue-decalogue-j-kroeger-mm>, (accessed September 5, 2013).

<sup>9</sup> <http://www.news.va/en/news/asian-bishops-new-evangelization-is-urgent>, (accessed September 5, 2013).

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The *Constitution on the Church in the Modern World* articulates this with the following observation:

Today, the human race is passing through a new age of its history. Profound and rapid changes are spreading by degrees around the whole world. Triggered by the intelligence and creative energies of man, these changes recoil upon him, upon his decisions and desires both individual and collective, and upon his manner of thinking and acting with respect to things and people. Hence we can already speak of a true social and cultural transformation, one which has repercussions on man's religious life as well (Art. 4).

The retrieval of the pilgrim image as an appropriate description of the Church is anchored on another more fundamental image called People of God. Although the Council employs a number of biblical images to illuminate the mystery of the Church, the People of God conveys the “more biblical, more historical, more vital and dynamic” vision of the church that inspired Vatican II.<sup>10</sup> Corporate belonging to the one body of Christ based on the unity of baptism, the priesthood of all believers and the universal call to holiness are just some of the ecclesiological generative principles which paved the way for the ever-increasing awareness of the profound sense of discipleship of equals in the Church.

The principles of equality, universal call to holiness, priesthood of all believers, communion and *aggiornamento* all call for “dialogue” – a term that was introduced by John XXIII into the language of the Catholic Church in his first encyclical *Ecclesiam Suam* (August 1964). The pope grounds dialogue in the theology of “God's revelation to all humanity, especially in the Incarnation of Christ,” and applies it “to relationships within the church, including with all Christians, and to relationships with believers outside the church and even to non-believers.”<sup>11</sup> Henceforth, “dialogue became a theme of the council,

<sup>10</sup> <http://americamagazine.org/issue/5153/editorial/aggiornamento-2012> iptmain content, (accessed September 30, 2013).

<sup>11</sup> <http://www.georgetown.edu/vatican-II-dialogue.html>, (accessed September 16, 2013).

a focal point for the task of reconciliation incumbent upon the church in modern times. Promotion of dialogue became an essential aspect of post-Vatican II life in the Catholic Church. . . .”<sup>12</sup>

Today in its New Evangelization project the Federation of Asian Bishops’ Conferences puts stress on dialogue as “a mode of life and mission.”<sup>13</sup> The bishops describe the “New Evangelization” as one that “calls for a spirit of dialogue that animates daily living and opts for a unifying, rather than adversarial, relationship”<sup>14</sup> while averring that dialogue is “fundamental to a spirituality of communion for the renewed evangelizer.”<sup>15</sup> They refer to dialogue as “a hallmark of all forms of ministry and service in Asia” which is marked by “humble sensitivity to the hidden presence of God in the struggles of the poor, in the riches of people’s cultures, in the varieties of religious traditions, and in the depths of every human heart.”<sup>16</sup> The oft-quoted “three-fold dialogue” with the poor, the cultures and the religions encapsulates the programmatic vision which has guided the FABC for more than three decades. Kroeger suggests that the missionary Church in Asia demands that local churches “must consider diverse cultural, religious, political, social and economic realities as they envision a pastoral program of integral and dialogical evangelization; they must ask themselves how they can serve to build relationships that will manifest God’s love for all peoples.”<sup>17</sup> He puts stress on the Christological grounding of any dialogical enterprise which

requires certain basic attitudes, as exemplified in Christ:  
— a spirit of humility, openness, receptivity, and ... for what God wishes to tell us through them [Asia’s religions]; — a witnessing to the saving grace of Christ, not so much by the proclaimed word but through love in

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<sup>12</sup> Ibid.

<sup>13</sup> <http://www.news.va/en/news/asian-bishops-new-evangelization-is-urgent>, (accessed September 5, 2013).

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> <http://www.lst.edu/academics/landas-archives/353-an-qasianq-dialogue-decalogue-j-kroeger-mm>, (accessed September 5, 2013).

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the Christian community, so that its universal validity is seen and felt as such; — a placing of priority on fellowship..., so that we are led spontaneously and naturally to deeper religious dialogue.<sup>18</sup>

Elsewhere, *Ecclesia in Asia*, the document produced by the 1998 Special Assembly for Asia of the Synod of Bishops, declares in harmony with the FABC vision: “Contact, dialogue and cooperation with the followers of other religions is a task which the Second Vatican Council bequeathed to the whole Church as a duty and a challenge...” (31). It clarifies that interreligious dialogue is not a mere strategy to foster “mutual knowledge and enrichment; it is a part of the Church’s evangelizing mission, an expression of the mission *ad gentes*” (31).

Closer to home, a decree of the Second Plenary Council of the Philippines appropriates the principle in the clergy-laity relations by averring that “(d)ialogue – one that is open to the promptings of the Holy Spirit – should be encouraged. . . . (Art. 43). In another decree pertaining to human formation, emphasis in the Catholic moral formation must be given, among other things, to “dialogue as a way of resolving conflicts” (PCP II Art 15). Structures for collaboration “should be set up to promote regular dialogue between religious and planners of pastoral programs in order to promote more fruitful collaboration” (PCP II, Art. 62 #1). Under the rubric of “Ecumenism,” PCP II asserts that “a very important approach to Church unity would be high-level dialogues among theologians of the Churches...” (PCP II, # 217). Interreligious dialogue is considered necessary in the task of evangelization (PCP II, # 110-115).

The guiding principle of dialogue is directed firstly towards empowering the laity to “engage in greater dialogue and discernment with the clergy and religious concerning social, economic, political, and cultural issues, in order to take the leading role in the transformation of society.”<sup>19</sup> And secondly towards advancing “an ever active role of women in the Church and in society and being “open to exploring possible new roles” of women.<sup>20</sup> To this end

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<sup>18</sup> Ibid.

<sup>19</sup> <http://cbcponline.net/v2/?p=461>, (accessed September 19, 2013).

<sup>20</sup> Ibid.

the local church “shall consult a wide range of women’s experience in different life situations and learn from them new approaches to dialogue and cooperation.”<sup>21</sup> The renewal efforts in the context of *ad extra* conversation with other ecclesial communities and religious traditions presupposes eradication of prejudices and growth in deeper understanding and appreciation of them. Engagement “in a dialogue of life, faith, prayer and common action” with these communities and traditions is a pledged commitment. In no uncertain terms, the National Pastoral Consultation on Church Renewal represented by Archbishop Orlando Quevedo, then CBCP president, came out with an official statement at the beginning of PCP II in January 1991 that as “a way to healing, reconciliation and national unity,” dialogue among all sectors of society shall be encouraged.<sup>22</sup>

What the above magisterial declarations are reminding us is that the Church must not only be a teacher, it must also be, and especially be, a listener.

The beautiful statements on renewal and dialogue which bear the imprint of magisterial authority have ushered in fresh air into a church institution which for so long had been identified more with rules rather than with people, more with power rather than relationships, more with coercion rather than persuasion, more with rituals rather than social engagement. One would have expected that the same gentle breeze would permeate the pastoral approach and strategies of the Episcopal hierarchy in dealing with the contentious issue of the reproductive health. It would not. Instead a different kind of air swept through the land, sparing no one including the non-Catholics.

### **The Conflictive-Divisive Issue of RHBL<sup>23</sup>**

A random listing of news and opinion titles in several national dailies and online sources offers us a clue as to how conflictive and

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Part of the narration in this section is culled from Levy Lanaria, “The CBCP Statement on the Reproductive Health Bill: A Looking Back with Postscript.” *East Asian Pastoral Review* 50, No. 1 (2013): 81-103.

