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Feminist Ecclesiology:
A Trinitarian Framework for Transforming the Church's Institutional and Spiritual Life

by

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Introduction

In the wake of a grand jury report documenting seventy years of sexual abuse and systematic cover-up by Catholic bishops in six Pennsylvania dioceses, on August 20, 2018 Pope Francis acknowledged in a letter to the faithful that the institutional church, as an ecclesial community, failed to protect children and hold accountable those who perpetrated and neglected to report the crimes.¹ Recognizing the deep wounds of pain and powerlessness inflicted on the most vulnerable, he condemned the atrocities conducted by clerics and called for the church to fight all forms of corruption.²

How might the situation be different if women were active in church governance and ministry? What is needed to radically transform an institution beset by attitudes of power, privilege and entitlement among the male ordained? How do feminist thinkers address the injustice of placing patriarchal power above Gospel-centered pastoral care?

While the absence of women's voices and influence may not be the direct cause of the church's disturbing history of clergy sex abuse scandals, many contend it has contributed to an ecclesial decision-making environment that encourages protection of the institution at the expense of victims and their families.³ In response, ethicist Lisa Sowle Cahill suggests that "women's judgment is all the more necessary to guide the internal affairs of an organization ostensibly devoted to faith, compassion, harmony and services –

¹ "Sex Abuse and Clericalism" [editorial], *Commonweal*, September 7, 2018, 5.

² Pope Francis, *Letter of the Holy Father Francis to the People of God*, Vatican Website, August 20, 2018, accessed October 4, 2018. http://w2.vatican.va/content/francesco/it/letters/2018/documents/papa-francesco_20180820_lettera-popolo-didio.html. While Pope Francis does not specifically speak of punishing those who fail to protect children and vulnerable adults from sexual abuse, he calls for implementing zero tolerance and ways of making all those who perpetrate or cover up these crimes accountable through imposing actions and sanctions. While many welcome Pope Francis' condemnations, they have expressed frustration at his lack of specific proposals. Notably, when the church issues sanctions or penalties, canon law dictates that it is not intended for punishment, but rather to reform the sinner and for the reparation of scandal. Thus, canon law takes a common good approach, rather than a punitive one, which many find insufficient. Austen Ivereigh, "Have the Bishops Learned Anything? The Vatican Summit on Sex Abuse" [editorial], *Commonweal*, March 22, 2019, 12.

³ "Sex Abuse and Clericalism."

especially to the most vulnerable, including children.”⁴ Certainly, the current sex abuse crisis requires the church to address the glaring error of women’s marginal role and secondary status within its hierarchical power structures, which has contributed to an ecclesial environment likely to conceal or even cultivate abuse.⁵

However, for most of recorded history women have been denied political, economic, legal and educational rights equal to those of men in both church and society. Rooted in certain interpretations of the creation narratives (i.e., particularly accounts found in Genesis 2 and 3) are the ideas that women and men have different yet complementary roles and, even worse, that women are subordinate to men in the natural order.⁶ This forms the basis for a dualistic theological anthropology that considers the female as naturally inferior to the male, sharing only partially in the *imago Dei* and responsible for bringing evil into the world.⁷ This understanding also reinforces hierarchical and patriarchal structures that have traditionally excluded women from positions of ecclesial governance and authority.⁸

The church’s teachings regarding the role of women did not significantly shift until Vatican II (1962-1965), which introduced a renewed theology of the Trinity that raised hope among Catholics for the laity to more fully participate in all aspects of church life.⁹ In its principal document *Lumen Gentium*, the Council recovered the church’s self-

⁴ Lisa Sowle Cahill, “Feminist Theology and a Participatory Church,” in *Common Calling: The Laity and Governance in the Catholic Church*, edited by Stephen J. Pope (Washington D.C.: Georgetown University Press, 2004), 128.

⁵ Ibid.

⁶ Janet Martin Soskice, “Imago Dei: Sexual Difference and Human Becoming” in *Catholic Women Speak: Bringing Our Gifts to the Table*, edited by the Catholic Women Speak Network (New York: Paulist Press, 2015), 15.

⁷ Ibid.

⁸ Rosemary Radford Ruether, “Women Priests Offer Differing Approaches to Valid Ordination,” *National Catholic Reporter*, August 20, 2010, accessed December 2, 2018. <https://www.ncronline.org/news/global-sisters-report/women-priests-offer-differing-approaches-valid-ordination>.

⁹ Mary E. Hines, “Community for Liberation” in *Freeing Theology: The Essential of Theology in Feminist Perspective*, edited by Catherine Mowry LaCugna (New York: HarperCollins Publishers Inc., 1993), 162-163.

understanding as a priesthood of all believers, ordered communion and mystical Body of Christ which is made whole through the Trinity.¹⁰ “Essentially, it retrieved the ancient but forgotten idea that the church is not just an institution but a holy community, the whole People of God, all the baptized together.”¹¹ *Lumen Gentium* also speaks of a universal call to holiness in which all the baptized, moved by the Holy Spirit, share in Christ’s ministry of prophet, priest and king.¹² Thus, by virtue of their Christian initiation, all the faithful enjoy the same dignity, equality, salvation and vocation. This conciliar teaching shifts the role of the laity from one of passive reception to responsible participation in the church’s governance and ministry. It also places the visible, organizational structures of the church secondary to its deeper dimension of participating in the triune life of God.¹³ However, this vision for a more inclusive and egalitarian ecclesiology, based on relationships of mutual service and receptivity, is yet to be realized.

In response, feminist thinkers turn to the Trinity as a model for ecclesial life and as fundamental to all Christian theology, contending that any theological justification for hierarchy and patriarchy diminishes the truth of life in the Spirit and salvation in Christ.¹⁴ A feminist reconsideration of ecclesiology goes beyond the visible boundaries of the church to its life in the world, questioning whether the institution itself is faithful to the truths of the

¹⁰ The church’s mystical body theology actually predated Vatican II with Pope Pius XII’s Encyclical *Mystici Corporis* in 1943, which shaped the Council’s ecclesiological reflections on the participation of the faithful in the church and its recovery of the baptismal priesthood. However, the participation of the laity in church life was largely understood to take place outside of the liturgy. In addition, the phrase “ordered communion” comes from later reflection back on the ecclesiology of Vatican II, after the Synod of Bishops declared communion as the ecclesiology of the Council in the 1980s. These ideas are found in *Lumen Gentium* using slightly different terminology. Brett Hoover, Ph.D., email message to author, January 28, 2019.

¹¹ Elizabeth A. Johnson, “‘Your One Wild and Precious Life’: Women on the Road of Ministry,” *Theological Studies* 80 (2019): 204.

¹² *Ibid.*

¹³ Edward P. Hahnenberg, *Ministries: A Relational Approach* (New York: The Crossroad Publishing Company, 2003), 108.

¹⁴ Catherine Mowry LaCugna, *God For Us: The Trinity & Christian Life* (New York: HarperCollins Publishers Inc., 1991), 400.

Gospel in a multiplicity of contexts. This places under scrutiny any contradictions that exist between “the church’s theological interpretations of ministry and service and the practices of clerical privilege and exclusion.”¹⁵ As suggested by feminist theologian Catherine Mowry LaCugna, the church serves as an icon of the Trinity when its members imitate the divine *perichōrēsis*, living in a community structured by relationships of equality, mutuality, unity and reciprocity.¹⁶ Yet, many of the church’s current institutions and practices foster clericalism and sexism (i.e., men’s claim to privilege and power by virtue of gender), fundamentally contradicting a model of God that supports an egalitarian church.¹⁷

Women’s experiences of patriarchy and sexism raise difficult issues regarding the church’s very structures and practices. For example, many divorced Catholics perceive the juridical nullity of marriage process – in which the male ordained exercise sole authority over the laity to dissolve a marital union – as overly legalistic, prolonged and removed from concrete human suffering. In particular, the church’s practice of permanently banning divorced and civilly remarried Catholics from receiving the Eucharist destroys pastoral solutions for healing and fundamentally contradicts trinitarian life, which rejects every type of hierarchy, exclusion and pattern of domination. In fact, the church’s theology of marriage is rooted in the same patriarchal anthropology and theories of gender complementarity that have historically excluded women from positions of ecclesial authority and deemed them inferior to men. Notably, the canonical laws governing marriage have been written over the

¹⁵ Letty M. Russell, *Church in the Round: Feminist Interpretation of the Church* (Louisville: Westminster/John Knox Press, 1993), 64.

¹⁶ LaCugna, *God For Us*, 273-274. The trinitarian doctrine of God, as the basis for feminist ecclesiology, measures present institutional arrangements against the model of *perichōrēsis*, which describes the unity of the divine persons who exist in a relationship of mutual giving and receiving. It appears this term was first used in the fourth century by Gregory of Nazianzus in a Christological context to stress the mutual interdependence of the two natures of Christ. However, it later gained greater prominence in Latin trinitarian theology at the level of intra-divine relations. In her renewed doctrine of the Trinity, LaCugna locates the *perichōrēsis* not in God’s inner life, but in the mystery of communion of all persons, which includes God and humanity. LaCugna, *God For Us*, 272-274.

¹⁷ *Ibid.*, 402 and 274.

centuries for men and by men, suggesting the issue is part of the wider agenda of justice for women.¹⁸

Essentially, one must question whether the church is faithful to its self-understanding as an ordered communion, priesthood of all believers and mystical Body of Christ. Feminist ecclesiological reflection transcends the limitations of unjust patriarchal power centers by shifting the focus from the church as an institution to the church as a community of people whose diversity and flourishing are cherished.¹⁹ This transforms the church into “a body of those whose shared lives embody and proclaim the values of the reign of God and in doing that participate and share in the life of the triune God.”²⁰ Thus, its aim is to reclaim and construct a space where women, men and children live in relationships of justice and celebrate their being in the image of the divine, and where God is revealed in the midst of human brokenness.²¹

Entering into dialogue with theological disciplines such as anthropology, biblical hermeneutics, systematics and ethics, feminist trinitarian ecclesiology paves the way for women to contribute to the process of theological reflection and reclaim being church – recognizing that Jesus founded a movement and not an institution.²² In light of this background, the central question of this paper is: “How does a feminist reconsideration of ecclesiology inform theological reflection on the role and nature of the church and, in so doing, provide a framework for justice and equality to be reflected in all aspects of its institutional and spiritual life?”

¹⁸ Clara Maria Henning, “Canon Law and the Battle of the Sexes: Image of Women in the Jewish and Christian Traditions,” in *Religion and Sexism*, edited by Rosemary Radford Ruether (New York: Simon and Schuster, 1974), 270.

¹⁹ Natalie K. Watson, *Introducing Feminist Ecclesiology* (Eugene: Wipf and Stock Publishers, 2008), 118.

²⁰ *Ibid.*, 101.

²¹ Susan A. Ross, *Extravagant Affections: A Feminist Sacramental Theology* (New York: The Continuum International Publishing Group, 2001), 21.

²² Watson, *Introducing Feminist*, 70.

I argue that, while Vatican II provided the theological paradigm shift essential for an egalitarian church, feminist ecclesiology is necessary to prompt a radical reconstruction of the church's patriarchal and hierarchical institutions so that it truly may embody God as Trinity in both its internal life and service to the world.²³ Only in this way can the church concretize the full dignity and value of all people in its structures, and place pastoral care above patriarchal power in its practices.