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heated the issue has become with some in the hierarchy assuming a belligerent mood.<sup>24</sup>

Apparently during the pre-RHL period, friendly dialogues, if anything, were few and far between. The die was cast when the CBCP opted to pull out of the negotiations with the government and subsequently produced the pastoral letter “Choosing Life, Rejecting the RH Bill.” This was followed by a number of affirming pastoral letters read in churches either on the diocesan or national level.<sup>25</sup>

On February 13, 2011, a known female advocate of the RH bill wrote a stinging response to the bishops’ pastoral letter. In her no-holds-barred reply the author mentions the “so many debates and *too few dialogues* (italics mine)” which CBCP and the RH bill advocates had engaged in and refuses to belabor the “old points that have been raised and clarified repeatedly . . . in the past decade.”<sup>26</sup> She deplored that “it seems the good Bishops have not been listening intently or understanding with empathy.”<sup>27</sup> As one of the young people who heeded Cardinal’s appeal to go to EDSA in the historic February 1986, she recalls “how our hearts were made even braver

<sup>24</sup> “Battle over Reproductive Health Bill Intensifies,” “Filipino Bishops Urge People Power against RH Bill,” “Contraceptives against Moral Natural Laws,” “RH Bill Backers Catholics in Name Only,” “Cardinals Ask House Stop RH Bill Passage,” “Catholics Clash over RHBill,” “Philippine Bishops Oppose RH Bill,” “CBCP Hits Bernas over RH Bill,” “Hell Hath No Fury than Bishops Scorned Filipinos Are Not Listening,” “RH Bill Hates Life,” “Church Says It Has 140 Votes against RH Bill,” “CBCP Hits Govt for ‘Railroading’ RH Bill,” “Filipino Bishops Will Not Concede to RH Bill,” “Pangasinan Bishop Makes 11<sup>th</sup> Hour Appeal,” “Bishops Gird for RH Bill Battle,” “Poverty, Scarcity and the Rule of the Catholic Church,” “RH Bill Backers Hit Bishops Science,” “Why Catholic Teachers Can Back RH,” “Fight versus RH Bill Catholic Church Greatest Challenge,” “CBCP ‘Unlikely’ to Help Amend the RH Bill.” I leave it up to the readers to judge the media’s one-sidedness in its reportage.

<sup>25</sup> <http://bonlag.blogspot.com/2011/03/bishop-rudy-issues-lenten-pastoral.html>, (accessed August 19, 2013); <http://cbcplforlife.com?p=1975>, (accessed August 19, 2013); <http://www.cbcpnews.com/cbcpnews/?p=9989>, (accessed August 19, 2013); <https://www.facebook.com/notes/jerry-ocampo/philippine-catholic-bishops-statement-on-end-of-debates-of-reproductive-health-r/10151017416257831>, (accessed August 19, 2013).

<sup>26</sup> [https://www.facebook.com/note.php?note\\_id=500680438181](https://www.facebook.com/note.php?note_id=500680438181), (accessed October 1, 2013).

<sup>27</sup> Ibid.

and our feet swifter by the CBCP's Pastoral Letter" delighted that the bishops were with the multitudes "in pulling down the pillars of dictatorship. . . (and) in advancing democracy."<sup>28</sup> The January 2011 pastoral letter, however, was another matter occupying a different plane "because it is not of the same prophetic and moral fiber" as the bishops misrepresent "the Reproductive Health bill as promotive of abortion and of adolescent promiscuity." In her own words, "with due respect - you have not only been intellectually dishonest and ignored the good faith of RH. . . advocates, but also failed to proclaim the life-saving and values-formation character of this public health measure, which many of us in (their) own flock, in conscience, desire to be passed into law. In 1986, you were advancing democracy; now, you are impeding democracy (sic)."<sup>29</sup>

As to the claim of the bishops that RH Bill advocates women empowerment with ownership over their bodies "without the dictation of any religion," the letter-writer bucks it by asserting that "(w)e do not own our bodies, but our spirits inhabit them, therefore they are our kingdom, and just as we struggle for the self-determination of *Inang-bayan* and the sustainability of *Inang Kalikasan*, by the same feminine principle, we freely, in an informed manner, responsibly and joyfully, decide about our bodies. No one else can or should do that for us (sic)." She could not be restrained:

Whatever gave you the idea that we decide about our bodies or anything else in life without anchoring in our deepest inspirations, whether faith or humanism or the sheer sense of being a woman? I kneel only to God, sometimes with the princes of my church, but always from the innermost voice of conscience which I strive humbly to discern in silence or in the marketplace.

As a Conference of men located outside women's experience, good Bishop, could you not show a little more respect for us? (sic). We choose life, we embrace its every cycle, from birth and girlhood to the childbearing years to menopause or climacterium and then death. We want each and every sister to have a chance at that fullness of

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

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life. It is a shame that we do not have the Bishops marching beside us this time around. But, without you or even against you, we will win this new revolution, too.<sup>30</sup>

The tone of lamentation and anger expressed by the RH bill advocate could easily resonate with countless RHBL supporters particularly the Catholic ones who could not understand why the bishops as a collective body would make claims which, for the RHBL supporters, border on recklessness. To be sure, the anti-RHBL bishops and priests have all the right reason to invoke the principle of common good upon which they predicate their corporate stand. Common good certainly lies within the pale of the Church's mission of liberation and her leaders cannot shirk their responsibility. Bringing us to the intent of PCP II, Cartagena asserts that for the sake of the principle "bishops and priests have the liberty to participate in policy debate and formulation."<sup>31</sup> The conciliar decree, however, provides a word of caution: "such liberty must not be exercised to the detriment of the religious freedom of non-Catholics, or even of dissenting Catholics" (PCP II, # 358). Calling the CBCP position as "a total war" *contra* the passage of the Reproductive Health Law, Cartagena has observed that

(u)nfortunately, not a few bishops contradicted their own norm of action. They opted to threats of excommunication and stepped up insinuations of refusal of holy communion. The fear of public humiliation or social stigma was enough for many ordinary Catholics to toe the official line. It is tragic. Rather than help create and sustain a polity necessary for the deliberation of the common good, the CBCP resorted to measures that effectively compromised it.<sup>32</sup>

Writing in the context of the ongoing conflict between the Aquino government and the CBCP-led Catholic Church on the RH bill question, Joaquin Bernas, noted Catholic priest and constitutionalist, points out the limits of religious freedom:

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<sup>30</sup> Ibid.

<sup>31</sup> Aloysius Cartagena, Foreword to *Contraception and the RH Bill: Views not from the Top*, (Unpublished material, to be published by Claretian Publications).

<sup>32</sup> Ibid.

(We) live in a pluralist society where various religious groups have differing beliefs about the morality of artificial contraception, which is very much at the center of the controversy. But freedom of religion means more than just the freedom to believe. It also means the freedom to act or not to act according to what one believes. Hence, the state should not prevent people from practicing responsible parenthood according to their religious belief, nor may churchmen pressure President Aquino, by whatever means, to prevent people from acting according to their religious belief.<sup>33</sup>

Bernas further cites a provision from the *Compendium on the Social Doctrine of the Catholic Church* that notwithstanding the Catholic Church's historical ties with the State and the latter's respect of the latter, "(s)uch recognition must in no way create discrimination within the civil or social order for other religious groups." The magisterial document cautions those responsible for government "to interpret the common good of their country not only according to the guidelines of the majority but also according to the effective good of all the members of the community, including the minority." Ironically, the CBCP pastoral letter reaffirms the Vatican II doctrine on freedom of religion and the right to object in matters that are contrary to one's faith ("We believe in the freedom of religion and the right of conscientious objection in matters that are contrary to one's faith"). What makes the episcopal statement unconvincing is that the bishops fail to consider the religious freedom and the teachings of other non-Catholic or non-Christian groups who support the bill-turned-law.