To support this claim, this paper will first explore ecclesiology as a reflection of women's theological identity, including a critique of classical theological anthropology and a review of Vatican II and post-Conciliar teachings on the church. Next, it will discuss ecclesiology in dialogue with the church's trinitarian history and traditions. Third, this paper will discuss embodiment as bearing the presence of Christ in the world, which inspires transformed power structures, Eucharist solidarity and new circular models of church. It will then critique the Catholic nullity of marriage process and canonical tradition to demonstrate how pervasive sexism, legalism and clericalism cultivate the protection of existing power structures at the expense of ministering to the individual. Finally, based on a renewed trinitarian framework, this paper will conclude that the church must radically transform its hierarchical and patriarchal structures and practices so that it may embody equality and justice in all aspects of its institutional and spiritual life.

Chapter 1 Ecclesiology as a Reflection of Women's Theological Identity

"From the earliest days of the Christian church, the development of hierarchical and clerical structures has run in parallel with the increasing marginalization and oppression of

²³ Hines, 163.

women and their discourses of faith.”²⁴ Today, the church continues to be a place where women suffer institutional injustice and the dignity of their lives is primarily defined in terms of their relationships with men.²⁵ The situation of women in the church (with its explicit sexism, clericalism and legalism) spurs feminist thinkers to critique tradition and distorted assertions about women, engage in the historical retrieval and reinterpretation of women’s roles in Scripture, and reconstruct a Catholic theology that incorporates contemporary insights and women’s lost history.²⁶

Employing the doctrine of the Trinity as the appropriate source of reflection on ecclesiology, they contend that God’s rule is the opposite of patriarchal rule, and that whatever is contrary to God’s intent is sinful and in need of radical transformation.²⁷ While pre-Vatican II theologies described the structure and nature of the church as a starting point, the Council moved to the forefront a consideration of the church’s mission and how to understand its nature and structures in relation to that mission.²⁸ In light of Jesus’ teaching and preaching, any structures and practices that legitimize relationships of dominance and subordination contradict the nature of the Trinity and, therefore, have no place in a community of equal disciples.²⁹

1.1 A Feminist Reconsideration of Ecclesiology

Feminists thinkers approach ecclesiology with an awareness that women’s voices have remained absent in the church and women have been anthropologically and theologically deemed inferior to men for centuries. Feminist ecclesiology operates on a

²⁴ Watson, *Introducing Feminist*, 2.

²⁵ *Ibid.*, 3.

²⁶ Anne E. Carr, “The New Vision of Feminist Theology,” in *Freeing Theology: The Essential of Theology in Feminist Perspective*, edited by Catherine-Lowry LaCugna (New York, HarperCollins Publishers Inc., 1993), 8-12.

²⁷ LaCugna, *God For Us*, 398.

²⁸ Hines, 164.

²⁹ *Ibid.*

number of fronts, examining how influences such as classical patriarchal anthropology, Christology and the limitations of Vatican II contribute to women's marginal and subordinate roles in the life of the Church. "Since personhood and communion are the central themes of the Christian doctrine of God, it becomes apparent that the doctrine of the Trinity is intimately tied to theological anthropology."³⁰

For example, a major focus of feminist discourse involves the Christian understanding of the destiny and nature of the human person.³¹ As such, it explores how the *imago Dei* connects with humanity as male and female in relation to specific issues within ecclesiology, such as the role of the laity in church leadership and ministry.³² However, this approach grounds arguments about women's authority and influence in the church mainly on one's acceptance or rejection of gender complementarity. Thus, focusing on the anthropological determines women's ecclesial identity based on their gender identity – circling the question of how alternative ecclesial structures may embody the nature of the church as an egalitarian community of disciples.

The trinitarian doctrine of God is also a primary concern of feminist ecclesiology, offering practical and far-reaching implications on what it means to participate in the life of God through Jesus Christ in the Spirit.³³ It is foundational to other theological disciplines in that it provides a broader lens for reflection on every aspect of Christian life, including the very structures and practices of the church. Thus, the primary values of equality, mutuality and reciprocity among persons are essential to forming an adequate theology of God,

³⁰ LaCugna, "God in Communion," 94.

³¹ Carr, Anne E. Carr, *Transforming Grace* (San Francisco: Harper & Row Publishers, 1988), 9.

³² Ruether, "Women Priests."

³³ LaCugna, *God For Us*, 1.

theological anthropology and ecclesiology.³⁴

Overall, feminist thinkers engage in three main tasks:

1) A critique of tradition which questions the presuppositions of the interpreter and seeks to correct distorted assertions about women's ontological, moral, intellectual and bodily inferiority and natural subordination to men.

2) The recovery of women's history in both Catholic and Christian traditions, which demonstrates that women were not simply made victims of oppression and subordination by certain interpretations of biblical texts and tradition, but were actual agents in the church's spiritual and theological reflection.

3) Theological reconstruction which incorporates newly understood historical material and contemporary insights into a constructive work of theology that is ecumenical, global and pluralist in its approach.³⁵

The third task reflects feminist ecclesiology's struggle to create relationships of equality and justice in light of Jesus' egalitarian vision.³⁶

According to feminist ecclesiohistorian Natalie K. Watson, the mission of feminist ecclesiology can be described as two-fold: 1) to provide a critical and constructive critique of existing ecclesiologies, and 2) to provide critical theological reflection on the praxis of the church as it is experienced by women, which may cause transformational change.³⁷

She contends:

Feminist ecclesiological reflection is a discourse which takes place on a variety of different planes; it involves the reclaiming and rereading of traditional structures and concepts as well as the creative and constructive development of new communities and their practices of faith and spirituality. Its starting point is the lived and embodied faith, worship and action of those who participate in faith communities old and new, but it also reflects critically on those theological concepts which shaped such discourses...Feminist ecclesiological discourse takes place on the boundary; it embraces existing institutional structures as well as the discourses of faith of those who reject those structures for a variety of reasons and identify the locations of their spirituality elsewhere.³⁸

³⁴ La Cugna, *God For Us*, 274.

³⁵ Carr, "The New Vision," 8-12.

³⁶ Watson, "Feminist Ecclesiology," 472.

³⁷ *Ibid.*, 462.

³⁸ Watson, *Introducing Feminist*, 101-102.

Therefore, a critical and constructive approach to feminist ecclesiology brings to consciousness women's experiences of subordination and oppression resulting from sexism and androcentrism, and unmask them as sinful and not of God.³⁹ From this perspective, achieving transformative change goes beyond including women in church ministries, synods, councils, and even the ordained priesthood, to taking the steps necessary to horizontalize ecclesiology in fidelity to Gospel truths. In the quest to construct of the church a community where justice and equality are reflected in all aspects of ecclesial life, a key challenge is to cross boundaries set by patriarchy which block women's diverse embodied discourses of spirituality, while working to transcend those boundaries.⁴⁰ This ultimately shifts the focus from "women and the church" to "women being church."⁴¹ In reframing ecclesiology, feminist theologians contend that being church is not the creation of new institutions or structures, but describes the dynamic process of transformation and change.⁴²

Feminist thinkers imagine an open ecclesiology in which all are invited to participate in a community of interconnectedness and interdependence among humanity and all of creation.⁴³ As such, trinitarian life holds practical and radical consequences for Christian life, and ecclesiology focuses on the being of God as three persons.⁴⁴ Women overcome the binary division between the material and the sacred, are no longer restricted to patriarchal power centers and claim their own lives as embodying the life of God. "Divine being in relation is essentially the being in communion of all three persons, and women

³⁹ Anne M. Clifford, *Introducing Feminist Theology* (New York: Orbis Books, 2001), 36 and 38.

⁴⁰ Watson, *Introducing Feminist*, 9.

⁴¹ *Ibid.*, 113.

⁴² *Ibid.*

⁴³ Watson, "Feminist Ecclesiology," 473.

⁴⁴ La Cugna, *God For Us*, 1-2.

seeking to reclaim their presence in communion with the divine are challenged to reclaim the whole of God, the whole of the church and the whole of creation.”⁴⁵ An important starting point “is that of learning to live with ambivalence, to somehow make sense of the reality of oppression and empowerment, of liberation and suffering, of silence and powerful speech at the same time.”⁴⁶ From this perspective, the question posed is not whether to leave or stay, but rather how it is possible to rethink what it means to be church.⁴⁷ For feminist theologians, declaring the church irredeemable would be the equivalent of denying that women are church.⁴⁸

1.2 Classical Theological Anthropology

Within Christian history, some describe two traditions: 1) the earlier tradition in which Jesus invited women to join a community of equal disciples marked by justice, and 2) the later tradition in which the early church accommodated itself to the dominant patriarchal culture, norms and attitudes of the time.⁴⁹ This later tradition portrays women as symbols of evil, the body, sexuality and sin – forming the basis for a theological anthropology that considers female as “dualistically opposed to the good, mind and virtue symbolized by the male.”⁵⁰ As contended by feminist theologian Elizabeth A. Johnson:

For most of history women have been subordinated in theological theory and ecclesial practice at every turn. Until very recently they have been consistently defined as mentally, morally and physically inferior to men, created only partially in the image of God, even a degrading symbol of evil. Women’s sexuality has been derided as unclean and its use governed by norms laid down by men.⁵¹

⁴⁵ Watson, *Introducing Feminist*, 110-111.

⁴⁶ *Ibid.*, 4.

⁴⁷ *Ibid.*

⁴⁸ Watson, “Feminist Ecclesiology,” 461.

⁴⁹ Carr, *Transforming Grace*, 47.

⁵⁰ *Ibid.* See Augustine’s *De Trinitate* 7.7.10 and Aquinas’ *Summa Theologica Prima Pars*, questions 92 and 93.

⁵¹ Elizabeth A. Johnson. *She Who Is: The Mystery of God in Feminist Theological Discourse* (New York: The Crossroad Publishing Company, 2002), 26.

For example, while male and female are created equally in the *imago Dei* in Genesis 1, the church invokes the Genesis 2 and 3 accounts to suggest the headship of the male and a subservient role for the female in the natural order.⁵² As a result of Eve succumbing to the serpent's temptation, woman's subjugation within history has been considered both a reflection of her inferior nature and punishment for her causing humanity's fall into sin.⁵³

The consideration of women as symbols of evil and sexual impurity has been reflected in Christianity from antiquity to post-modernity.⁵⁴ By the second and third centuries, respectively, the early church leader Tertullian called women the "devil's gateway" and the Greek biblical scholar Origen wrote that "what is seen with the eyes of the creator is masculine, and not feminine, for God does not stoop to look upon what is feminine and of the flesh."⁵⁵ By the thirteenth century, Thomas Aquinas surmised that, based on women's inferiority to men by natural law, women do not signify the eminence of Christ and are incapable of exercising wisdom and authority.⁵⁶ Enlightenment thinkers attributed reason to men and emotion to women, supporting that the created order of male and female reflects God's sovereignty over creation. Thus, any effort to change the divinely created order of domination and subjugation would itself be sinful.⁵⁷

⁵² Soskice, "Imago Dei," 15.

⁵³ Rosemary Radford Ruether, *Sexism and God-Talk: Toward a Feminist Theology* (Boston: Beacon Press, 1983), 95.

⁵⁴ Carr, *Transforming Grace*, 47. For example, Phyllis Zagano suggests that a discussion of Christianity's ancient and lost tradition of women deacons manifests how the gradual introduction of purity laws from the Hebrew Scriptures, in which both menstruation and childbirth were considered impediments to women serving at the altar, limited women's equal participation in ecclesial life. By the time of the twelfth century, leading canonists moved from conceding that women were once ordained deacons to teaching that women never were and never could be ordained. Gary Macy, William T. Ditewig and Phyllis Zagano, *Women Deacons: Past, Present and Future* (New Jersey, Paulist Press, 2011), 32 and 36.