The option of the bishops to take an *a priori* anti-RH bill stand has wittingly or unwittingly programmed their minds to be selective in their acceptance of scientific findings and insights, thus risking intellectual honesty. Solid scientific data and conclusions coming from mainstream scientific community, which are favorable to what the bill advocates, are promptly shut down. Those that enter into their moral radar, regularly from 'fringe' sciences, are just as promptly

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<sup>33</sup> Joaquin G. Bernas, "RH Bill: Don't Burn a House to Roast a Pig," <http://opinion.inquirer.net/34153/rh-bill-dont-burn-the-house-to-roast-a-pig>, (accessed December 2, 2012).

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welcomed with episcopal delight.<sup>34</sup> The discriminatory approach adopted by the bishops appears contrary to Vatican II's exhortation that in faithfulness to conscience, "Christians are joined with the rest of men and women in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals and from social relationships" (*GS*, # 16). Scientists and demographers who offer contrary scientific data and views are not part of "the rest of men and women" searching for truth.

On the one hand, the bishops know they are not an authority when it comes to secular sciences like demography, sociology or anthropology. On the other hand, they give the impression that they write *as if* they "know" with scientific certainty, *as if* infallibility (setting aside theological controversies surrounding the teaching) extends beyond faith and morals. The situation becomes complicated when one hears discordant voices from the same scientific community. So to whose voice are the bishops going to listen? Venturing into an unfamiliar territory and appearing to be experts by making definitive pronouncements do not enhance ecclesiastical credibility.

A Filipina social anthropologist articulates the great disappointment socially-engaged lay Catholics have felt over the unwarranted convenient utilization of scientific views favorable only to the CBCP position:

How devastating . . . has it been for many active Catholics to witness the reactions of the Catholic Bishops' Conference of the Philippines to the issue of reproductive health. Moving forcefully into areas of lay expertise, like economics, demography, behavioral sciences, medicine, sexuality, gender, law, governance and politics, the CBCP pronouncements on these subjects have progressively undermined its credibility as moral arbiter in the domain of reproductive health.<sup>35</sup>

This is not to suggest that scientific data and insights are impertinent to pastoral and theological reflections or that the bishops

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<sup>34</sup> See Oscar F. Picazo, Marilen Danguilan, Rouselle Lavado and Valerie Gilbert T. Ulep, "Fringe Science' in Health Policy Debate," *Philippine Daily Inquirer*, September 9, 2012, A16.

<sup>35</sup> Mary Racelis, "Vatican II at 50: Laity Speak out on RH," *Philippine Daily Inquirer*, December 14, 2012, A14.

should distance themselves from the scientific community and just parrot the traditional teachings of the Church in their ‘unchanging’ form. This is just to say that ecclesiastical authorities should be extremely prudent and fair in integrating scientific insights into their pastoral reflections and positions.

As far as the theological underpinning of the CBCP anti-RHB pastoral letter is concerned, the letter discloses a mind-set and orientation that is more in keeping with the moral norm of *Humanae Vitae* at the heart of which is the ‘traditional’ teaching contraception is intrinsically wrong. The seeming fixation on doctrinal continuity hardly, if at all, provides space for nuanced theological views on non-marital/ marital sexuality propounded by many moral theologians in the Church.<sup>36</sup> At any rate, the bishops’ claim that they are writing not on the basis of specifically Catholic religious teaching is rather disingenuous and does not invite credulity. The pastoral letter asserts that “*artificial obstacles to prevent human life from being formed and being born most certainly contradicts (the) fundamental truth of human life.*” The quoted line is surely an allusion to the modern means of birth regulation aimed at preventing conception or fertilization (to prevent human life “from being formed”) and “abortifacients” meant to remove what has been conceived or fertilized (to prevent human life “from being born”). Expressions found in the pastoral letter may be localized appropriations of *Humanae Vitae* such as “choose life or choose death;” “moral corruption;” “a major attack on authentic human values and on Filipino cultural values;” “does not respect moral sense that is central to Filipino cultures;” “product of

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<sup>36</sup> See for example Vincent Genovesi, *In Pursuit of Love: Catholic Morality and Human Sexuality* (2003). The author gives us a fair treatment of the theology of the late Paul VI’s papal encyclical and the variety of theological responses to the document. Those who have read Vitaliano’s edited work *Responsible Parenthood in the Philippines* (1970s) would still find it valuable reading for the lay with a bit of a background in moral theology. The book presents opposing theological arguments represented by those who accept *Humanae Vitae* on one side and those who reject or are critical of it. The call-for-retention position is reflected in the minority report while the call-for-revision is the stand of the majority report of the Papal Birth Control Commission. Traditionalists, whose members, according to Joseph Selling, a moral theologian from the Catholic University of Louvain (Belgium), are predominantly philosophers who rely heavily on the concept of ‘natural law’ as a source of ethical reflection. Names such as May, Griseq, Finnis, Boyle, Ashley

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the spirit of this world, a secularist, materialistic spirit that considers morality as a set of teachings from which one can choose, according to the spirit of the age;” and “contraceptive, anti-life, anti-natal.”

Since the CBCP pastoral letter against the reproductive bill came out, the split between the pros and the antis has escalated into ugly and acrimonious debates, name-calling, condemnations, threats of excommunication, and the withholding of communion from known advocates and allies of the bill. Many anti-RH bill bishops and priests used the pulpit to harangue and condemn those who support the bill with impunity. In more than two years after the publication of the pastoral letter the dialogical, listening church has gravitated into a monological, teaching church. Dialogue has been upended by the unbending official response by the CBCP. Those who support the reproductive health bill cannot be trusted. The honest attempt of the Catholics for RH to invite the bishops to a dialogue fell on deaf ears. Catholics who obstinately insist on and publicly express their support for the bill are considered at best dissenting Catholics and at worst dubious or fake Catholics. In at least one non-pontifical Catholic academic institution which rightly allowed its teachers in the context of academic freedom to publicly declare support of the bill in print

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and Shaw are identified with the group many of whom are philosophers. Revisionists, represented by such theologians as Janssens, Fuchs, Schuller, Bockle, McCormick, Haring, Cahill, Curran, Kelly, Mahoney to name some, attempt to reframe the insights of the past taking into serious account the situational relativities of history. These theologians assume that official church declarations in the area of morality, however authoritative, do not foreclose any possibility of free, objective, honest and critical discussion of specific moral issues. One can say that the traditionalists are more concerned with doctrinal continuity while the revisionists gravitate toward discontinuity. A good number of moral theologians who are on the side of change as well probably put themselves somewhere in between. At any rate, any of the three groups ground their variegated positions on the teachings of Vatican II. For an inquiry into changes in the teaching and practice endorsed by Vatican II, see a relatively recent essay Gerald O’Collins, “Does Vatican II Represent Continuity or Discontinuity?” *Theological Studies* 73 (2012): 768-794.

<sup>37</sup> Teachers of Ateneo de Manila University, a Jesuit-run institution. A permanent council member of CBCP and chairman of the Episcopal Commission on Canon Law was quoted in a highly respected national daily saying that teachers whose instructions are against the teachings of the Catholic Church should be investigated for heresy. The current CBCP president was likewise quoted as

media, its teachers were subjected to hierarchical threat.<sup>37</sup> The community of the People of God has constricted into a hierarchy – one that is trying hard to re-assert its monolithic control over the laity in its preferred ‘orthodox’ interpretation of sexual morality.

### FROM WISFUL THINKING TO STEPPING BACK

Earlier on, my paper highlighted the value of *aggiornamento* and dialogue in a continuously changing world. The Church institution is not living in a time-warped universe, hence it must always keep itself alert to discerning the signs of the times in order to make the Gospel message relevant to changing times and situations towards contextually appropriate and effective responses. Concomitantly the Church must subject herself to ongoing renewal taking care to shake off the dust of irrelevance and make herself up to the myriads of challenges that the world offers while remaining faithful to the ‘deposit of faith’.