⁵⁵ Leonard J. Swidler, *Jesus Was a Feminist: What the Gospels Reveal about His Revolutionary Perspective* (Lanham: Sheed & Ward, 2007), 21. See *Decultu feminarum* 1.1, in *The Fathers of the Church*, 40: 117-118 and Origen, *Selecta in Exodus* 28.17, in Migne, *Patrologia Graecae*, vol. 42, col., 296-297.

⁵⁶ Ruth Henderson, "Tradition and the Status of Women in the Catholic Church," *Australian eJournal of Theology* 2 (2004): 4.

⁵⁷ Ruether, *Sexism and God-Talk*, 98-99.

While the church now teaches authoritatively women are fully and equally created in the image of God, its hierarchical and patriarchal barriers remain intact. For example, feminist theologians critique that Jesus' maleness is mistakenly considered essential to His divine being and used to legitimize men's superiority over women. In response, feminist trinitarian ecclesiology brings the experiences of women to conscious and critical reflection, exploring how official Catholic views of women have both influenced and perpetuated the sexism of cultural patriarchy over the centuries.⁵⁸

As the starting point for reflection on women's theological and anthropological identity, feminist trinitarian theology considers personhood (i.e., not maleness) the highest ontological predicate.⁵⁹ This views all human beings as created in the image of God and roots sacramental celebration in the embodied lives of every member of the community, rather than in the celebrant's symbolizing Christ.⁶⁰ It is a theology of relationship in which all receive the same baptismal promise (Galatians 3: 27-28) and all are equally called to live in authentic communion with God, others and creation. Any ecclesial structures or practices contrary to trinitarian life are also contrary to the reign of God, which makes no distinction between male and female. Thus, feminist ecclesiological reflection emerges out of the life of the community, enabling theology to follow practice.⁶¹

1.3 Vatican II and Post-Conciliar Church Teachings

While the older assertions that women are naturally inferior to men and share only partially in the *imago Dei* do not appear in contemporary church statements, the theory of

⁵⁸ Johnson, "Redeeming the Name," 118-119.

⁵⁹ LaCugna, "God in Communion," 92.

⁶⁰ Watson, *Introducing Feminist*, 76.

⁶¹ Hines, 178.

complementarity is still widely used to rationalize the subordination of women.⁶² As a result, the idea that gender implies different and complementary social and ecclesial roles fundamentally defines how women participate in the church today.⁶³ Because a woman's maternal and domestic roles are seen as most important, "there is a pervasive bias in official Catholic teaching and practice against the leadership and authority of women in other roles, both inside and outside the church."⁶⁴

According to Sally Vance-Trembath, who has written extensively on the ecclesiology of Vatican II, the key to interpreting the Council rests in the reimagined anthropology that gave life to its most creative teachings. The theology that offers hope for women is not found by simply identifying selections from the Council's published texts, but by exploring its methods. For example, Vatican II rejected an institutional starting point and retrieved the principal of sacramentality in relation to the human person. From this theological anthropology emerges transformed ways of being church that allow women to fully exercise their baptismal commitments.⁶⁵ While women were previously defined by their biological capacity for motherhood and deemed less rational than men (and, therefore, less connected to the divine), the Council emphasized women's "capacity as persons who are receptive to and responsible for God's divine invitation."⁶⁶ This expresses that women will not be empowered to flourish in the church until they are first and fundamentally perceived as baptized persons.⁶⁷

The Council's principal document *Lumen Gentium* (1964) lays the framework for

⁶² Carr, *Transforming Grace*, 49.

⁶³ Ruether, "Women Priests."

⁶⁴ Cahill, 141.

⁶⁵ Sally Vance-Trembath, "Women and Vatican II: Theological Excavations and Surroundings" in *From Vatican II to Pope Francis: Charting a Catholic Faith*, edited by Paul Crowley, S.J. (New York: Orbis Books, 2014), 29-30.

⁶⁶ *Ibid.*, 34.

⁶⁷ *Ibid.*, 35.

women's equal value and participation within its definition of church as the community of God's people journeying in history toward His reign. This not only impacts ecclesiology in the context of equality and commonality, it demonstrates the triune God is inseparable from the communion among believers.⁶⁸ In essence, this understanding replaces the centuries-old model of church as a hierarchical and patriarchal institution with one that is inclusive of the poor, oppressed and marginalized.⁶⁹

Lumen Gentium also teaches that the Holy Spirit empowers all women and men to live out their baptismal vocation, which paves the way for women to be respected as *imago Dei* and to more fully participate in ecclesial life.⁷⁰

These faithful are by baptism made one body with Christ and are constituted among the People of God; they are in their own way made sharers in the priestly, prophetic, and kingly functions of Christ; and they carry out for their own part the mission of the whole Christian people in the church and in the world (no.31).

Thus, through the power of the Holy Spirit, the baptized form a personal relationship with Jesus and become part of His body in history, which is the church. As a community of believers called to share in Jesus' way of living, loving and ministering, all embody His presence in the world today.⁷¹ As expressed by Johnson:

It is a truism that baptism does not discriminate. The way it is administered and its effects are the same for all...The baptismal rite makes this Christic identification clear. Female infants, young girls, adult women: all drip with water poured in the name of the Trinity; all are anointed with the fragrant oil, seal of the Spirit's grace; all are told by the church when they are robed with a white garment: 'You have become a new creation and have clothed yourselves in Christ.'; all receive the lighted candle, symbol of Christ risen and of their own vocation in the world.⁷²

This has significant implications for the religious identity of women and for life in the

⁶⁸ Hahnenberg, 112.

⁶⁹ *Ibid.*, 108.

⁷⁰ Mary Ann Hinsdale, IHJ., "A Feminist Reflection on Post-Conciliar Catholic Ecclesiology," in *A Church With Open Doors*, edited by Richard R. Gaillardetz and Edward P. Hahnenberg (Minnesota: Liturgical Press, 2015), 113.

⁷¹ Johnson, "Your One Wild," 207.

⁷² *Ibid.*, 207-208.

community, where hierarchies of power based on gender, race and class are not faithful to the life and practices of Christ.⁷³

Notably, in the final version of *Lumen Gentium*, the opening chapters entitled “The Mystery of the Church” and “The People of God” precede the chapter entitled “The Hierarchical Constitution of the Church and the Episcopate in Particular.” This ordering supports an ecclesiology that empowers all believers to take part in the church’s evangelizing mission.⁷⁴ Currently, women do not have the authority of church office. However, they do have the authority of their baptism in the Father, Son and Holy Spirit to bring about the kingdom of God.⁷⁵

As Vatican II spurred feminist thinkers to exercise increased academic scrutiny, many proposed that traditional theological views about women had caused the church’s institutional frameworks to operate with gender-power constructions that either assume a subordinate role for women or ignore their existence altogether.⁷⁶ At this time, the broader movement for women’s liberation and against sexism in institutional life was joined by a movement within the church for women’s ordination and expanded roles in leadership.⁷⁷ Women rejected being defined in terms of their reproductive function, sought to discover their spiritual power through developing inclusive communities, and critiqued the tradition

⁷³ Johnson, “Your One Wild,” 207.

⁷⁴ Hahnenberg, 109.

⁷⁵ Johnson, “Your One Wild,” 207. To incorporate the teachings of Vatican II, the current *Catholic Code of Canon Law* was promulgated in 1983 with the intention of serving the spiritual and pastoral mission of the church. However, there is no section in canon law directed at the governance of the church, and its terminology does not correspond with the Council’s use of the term “jurisdiction.” Canon 129 holds that the laity cannot participate in church governance, but that they may consult and cooperate in the exercise of church authority. This does not imply authority, power or governance for the laity. A footnote to Canon 129 says that by divine institution, only those who have received sacred orders are qualified by law for the power of governance, which is also called the power of jurisdiction. Phyllis Zagano, *Women in Ministry* (New York: Paulist Press, 2012), 40-41.

⁷⁶ Watson, *Introducing Feminist*, 9.

⁷⁷ Carr, *Transforming Grace*, 12.

of basing women's roles in the church on patriarchal norms and attitudes.⁷⁸

It must be noted that within two decades of Vatican II, the voices of third-wave feminist theorists emerged, critiquing that the movement for women's full participation in church life was largely a Western phenomenon affecting white women of privilege.⁷⁹ As a result, the theology of this period (e.g., Latina *mujerista* theology) considers differences in the racial, social locations and cultural experiences of women across the world.⁸⁰ It also examines how the patriarchal model of ecclesiology, developed and practiced for over two thousand years, causes devastating psychological and social effects on women. These join with other forms of exploitation, poverty, violence and oppression from which many already suffer.⁸¹

Although Vatican II did not dedicate a document exclusively to the themes of power and authority, it provided a strong response to the forms of ecclesial authority that had historically dominated Catholicism.⁸² As described by ecclesialogist Richard R. Gaillardetz:

The Council's vision was marked by a decisive shift away from the church understood as an "unequal society" constituted by two ranks, clergy and laity. Instead the bishops gave priority to faith, baptism, and Christian discipleship...for establishing our ecclesial identity.⁸³

In so doing, the Council bishops affirmed the equality of all believers, somewhat distanced themselves from monarchical conceptions of church office, and provided the foundations for transforming church structures and breaking free of the juridical exercise of power.⁸⁴

⁷⁸ Thomas P. Rausch, *Systematic Theology: A Roman Catholic Approach* (Minnesota: Liturgical Press, 2016), 36-37.

⁷⁹ Rausch, 37.

⁸⁰ Clifford, 34.

⁸¹ Carr, *Transforming Grace*, 22 and 25.

⁸² Richard R. Gaillardetz, "Power and Authority in the Church: Emerging Issues" in *A Church with Open Doors – Catholic Ecclesiology for the Third Millennium*, edited by Richard R. Gaillardetz and Edward P. Hahnenberg (Minnesota: Liturgical Press, 2015), 87.

⁸³ Ibid.

⁸⁴ Hines, 163-164.

Thus, Vatican II created a space for a renewal of trinitarian theology as the basis for freeing the church from patriarchal, hierarchical and clerical structures and practices that prevent it from “becoming a prophetic community of equal disciples committed to the task of liberation for all people.”⁸⁵ However, the Council itself operated under a problematic anthropology suggesting a leadership role for men and a subservient role for women based on a theology of creation that structures women’s identities according to their bodily nature and sexual status.⁸⁶ Notably, in his address to women at the closing of the Council, Pope Paul VI refers to women’s primary lot as “protection of the home, the love of beginnings and an understanding of cradles.”⁸⁷ He also proposes that women’s fullness and vocation come from reconciling with men, watching carefully over the human family, and passing the traditions of fathers on to their children.⁸⁸

This dualistic anthropology posts a complementarity of male and female, and implicitly encourages that complementarity be hierarchical and institutional. As a result, it disempowers (and may even victimize) women, the laity and children. For example, the female image of the church as bride of Christ supports that women’s dignity and authority are found through performing the roles of wife, mother and virgin. Since male and female sexuality are symbols of the nuptial covenant between Christ and His church, the active participant is the celibate male priest who is not in sexual contact with women’s bodies (which are considered impure). This marriage metaphor does not reflect mutual love and

⁸⁵ Gaillardetz, “Power and Authority,” 87.

⁸⁶ Rosemary P. Carbine, “‘Artisans of a New Humanity:’ Re-visioning the Public Church in A Feminist Perspective,” in *Frontiers in Catholic Feminist Theology*, edited by Susan Abraham and Elena Procario-Foley (Minneapolis: Fortress Press, 2009), 180-181.