Given the clear endorsement made by the Council Fathers on both guiding principles or approaches, not to mention the given complexity of the RHBL issue, one would have expected, naively perhaps, that the anti-RHBL hierarchs would be more prudent and less reckless, more sensitive and less high-handed, more understanding and less judgmental, more *discens* and less *docens*. Moreover, in the light of divergent, even conflicting, studies and surveys done on issues pertaining to the bill, one would have wished that in their collective discernment vis-à-vis the RHBL issue, it would have been much more prudent on the part of the bishops to have just come up with a set of moral markers to guide everyone in the Church in his/her discernment leading to an informed and conscientious choice. These guidelines should have been an integrated set which recognizes and appreciates the plurality of moral perspectives in the Church. This would have been followed by non-partisan exhortations by the church leaders to the members of the local church to engage

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suggesting “to toe the line or end up in hot water” (<http://newsinfo.inquirer.net/254188/catholic-church-wants-pro-rh-bill-ateneo-professors-sacked>).

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themselves in healthy debates and enlightening dialogues devoid of condemning tendencies and without being disagreeable or hostile to each other.

It will take another research to inquire more deeply and in greater historical detail into the process of discernment which the Filipino bishops as a collective body set into motion before delivering the final strike. Nonetheless, it is safe to assume that no ‘neutral’ discussions were conducted in parishes all over the country on the merits and demerits of the proposed RHB as part of the discernment process of the local church. And among Catholic schools, how many dared organize a symposium involving representatives from both sides?<sup>38</sup>

The fact is that the bridge of dialogue collapsed under the weight of episcopal insistence that the RHB was bad for the country. Vatican II’s, FABC’s, and PCP II’s collective call for a more dialogical spirit and orientation was muted. The specific plea of the Asian bishops that the “followers of Christ must have the gentle and humble heart of their Master, never proud, never condescending, as they meet their partners in dialogue.... Only if the People of God recognize the gift that is theirs in Christ will they be able to communicate that gift to others through proclamation and dialogue”<sup>39</sup> fell on deaf ears. The generally aggressively teaching approach punctuated by condemnatory remarks in print and pulpit by the more passionate anti-RHB crusaders strikes those on the other side of the unbridgeable divide as running contrary to the Conciliar spirit of *aggiornamento* and dialogue.

To be sure, dialogue does not mean uniformity of ideas but coming together to discuss differences in an ecclesial setting where no one lords it over another because in Jesus’ envisioned kingdom there are no more Jews, no more Greeks, no more masters, no more slaves, no more male, no more female, no more pro, no more

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<sup>38</sup> The University of San Carlos in Cebu City did try sponsor one in 2010 wherein both the pro and anti were equally represented by their respective speakers. Several days after the forum, a reliable source told me that a top lay leader of Cebu-based “Pro-Life” group criticized the university for not taking a No-stand and expressing it publicly. He reported the university to the local bishop for inviting pro-RHB speakers.

<sup>39</sup> *Ecclesia in Asia* 31 at <http://www.lst.edu/academics/landas-archives/353-an-qasianq-dialogue-decalogue-j-kroeger-mm>, (accessed October 1, 2013).

anti. But in the case of the RHBL question, the other side has made up its mind and wants to continue with un-listening attitude. The official signing of the Philippine president has not dampened the (un-dialogical) spirit of the hierarchical institution. To be sure, we cannot impute ill motive on the part of each individual bishop and all of them. We have to grant they mean well, really well. It is not even fair to apply to them the aphorism, “the road to hell is paved with good intentions” because in this particular instance no bishop will ever claim he does not know the road to heaven. For them RHBL is the path to hell. Prayer is not wanting as well. How many times have the bishops urged the lay faithful to pray, how many times masses have been celebrated, vigils organized that His will be done according to the bishops’ wish: the non-passage of the RHB?

Perhaps what is needed is to step back and take a broader yet critical look at what probably lies behind the intransigent stand of the CBCP as a collective body *vis-a-vis* the controversial RHBL. What keeps the leaders from journeying together with their fellow pilgrims as co-equals? What is holding the Filipino hierarchy from daring to dialogue with those who are on the other side of the fence? Is the problem attitudinal or cultural or systemic? Is there some sort of *anak ng dilim* (evil force/ dark power) within the ecclesiastical culture which very often thwarts the good-natured attempts of some church leaders at inner renewal to be shaped more and more into the image of *tagapagligtas* (liberator) who has only the staff of a Good Shepherd, and the serving hand of a Servant?

### **BAGGAGES WHICH SLOW DOWN AGGIORNAMENTO AND DIALOGISM**

In a relatively recent article written by Aloysius Cartagenas which saw print in an issue of *Philippiniana Sacra* the author points out three factors (problems as he calls them) which account for the failure of the Church to effectively address the exposed widespread sexual abuse perpetrated by many ordained priests.<sup>40</sup> The perceived crisis

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<sup>40</sup> See Aloysius L. Cartagenas, “The problems of our own making. . . born from the sins within the Church?: A Reading of Benedict XVI’s Admission of the Crisis of the Church’s Corporate Identity,” *Philippiniana Sacra* XLVI, no. 138 (September-December 2011): 631-648.

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of the Church's corporate identity owes to three problems, according to the author. They are the failure to transpose Vatican II ecclesiology into Church law, the unresolved conflicting accounts of authority, and the hegemony of the clerical ethos.<sup>41</sup> In this paper I prefer to refer to them as 'baggages' which keep pulling down the dialogical spirit while slowing down the journey of co-equal pilgrims towards the Kingdom. A 'baggage' does not nullify the leadership structure in the church as an institution of imperfect human beings.

The first baggage is the failure of the Church to translate the Vatican II-informed fundamental self-understanding of the Church into the Code of Canon Law. The Church's doctrinal self-understanding is fine for as long as its supporting superstructure remains robust. Cartagena elaborates on the mutually inclusive relationships between doctrine and law in Catholic moral theology:

Laws . . . "give expression to the inner reality of the church as a community of love empowered by the Spirit".<sup>42</sup> Laws help shape and sustain identity by providing the framework within which the community of believers identify and promote the basic values and moral standards which it cannot live without. Although laws may never satisfy the full measure of moral responsibility, they nevertheless serve as "repositories of moral wisdom" and function as reliable guides in the understanding and shaping of a corporate identity. Law and legal systems may never fully reflect the theological ideals and spiritual experiences of a believing community but, nonetheless, they prevent the community from becoming or, better yet, regressing into what it is not.<sup>43</sup>

Unfortunately much remains to be desired in terms of enabling the Vatican II ecclesiological principles to be clearly and consistently integrated in the Church's juridical system. Cartagena cites Michael Fahey's study on church governance in modern Catholic and in the 1983 Code of Canon Law. The American theologian has noted the

<sup>41</sup> Ibid., 633.

<sup>42</sup> Richard Gula, *Reason Informed by Faith* (New York: Paulist Press, 1989), 250.