⁸⁷ Pope Paul VI, *Address of Pope Paul VI to Women* [Closing of the Second Vatican Ecumenical Council], Vatican Website, December 8, 1965, accessed April 2, 2019. https://w2.vatican.va/content/paul-vi/en/speeches/1965/documents/hf_p-vi_spe_19651208_epilogo-concilio-donne.html.

⁸⁸ Ibid.

respect, but a hierarchical relationship between male priests who represent Christ and women who represent the passive, feminine and receiving identity of the church. As such, biological essentialism becomes the foundation for both theological anthropology and ecclesiology.⁸⁹

As contended by Rosemary Radford Ruether, the church's ecclesiastical structures resemble the male-female binary in which the male is dominant and normative, while the female is complementary and subordinate. These create boundaries that prevent the building of community, fundamentally contradicting the model of God as Trinity. Ultimately, the patriarchal and hierarchical ordering of both church and society is erroneously justified as the natural order of creation. Thus, Ruether argues not for women to be included in structures of clerical power, but for the dismantling of such structures.⁹⁰ This does not involve the rejection of institutional structures, which could lead to ecclesial anarchy, but a reconceptualization of power structures. She suggests "the church always finds itself in a dialectic tension between an established historical institution and a spirit-filled community which works on its constant renewal."⁹¹

It is important to consider that various and nuanced interpretations of magisterial writings may result in complex and even contradictory theological perspectives and approaches to ecclesiology. Thus, there exists throughout history the dynamic of church teachings and practices being used to justify patriarchy, while patriarchy conceals the egalitarian message and practices of Jesus and the early Christian communities. As suggested by Johnson:

⁸⁹ Watson, *Introducing Feminist*, 34-35

⁹⁰ *Ibid.*, 68-69.

⁹¹ *Ibid.*, 70.

Men teach and decide; women listen and obey. The church reflects this inequality in all of its aspects. Sacred texts, religious symbols, doctrines, moral teachings, canon laws, rituals, and governing offices are all designed and led by men. Even God is imagined most often as a powerful patriarch in heaven ruling the earth and its peoples.⁹²

It is clear that the sacred patriarchy of the church justifies the rule of men over women in its very structures and practices, as well as in family and wider society. Although they have different histories, all the world's religions are affected by a similar pattern.⁹³

In terms of Vatican II's more promising ecclesiology, the Christian symbol of the Trinity, in which three coequal persons participate in non-hierarchical relationships of mutuality and reciprocity, embody feminist understandings of church as an egalitarian community.⁹⁴ Nevertheless, sacred symbols continue to be used to legitimize and sustain patriarchal worldviews and norms that limit women's agency and participation. As contended by LaCugna, even the doctrine of the Trinity has been used historically to justify the subordination of woman to man, with theories that the husband stands in relation to the wife as God the Father does to God the Son. This interpretation considers God the supreme head of the divine household who exists in a relationship of domination over creation, supporting a patriarchal and hierarchical arrangement. As such, it is used to justify the subordination of woman to man while they remain coequal in dignity. Because the wife's position is characterized by response, submission and obedience (analogous to the second person of the Trinity), trinitarian theology was either rejected or ignored during the initial phases of feminist theology.⁹⁵

In addition, as samples of post-Conciliar papal writings from John Paul II and

⁹² Johnson, "Jesus and Women," 21.

⁹³ Ibid.

⁹⁴ Carbine, 178.

⁹⁵ LaCugna, *God For Us*, 269.

Benedict XVI demonstrate, “The symbol of Christ functions...in a fixed physicalist way that reduces the incarnation to Jesus’ male or masculinized body and subsequently justifies patriarchal constructions of gender norms.”⁹⁶ While claiming that women are created equally in the *imago Dei*, many magisterial documents support a “different but equal” theological anthropology that leads to a “different but equal” status for women in the church. Thus, creation-based accounts of physical, psychological and ontological gender complementarity provide theological legitimacy to limiting women’s participation in the life of the church.⁹⁷

For instance, Pope Paul VI wrote in the Apostolic Letter *Octogesima Adveniens* (1971) that women should not pursue “false equality which would deny the distinction with woman’s proper role, which is of such capital importance, at the heart of the family as well as within society” (no. 13).⁹⁸ In this tradition, Pope John Paul II developed a “theology of the body” (1970-1984) reflecting a patriarchal and dualistic understanding of what it means to be male and female in the image of God. Upholding that man and woman are ontologically and physically bound, he contended that each are made whole via the marital union where the wife complements the husband.⁹⁹ Essentially, these psychological presuppositions reflect a dual view of human nature and limit women’s participation in church leadership and ministry.¹⁰⁰

During his papacy, John Paul II also upheld that “the differences between the sexes are essential, universal and not subject to change.”¹⁰¹ While affirming female dignity, he

⁹⁶ Carbine, 179.

⁹⁷ Ibid.

⁹⁸ Michael G. Lawler and Todd A. Salzman, “Pope Francis Brings Nuance to Notion of Complementarity,” *National Catholic Reporter*, May 29, 2015, accessed February 17, 2019. <https://www.ncronline.org/news/theology/pope-francis-brings-nuance-notion-complementarity>.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

reinforced women's role in the domestic sphere. For example, the Apostolic Letter *Mulieris Dignitatem* (1988) describes the Blessed Virgin as the norm-giving model for the theological and anthropological role of women, offering ways for women to apply their special qualities and "feminine genius" in service to the world.¹⁰² The document reinforces a woman's role as helper to man, contends that marriage is her fundamental call and connects her dignity with her ability to love.¹⁰³ Notably, the image of church as the bride of Christ (Ephesians 5:25-32) shapes the Catholic sacramental theology of marriage and the power dynamic of clergy-lay relationships today, which are important foci of feminist theological reflection.