<sup>43</sup> Cartagena, "The problems of our own making," 636.

huge gap between the ecclesiological principles of Vatican II and the church's legal system.<sup>44</sup> For instance the principle of "equality in dignity" in the Church has yet to be convincingly translated into the Code. This despite the fact that Vatican II's teaching on the principle of equality-in-dignity-in-the-Church is clear (see *LG*, # 8-9, # 31-32; *AA*, # 3)<sup>45</sup>. Cartagena asserts: "Nowhere is the gap between doctrine and practice as blatantly clear as in the fundamental equality in dignity of all baptized and the divine right of the lay faithful to full participation in the life and mission of the Church." He adds and illustrates:

While the Church has been very emphatic about the equality in dignity of all baptized, the requirements of collaboration and participatory governance remain much to be desired." For instance, only one of two consultative bodies deemed obligatory by law can include members of the laity, and that is the finance council. The lay people may also be part of two of three other structures of consultation, namely: the diocesan synod (c. 460) and the diocesan pastoral council (c. 511), but both bodies are not obligatory by force of law. This means, consultative bodies are not only less participatory but also their mere existence if not robust functioning is always at the mercy of the bishop's discretion.<sup>46</sup>

<sup>44</sup> Michael Fahey, "Diocesan Governance in Modern Catholic Theology and in the 1983 Code of Canon Law," in James Mallett (ed.), *The Ministry of Governance* (Washington, DC: CLSA, 1986), 121-139 cited in Cartagena, "The problems of our own making," 633. Ironically, Canon Law, contends John Beal, can be an unlikely source for a democratic church polity (Beal, "Toward a Democratic Church: The Canonical Heritage," in *A Democratic Catholic Church: The Reconstruction of Roman Catholicism*, ed. Eugene C. Bianchi and Rosemary Radford Ruether (New York: Crossroad, 1992), 52-79. He writes: "Despite its somewhat suspect past, the canonical tradition does witness to institutes, principles, and practices that are consistent with the theological constitution of the church, and that, if rescued from oblivion, could give the church a democratic face without transforming it into a 'one-man-one-vote' democracy" (52).

<sup>45</sup> Cartagena refers the readers to John Paul II, *Christifidelis Laici* 8, 15; *Christus Dominus* 16.

<sup>46</sup> Cartagena refers the readers to "Instruction on Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of the Priest," 13 August 1997, article 5, par. 3.

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Cartagenas adds: “To add insult to injury, these consultation mechanisms cannot in anyway take on a deliberative status in the church’s decision-making processes.”<sup>47</sup> The ‘absence’ of the laity is nowhere more shown in another instance: the selection process of bishops. A consultation process is in place, yes, but it is veiled in secrecy and systematically precludes broad and transparent consultation mechanism involving the laity. An unfortunate outcome is that the bishops’ accountability is latched on to an even higher authority not to the community of the lay faithful. This is demonstrated in the CBCP’s propensity to hew as closely as possible to the doctrinal line of *Humanae Vitae*, more concerned with orthodoxy (what Tradition teaches) rather than orthopraxis (what common good demands), with the immutable (truth does not change) rather than change (truth is context-bound).

Given, then, the grossly restricted space for lay participation in the Code-prescribed decision-making structure of the Church, all illusion in the context of the RHBL question for truly learning interactions involving bishops, priests and laity (especially those who hold contrary views) is thrown out. Cartagenas could only lament: “The current process does not only fall short of the conciliar vision, it also runs contrary to the spirit set by the apostolic church. The apostles, Luke tells us, involved the participation of “the whole group of believers together” as they chose Matthias to be “added to the group of eleven apostles” (Acts 15-26) and, later on, their seven helpers (Acts 6:1-8).”<sup>48</sup>

The doctrine-law correspondence which has not been commensurately translated into a reality can give ideological ammunition to bishops who tend to resolve intra-church disputes of ethical nature by a simple recourse to the Code as the ultimate

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<sup>47</sup> Hans Kung, putting himself in the shoes of the laity, boldly asserts, “(f)or as long as I can contribute advice and work, but am excluded from decision-making, I remain, no matter how many fine things are said about my status, a second-class member of this community: I am more an object which is utilized than a subject who is actively responsible” (Kung, *Reforming the Church Today: Keeping Hope Alive* (New York: Crossroad, 1990), 75.

<sup>48</sup> See Eugene C. Bianchi, “A Democratic Church: Task for the Twenty-First Century,” in *A Democratic Catholic Church: The Reconstruction of Roman Catholicism*, ed. Eugene C. Bianchi and Rosemary Radford Ruether (New York: Crossroad, 1992), 34-51. The author argues that “democratic structures and ideas are deeply rooted in the Catholic tradition from its earliest sources” (34).

arbiter. This bias “makes it impossible for the law and those who administer it to recognize any genuine equality between the ordinary faithful and their ordained leaders or, at least, to give the recognition of such equality any practical effect.”<sup>49</sup> For Cartagenas the current gap separating doctrinal principles and church-made law embodies “an asymmetry of power relations in the one body of Christ.”

The second baggage has something to do with conflicting views on authority inside the Church. Cartagenas opens this particular section by bringing the readers back to the evangelical spirit that defines leadership inside the Body of Christ as expressed in the apostle Peter’s appeal to his fellow elders of the early church: do not lord “over those who have been put in your care, but be examples to the flock,” to “take care of it willingly, as God wants you to...and to do your work...from a real desire to serve” (1 Peter 5:2-3). Anchoring itself on this appeal, PCP II teaches that the Christian dignity of the ordained is “measured by the sincerity and genuineness of their service rather than by the office they hold” (PCP II, # 96). . . so that the whole body of Christ “will become the priestly people that Christ wants it to be, and that all who belong to this people, sanctified as they are by the Holy Spirit, may offer themselves ‘a living sacrifice, holy and acceptable to God’” (PCP II, # 415).<sup>50</sup>

In this model, the Church, the People of God, is believed to be more primordial than the hierarchical structure which functions to exercise authority not apart from, not over, but with and in the service of the believing community.<sup>51</sup> With regard to the structuring

<sup>49</sup> John Beal, “It Shall Not Be So among You! Crisis in the Church, Crisis in Church Law,” in Francis Oakley and Bruce Russett (eds.), *Governance, Accountability and the Future of the Catholic Church* (New York/London: Continuum, 2004), 88-102 cited by Cartagenas, “The problems of our own making,” 636.

<sup>50</sup> Cartagenas, “The problems of our own making,” 637.

<sup>51</sup> The designation ‘People of God’ underpins the terms ‘lay’ and ‘laity.’ A paramount implication is that within God’s people no special priestly caste exists different or distinct in ‘essence.’ The terms are derived from the Greek *laos* of the Septuagint referring popularly to people in the sense of ‘nation’. Its specific meaning is a reference to Israel who is *ho laos autou* (his people), i.e., *Theou* (God’s). Later *laos* is applied figuratively to the Christian community. To belong to this *laos* is to have faith in Jesus Christ. To be sure to belong to this community as one people does not mean that no ministries of leadership structures existed. There were but they operated within the *laos*, and always in view of service to the community. See Eugene Flameygh, “The Laity in History,” *East Asian Pastoral Review*

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of sub-themes in *Lumen Gentium*, Angel Anton reminds us: “The insertion of Chapter II on the People of God in the *Lumen Gentium* gives us the key to *interpretation* of the place and mission of the lay persons in the Church, by reason of their being included in the mystery of this pilgrim people who, in the divine plan, belong to the category of *end*, whereas the hierarchical ministry is a *means* toward this end.<sup>52</sup> The clerical office is not in itself the bearer of authority but the “general community is always the bearer of authority” while “the position of those in authority is granted by the community as an investiture of certain rights held by the community, given in trust to the office-bearers to exercise.”<sup>53</sup> The authority of office-bearers is seen as an institutional tool meant to empower those from whom they derive the legitimacy of their power. The hierarchs then are accountable not to the higher ups but to the People of God. It behooves then that there ought to be wide latitude for the exercise of co-responsibility and reciprocity between the clergy and the laity.

Unfortunately the above paradigm clashes with the traditionalist thinking that the Church (almost exclusively identified with the hierarchy) is not a democracy but a monarchy with the pope occupying the throne of Peter. The apostle’s keys are entrusted directly to Peter and his successors not to the entire Church. This very narrow theological (or clericalist) understanding of apostolic succession has given rise to the impression that the Church is “authoritarian, exerting power for the sake of power rather than furthering the demands

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XXIII, no. 3 (1986): 234; Herman Hendrickx, “The People of God in the Old Testament,” *East Asian Pastoral Review* XXIII, no. 3 (1986): 210-230). Peter Neusner has proposed that there is no special theology of the laity to speak about but only People of God. This must find its way in the church’s organizational structure so that the laity can participate in the church’s important decisions (Neusner, “Aspects of the Theology of the Laity,” *Theology Digest* 36, no. 2 (Summer 1989): 124-125.

<sup>52</sup> Angel Anton, “Postconciliar Ecclesiology: Expectations, Results, and Prospects for the Future,” in *Vatican II Assessment and Perspectives: Twenty-five Years after (1962-1987)*, ed. Rene Latourelle (New York/Mahwah: Paulist Press, 1988), 428.

<sup>53</sup> Gerard Mannion, “What Do We Mean by Authority?” in Bernard Hoose (ed.), *Authority in the Roman Catholic Church: Theory and Practice* (London: Ashgate, 2002), 22, 32-33 cited by Cartagenas, *The problems of our own making*,” 637. See also Edward Schillebeeckx, *Ministry and Leadership in the Community of Jesus* (New York: Crossroads, 1981), which accentuates the role of the community in the decision-making structure of early Christianity.

and ideals of the gospel.”<sup>54</sup> The ordained enjoys primacy of authority over the entire People of God. This is a misunderstanding of authority which is a recipe for misuse or abuse by those who are invested with power.<sup>55</sup> A practical consequence of the primacy view is that office-holders “can bypass the role and participation of the rest in the church community at large, and, while they are answerable to their immediate superiors, they cannot be held accountable by the fellow believers under their pastoral care.”<sup>56</sup>

In the context of the endless contestation between the RHBL supporters and enemies how often would someone of the ‘anti’ camp appeal to the principle of hierarchical authority latched on to the immutability of church teaching? A chancellor of an archdiocese has been quoted as saying that anti-RHB is not just of the CBCP but of the universal Catholic Church. Alluding to the immorality of contraception, the monsignor asserts, “(it) has been the consistent teaching of the Church (and) “is contained” in Paul VI’s *Humanae Vitae*.<sup>57</sup> So one’s sectarian identity as Catholic is held suspect if s/he expresses his/her stand contrary to the CBCP line, a stand which

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<sup>54</sup> Mannion, “What Do We Mean by Authority?” 19-36; here at 26 cited by Cartagenas, “The problems of our own making,” 637. This is the mechanistic passing-the-baton theory of apostolic succession which many Catholic theologians criticize. See Richard McBrien, “Debate over Role of ‘Bishop’ in Apostolic Succession Is Church -Dividing Issue,” [http://www.renewedpriesthood.org/ca/page.cfm?Web\\_ID=1130](http://www.renewedpriesthood.org/ca/page.cfm?Web_ID=1130), (accessed 15 February 2014). For a more tradition-based yet dynamic treatment of the question of apostolic succession, see Wilhelm Breuning, “Apostolic Succession,” in *Encyclopedia of Theology: The Concise Sacramentum Mundi*, ed. Karl Rahner (New York: Crossroad, 1975), 36-40. Timothy Macdonald has noted that Vatican II’s teaching on the church as the people of God “has opened up a significant dimension of apostolicity in recognizing more clearly that the whole church is apostolic and that in a certain sense the laity too are successors of the apostles: ‘The Spirit is for the Church and for each and every believer, the principle of their union and unity in the teaching of the apostles and fellowship, in the breaking of the bread and in prayer’ (LG 13) [Macdonald, “Apostolicity,” in *The New Dictionary of Theology*, eds. Joseph A. Komonchak, Mary Collins, and Dermot Lane (St. Paul Publications, n.d.), 52-54.

<sup>55</sup>Cf. Mannion, “What Do We Mean by Authority?,” 19 cited by Cartagenas, “The problems of our own making,” 637.

<sup>56</sup> Cartagenas, “The problems of our own making,” 637.

<sup>57</sup> <http://www.sunstar.com.ph/davao/weekend/church-rh-bill>, (accessed October 6, 2013).

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ultimately defies the teaching of *Humanae Vitae*. When someone resorts to the authority of conscience, the expected response of the traditionalists with a condescending tone is that conscience must be well-formed and be based on objective moral norms (read: natural law). These absolute and universal norms have been guarded well and consistently taught by Peter's successors. This was in fact the answer given by a monsignor-philosopher who eloquently spoke on "faith and reason" in a recent lecture forum our department organized last August during the open forum. Outside of the natural law boundary, one's conscience is erroneous. Implication: if one supports the RHB-L one's conscience is either not formed or ill-formed. When asked what about those non-Catholic Christians who sympathize with the RHBL, the speaker simply replied that if one is Catholic he should follow the CBCP position, thereby suggesting that one's conscience is freely exercised by tuning itself to the ecclesiastical wavelength.

Cartagenas points out the supreme irony of ecclesiastical authority demanding accountability and participation of human beings in a civil community while its standards are immune to human authority in a democratic setting. He cites a number of magisterial statements which demand the application of ethical standards in the exercise of authority: "no one can command or establish what is contrary to the dignity of persons and the natural law. The exercise of authority is meant to give outward expression to a just hierarchy of values in order to facilitate freedom and responsibility by all" (*Catechism of the Catholic Church*, # 2235-2236, thereafter referred to as CCC); the "aspirations to equality and participation" as "two expressions of human dignity and freedom" . . . must be promoted and, where opportune and necessary, defended by those in authority (*OA*, # 22 & 24). Reminding themselves about the need for justice in the Church, the 1971 Synod of Bishops proclaimed that "anyone who ventures to speak to people of justice must first be just in their eyes." "The sad irony," deplores Cartagenas, is that, while the Catholic Church has been very courageous in applying these standards to civil authorities and public officials, it has been too timid in using them to hold its own bishops and priests accountable." He muses further:

The Church continues to hold on to a concept of authority that is double-faced. There is an authority directly received from God through ordination, such as that of the Church's office-bearers, and hence of a superior form; and there is another type derived not directly from God but constituted through the instrumentality of a (democratic) process involving human choices, such as the authority of elected civil officials, and hence of an inferior form. The perversion lies in the fact that, in the so-called superior form, God's self-communication is assumed to be possible apart from the channels of (fallible) human choices,<sup>58</sup> while in the so-called inferior form genuinely human factors are not appreciated as pathways to arrive at the truth God would wish to communicate to any human society.<sup>59</sup>

The bishops and the ordained priests are mouthpieces of God, hence the monophonic noise they have been making against the RHBL is a fine echo of God's voice. The *vox populi, vox Dei* does not apply here. *Vox populi* is an expression of a post-modern secularist world that leads people astray from the truth – the truth that has been revealed by divine authority to his ordained earthly representatives. To use another metaphor, the path chosen by the Filipino bishops is the path that leads to the truth about the evil of RHBL; the laity cannot but traverse this path since democratic participation in the decision-making process of the hierarchy which pertains to ethical matters is a no-no. That only applies to the civil community which does not have ordained men.

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<sup>58</sup> Cartagenas points out that in reality, the "authority of doctrinal statements is . . . achieved through the process of investigation, discussion and discovery involving the whole Church" (Cartagenas, "The problems of our own making," 637). He shares Rahner's sad observation that "attempts are still constantly made to conceal these genuinely human factors in the concrete process by which the Church's teaching office arrives at the truth" (Karl Rahner, "The Teaching Office of the Church in the Present-Day Crisis of Authority" in *Theological Investigations*, vol. 12 (London: DLT, 1974), 12) cited by Cartagenas, "The problems of our own making," 638.

<sup>59</sup> Cartagenas, "The problems of our own making," 638. Another scholarly critique of the lack of accountability of the clericalized church worth reading is Paul Lakeland, *The Liberation of the Laity: In Search of an Accountable Church* (New York/London: Continuum, 2003).

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The third baggage is the dominance of the clerical *ethos* in the Church.<sup>60</sup> Cartagenas appropriates the word *ethos* (the church's system of "living processes") to drive home his point. Clerical hegemony arises out of the "formation" of a shared identity that binds people together" which depends "less on reasoning from commonly held principles, mission statements or legal systems but on the largely unconscious but resilient power of the very concrete and habitual ways of behaving and thinking that over time give specific shape to a particular body of people."<sup>61</sup> He offers the early disciples as a case in point: they "were known less by the faith that their words and writings proclaimed than by the radical quality of their lives." Close fellowship, sharing, worshipping together – these comprise the *ethos* or "living processes" which make for the constitution and visibility of the church's public identity.<sup>62</sup> The author goes on:

Such living processes embrace how power and authority are acquired and exercised as well as how accountability is specified or adhered to. It would also include "how rules and procedures are developed, sustained, and sanctioned." The specific forms and meaning of membership as well as the specific ways of rendering care and service to members would also be as integral a component as the

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<sup>60</sup> This was not so in the first three hundred years of Christianity's existence. Clericalism, which came about due to the unfortunate separation between the clergy and the laity in the fourth century A.D., was unheard of. There is even no question of 'lay' as opposed to the 'clergy' in the New Testament. It is difficult to find a trace of reality that "could be transformed and put in parallel with our contemporary phenomenon of the 'laity'" [Alexander Faivre, *The Emergence of the Laity in the Early Church* (New York: Paulist, 1990), 3]. Even the Greek word *kleros* for 'clergy' as it is used in the New Testament refers to "all Christians as chosen inheritors of God's promises" [Earl D. Lavender, "Origins of Lay/Clerical Terminology," *Theology Digest* 36, no. 2 (Summer 1989): 120] and not specifically to ordained ministers. The post-Easter Jesus Movement evolved not with a 'clerical' but with a lay character. Jose de Mesa loves to emphasize that Jesus himself was a lay person [de Mesa, "Following Jesus and Lay Empowerment," in *Journeying with the Spirit: A Commentary on PCP-II*, ed. Paul Bernier and Manuel G. Gabriel (Quezon City: Claretian Publications, 1993), 80; cf. Herbert Haag, *Upstairs, Downstairs: Did Jesus Want a Two-Class Church?* (New York: The Crossroad, 1997)].

<sup>61</sup> Cartagenas, "The problems of our own making," 639.

<sup>62</sup> On this, Cartagenas expresses his gratitude to LeRoy Long, Jr., *Patterns of Polity: Varieties of Church Governance* (Cleveland: The Pilgrim Press, 2001), 3, 5-8, 156; see Cartagenas, "The problems of our own making," 640.

manner disputes and conflicts are handled or resolved. Also not to be overlooked would be the stances the church takes in relation to the world and its public institutions.<sup>63</sup>

Identity, at once a “lived social relation” and a “structural location,” is constituted and articulated by *ethos*. Much of what moves us to act “has already been supplied for us by (the social relations) within which we have been embedded since childhood.”<sup>64</sup> Regarding the relationship between identity and social location, Cartagenas has this to say:

Identity . . . is also constituted as practical response to social locations. A person’s practical responses in terms of access or non-access to power structures in a group or collectivity do not only determine his/her identity but, more importantly, express it.” Therefore, following Foucault, “the individual is an effect of power, and at the same time, or precisely to the extent to which it is that effect, it is the element of its articulation.”<sup>65</sup> In short, the church’s identity is not only shaped but also expressed by its ethos. The lived social relations of clergy and laity and their practical responses to their respective structural locations do not only shape but also publicly articulate the identity of the church as Christ’s body.<sup>66</sup>

Cartagenas looks at clericalism not merely as a product of ecclesiastical dispositions or fed by theological conditions or a set of harmful effects caused by wrong attitudes and behaviors of clerics. He describes clericalism, as the dominant system of the church’s ethos, in several ways.<sup>67</sup> It is sustained by a particular theology of

<sup>63</sup> Cartagenas, “The problems of our own making,” 633.

<sup>64</sup> George Wilson, *Clericalism: The Death of Priesthood* (Collegeville: Liturgical Press, 2008), 5 cited by Cartagenas, “The problems of our own making,” 640.

<sup>65</sup> Michel Foucault, *Power/Knowledge*, 98 cited by Cartagenas, “The problems of our own making,” 644 in Sandra Hack Polaski, *Paul and the Discourse of Power* (Sheffield: Sheffield Academic Press, 1999), 40.

<sup>66</sup> Cartagenas, “The problems of our own making,” 640.

<sup>67</sup> Cartagenas, “The problems of our own making,” 641-643. The ascendancy of the Greek philosophical tradition with its spiritualistic dualism steering Church theology and practice led to the further widening of the clergy-laity split in the following centuries. This was accompanied by the uncontested supremacy of the clergy over the laity for a variety of socio-cultural and political reasons (de Mesa, “Following Jesus and Lay Empowerment,” 85). The hardening of the cleavage

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ministry inaccessible to the laity.<sup>68</sup> This has given rise to an exclusive, collective and ready-made identity known as the ‘clergy’ who cannot but in time manifest ‘godlike strivings’ of omnipotence, omniscience and omnipresence even before one is able to evidence any competence to his attendant tasks. The corporate name, clergy, itself creates the power and bespeaks of a conferral of “privilege, separateness, status and entitlement”<sup>69</sup> while endowed with “social capital”<sup>70</sup> which does not have to be contingent upon his competence or respect of the lay faithful. The “power of arcane language” and the body of knowledge accessible only to ‘The Club’ accord the cleric a separate

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was legitimized and sustained by a theological superstructure constructed by the clergy themselves. The theology of ministry, for instance, became clericalized when it was thought and taught to have derived directly from the single aspect of eucharist whose exclusive presiders were bishops and priests (Gerard Austin, “Baptism as Matrix of Ministry,” *Louvain Studies* 23 (1998): 105-106). This was not the case in the New Testament where ministry “did not develop from and around the eucharist but from the apostolic building up of the community through preaching, admonition and leadership” [Edward Schillebeeckx, *The Church with a Human Face: A New and Expanded Theology of Ministry* (New York: Crossroad, 1985), 119]. Nonetheless, the first millenium of the Church’s existence witnessed the crucial role of the lay people who engaged in ministerial activities like witnessing to faith, evangelizing, and doing works of mercy [Carolyn Osiek, “Who Did What in the Church in the New Testament?” in *Lay Ministry in the Catholic Church: Visioning Church Ministry through the Wisdom of the Past*, ed. Richard W. Miller (Liguori, Missouri: Liguori, 2005), 31; cf. David N. Power, “Power and Authority in Early Christian Centuries,” in *That They Might Live: Power, Empowerment, and Leadership in the Church*, ed. Michael Downey (New York: Crossroad, 1991), 25-38.]<sup>68</sup> Clericalism feeds as well on the traditional claim of the hierarchy over ‘sacred traditions’, that is their exclusive right to teach, preach, or govern [cf. Leonard Doohan, *The Lay-Centered Church: Theology & Spirituality* (Minneapolis, Minnesota: Winston Press, 1984), 27]. For Doohan’s detailed assessment of church attitudes and structures which undermine the principle of equality and co-responsibility in the Church, see 26-61.

<sup>69</sup> Len Sperry, *Sex, Priestly Ministry, and the Church* (Collegeville: The Liturgical Press, 2003), 70 cited in Cartagenas, “The problems of our own making,” 641<sup>70</sup> G. Wilson, *Clericalism*, 33-35 cited in Cartagenas, 642. “For a critique with wide-ranging suggestions to change the clerical culture, Cartagenas recommends Michael Papesh, *Clerical Culture: Contradiction and Transformation* (Collegeville: Liturgical Press, 2004).

<sup>70</sup> G. Wilson, *Clericalism*, 33-35 cited in Cartagenas, 642. “For a critique with wide-ranging suggestions to change the clerical culture, Cartagenas recommends Michael Papesh, *Clerical Culture: Contradiction and Transformation* (Collegeville: Liturgical Press, 2004).

identity. This effectively takes away from the laity decision making and adult responsibility for choices and areas of great significance for their lives.<sup>71</sup> The competence “attributed to the ordained is that of unique access to the divine, to God,” and because of that it does not take long for “higher” and “lower” forms of status to emerge,<sup>72</sup> with the “higher form” in domination and control while the “lower form” following a script for unquestioning dependence and obedience to be internalized and acted out. Clericalism also moves and reaches entitlement. Cartagenas quotes Donald Cozzens who writes that clericalism

consists of the “virtual identification of the holiness and grace of the church with the clerical state and, thereby, with the cleric himself.”<sup>73</sup> This façade of the sacred reproduces a *habitus*, that is to say, a series of dispositions, attitudes and tastes. That is why any notion about the right of the laity to assess clergy performance is, for instance, called into question if not resisted. To critique the behavior or performance of a fellow priest or bishop is disloyalty at best or anathema at worst. Moreover, “transparency does not come by easily, even when what might be concealed are clearly criminal acts.”<sup>74</sup>

In the clericalist ethos, “the primary loyalty is to the protection of the collective ego rather than the well-being of those for whom the clergy group supposedly exists” so that the clergy expects itself to be immune from critique and accountability. However, the clerical culture is not only generated by the clergy but the laity as well. It embraces both those (clergy) who covertly derive rewards from accepting the script assigned to them and those (laity) who regress to “a state of unwarranted dependency” in significant areas of their

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<sup>71</sup> See G. Wilson, *Clericalism*, 25-26 recommended by Cartagenas, “The problems of our own making,” 642.

<sup>73</sup> Ibid.

<sup>73</sup> Donald Cozzens, *Sacred Silence: Denial and Crisis in the Church* (Collegeville: The Liturgical Press, 2004), 118 cited by Cartagenas, “The problems of our own making,” 643.

<sup>74</sup> Cartagenas, “The problems of our own making,” 643.

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lives (such as their relationship with God) even “when in every other dimension of their lives they function as quite mature adults.”<sup>75</sup>

Regarding the last point, I remember in a forum on the RHB organized by the Catholics for RHB group in a Catholic school in Cebu some two years ago, a teacher admitted that during a signature campaign initiated by so-called ‘Pro-Life’ group, she decided to affix her signature with no iota of knowledge what the bill is all about. Her reason: a friend-priest told her the bill is bad. In another setting in a classroom: When I asked my students who among them were for or against the bill, they were divided. And when asked who among them were able to read the bill and tried to understand it, only one or two hands would raise. For those who were against the bill same reason: Father so and so, or (by extension) Sister so and so told them it’s a bad bill. (This is not to suggest that all Fathers and all Sisters are against the RHBL.)

### **MOVING BEYOND THE RHBL ISSUE OVER THE LONG HAUL TOWARDS CHURCH RENEWAL**

In the aftermath of the ratification of the reconciled reproductive health law, then Lingayen (now CBCP president) Archbishop Socrates Villegas, who himself decried the piece of legislation, was quoted as exhorting his diocese’s Catholics that now is the time for peacemaking, to come together and work for the country’s progress.<sup>76</sup> Coming in the heels of the good archbishop’s encouraging words was the well-appreciated appeal of Cardinal Tagle for a more humble, more listening Church during the Synod of Bishops this year. These are remarks that point to the kind of Church which Vatican II, FABC and PCP II envision. Despite the expectedly negative reaction of many anti-RHBL bishops, priests and lay to the triumphant passage of the bill into law in December 2012, the words of both pastors offer a ray of hope that everyone will eventually accept with serenity the final outcome of the entire political process.

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<sup>75</sup> Ibid.

<sup>76</sup> <http://newsinfo.inquirer.net/326451/batanes-bishop-tells-anti-rh-catholics-god-will-finish-the-war-for-us>, (accessed February 19, 2013).

As of this writing, the dust of the conflict has not completely settled. The RHBL is just one of the many issues in the post-Vatican II history of the Philippine church which has put to the test the seriousness of the hierarchy as well as their moral ascendancy as far as *aggiornamento* and dialogism is concerned.<sup>77</sup> In this particular instance, the hierarchy's hostile and alienating response has left much to be desired. Taking the long view, however, we can move beyond the divisive issue, we will and we must. The journey of the pilgrim people cannot be halted. Renewal and reform are not just the task of the clergy but of the laity as well. Or in light of Vatican II's recognition of the Church primarily as People of God not as a hierarchy, as pilgrims of faith journeying in history not as warriors under the bidding of commanders, will it not be more proper to say that change in the church is not just the task of the laity but of the clergy as well?

Cartagenas towards the end of his essay has proposed what he calls three pathways out of the crisis he is referring to. The crisis for him is not just a question of personal attitudes or wrong choices; neither are the problems "tell-tale effects of what others have called the liberalizing excesses and the secular tendencies in the documents of the Second Vatican Council."<sup>78</sup> The way out is by overcoming institutional untruthfulness, rectifying the power asymmetry in authority, and hastening the demise of clericalism.<sup>79</sup> These three pathways (and other conceivable routes), I think, should be charted on what Pilario loves to refer to as the 'rough grounds' of people's daily concerns (very often of life-and-death) and painful questions, the ground along which theologizing via the lane of scientific reflexivity moves.<sup>80</sup> Here the author reminds us that in the area of theological

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<sup>77</sup> For a good account of other 'testing' issues which involve directly the hierarchy see Rufo, *Altar of Secrets*.

<sup>78</sup> Cartagenas, "The problems of our own making," 646.

<sup>79</sup> Cartagenas, "The problems of our own making," 644-646.

<sup>80</sup> See his most recent essay, Daniel Franklin Pilario, "Contextualization and Excellence in Theological Education: Response from the Rough Grounds of Asia," Paper delivered in Bangalore (India) on "Contextualization and Excellence in Theological Education in India" organized by MWI-Missio (Aachen) on September 19-21, 2013.

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education people are not only beneficiaries/objects but agents/subjects as well capable of doing theology.<sup>81</sup>

In the Philippines there are lay groups/movement from below which came about to touch base with the peoples' 'rough grounds.' They must serve as critical communities of faith who - to use a liberationist metaphor, drawing from their own wells - are empowered to initiate renewal and reform in a clergy-dominated institution as co-equals.<sup>82</sup> For this to be sustained the laity need to move together hand in hand with the reform-minded clergy for the road to *aggiornamento* is not well-paved and not wide. Jesus from the rough streets of Nazareth told his disciples, "the road that leads to life is narrow, and few enter into it." (Mt. 7:1)

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<sup>81</sup> For a fresh article on the Laity and Vatican II, see Maria Clara Lucchetti Bingemer, "The Council and the Emergence of the Laity," in *Vatican II*, ed. Silvia Soatena, Dennis Gira, Jon Sobrino and Maria Clara Bingemer, Concilium 3 (London: SCM Press, 2012).

<sup>82</sup> Included in the critical communities from below which I have in mind are those who, borrowing the description of Terry Veling, have opted out of formal structures, such as the parish, while retaining a strong sense of Christian communal identity. They may gather as "home churches' with the Scriptures and the eucharist at the heart of their shared life. These critical communities typically experience a strong call to place the social structures of both church (and society) under scrutiny of the gospel. The word *critical* is important because they recognize that the Christian tradition contains many distortions that need to be filtered out" (and society in need of critical transformation) [Terry A. Veling, *Living in the Margins: Intentional Communities and Art of Interpretation*, foreword by Thomas H. Groome ; afterword by Bernard Lee (New York: The Crossroad, 1996), 7.] Veling has drawn on the insights and strategies of many writers and thinkers, to argue for what he calls a 'marginal hermeneutics' most suited for the intentional critical communities from below he supports.