Pope John Paul II also reaffirmed the prohibition of women's ordination in the Apostolic Letter *Ordinato Sacerdotalis* (1994), which claims that the church has no authority to admit women to the priesthood because Christ chose only men to be among the first twelve apostles and only a male could resemble Christ. A year later, the Congregation for the Doctrine of the Faith confirmed this teaching as an unchangeable truth. However, the pronouncement did not settle the issue among many prominent theologians and other Catholics who claim that it is based on the false assumption of female inferiority.¹⁰⁴

Theologian Lisa Fullam critiques that even Pope Francis has spoken about women's roles in the church and society in a manner that is contradictory, and even damaging. This goes beyond his reiteration of the ban on women's ordination, which

¹⁰¹ Rita Ferrone, "Women, Men, and the Diaconate," *Commonweal*, February 21, 2019, accessed March 2, 2019. <https://www.commonwealmagazine.org/women-men-and-diaconate>.

¹⁰² Lawler and Salzman, "Pope Francis."

¹⁰³ Ibid.

¹⁰⁴ Avery Dulles, "*Humane Vitae* and *Ordinatio Sacerdotalis*: Problems of Reception," in *Church Authority and American Culture: The Second Cardinal Bernardin Conference*, Cardinal Bernardin Conference (New York: The Cross Road Publishing Company, 1999), 16.

remains a powerful symbol of women's wider exclusion in the church, to defining women in purely biological and emotional terms.¹⁰⁵ For example, in the Apostolic Exhortation *Evangelii Gaudium*, he employs "theology of the body" to reinforce complementarity as the norm for understanding the nature and role of women.¹⁰⁶ Pope Francis writes:

The church acknowledges the indispensable contributions which women make to society through the sensitivity, intuition and other distinctive skill sets which they, more than men, tend to possess...the feminine genius is needed in all expressions in the life of society, the presence of women must also be guaranteed in the workplace and in the various other settings where important decisions are made, both in the church and social structures (no. 103).

Thus, Pope Francis "views male-female complementarity as an evolving reality that takes a great variety of forms and grows in freedom through the gifts of the Spirit."¹⁰⁷ While he speaks of charisms and not specifically of gender roles, the two are closely related and contribute to depicting women's position as secondary and bounded by roles prescribed by men.¹⁰⁸

This dynamic also calls into question Vatican II's vision for a more inclusive ecclesiology that empowers all to retain their unique characteristics and spiritual gifts, while serving one another for the good of the community. Feminist thinkers contend that the sexist theory of gender complementarity, the patriarchal theology of male dominance and the clerical theology of privilege are incompatible with trinitarian theology.¹⁰⁹

Chapter 2 The Church as an Icon of the Trinity

In response, some feminist thinkers advocate a unified theological anthropology in

¹⁰⁵ Lisa Fullam, "Pope Francis, Women, and the Church for the Poor" in *Pope Francis and the Future of Catholicism in the United States*, edited by Erin Brigham, David E. DeCosse and Michael Duffy (San Francisco: University of San Francisco Press, 2016), 76.

¹⁰⁶ Ibid.

¹⁰⁷ Ferrone.

¹⁰⁸ Fullam, 77.

¹⁰⁹ LaCugna, *God For Us*, 399.

which there are no preordained roles for men and women beyond the biological.¹¹⁰ As proposed by Anne E. Carr, this view offers “clear grounds for equality and mutuality of participation between men and women in their roles and functions in society and church.”¹¹¹ It also suggests that the contradiction between women’s theological identity (i.e., as equally created in the image and likeness of God) and the historical condition of women (i.e., as victims of sexism and oppression in theory and practice) is contrary to God’s intent and must be transformed.¹¹² Feminist ecclesiology grounded in the renewed trinitarian theology of Vatican II suggests a community of justice, equality and inclusivity where there is “no room for an absolute centralizing of power and authority in the hands of the dominant few males.”¹¹³ Since trinitarian theology is both Christological and pneumatological, it is inherently related to Christian life and practice.¹¹⁴ As written by St. Paul (Romans 5:5), “The Spirit of God, poured into our hearts as love, gathers us together into the body of Christ, transforming us so that ‘we become by grace what God is by nature.’”¹¹⁵

For the church to exist as an icon of the Trinity, its tradition must be redeemed from androcentric and oppressive religious practices and structures. A key task of feminist ecclesiology is to reclaim and disrupt the foundations of the church’s institutional power centers, which include patriarchal interpretations of Scripture and tradition, sacramental

¹¹⁰ Carr, *Transforming Grace*, 51.

¹¹¹ *Ibid.*, 103. Feminist theologian Sara Butler provides a different approach, contending that women and men are equal as human persons, but complementary in that they are not identical. This Christian anthropological perspective values sexual difference in the image of the trinity, as humans are oriented to communion and made for love. Thus, relationships redeemed in Christ can restore the damage done by sin and lead to human flourishing. Sara Butler, “Embodiment” in *The Church Women Want*, edited by Elizabeth A. Johnson (New York: The Crossroad Publishing Company, 2002), 35-42.

¹¹² Johnson, *She Who Is*, 9.

¹¹³ Hines, 175.

¹¹⁴ LaCugna, *God For Us*, 13.

¹¹⁵ *Ibid.*, 1.

celebration and ministry.¹¹⁶ In so doing, it uncovers sexist readings of narratives, symbols and doctrines of Jesus that have skewed the Gospel message, as well as searches for alternative interpretations to shape a theology of healing and liberation.¹¹⁷

2.1. Collapsing the Legitimization of Patriarchal Power Structures

Today, women around the globe seek freedom from patriarchy and oppression based on their dignity as persons created in the image of God. At the heart of contemporary feminist theological reflection is the struggle to promote the equality and human flourishing of women in fidelity to Gospel truths. In the context of criticizing all institutions which exploit women and keep them in inferior positions, feminist thinkers point out that Christianity has historically played a major role in the making of sexist ideology. In response, they assume a prophetic role and critical mission to “set free the traditions of emancipation, equality and genuine human personhood” which are found in the Christian tradition.¹¹⁸ This involves promoting symbols, myths, imagery and language concentrated on bringing women’s experience and presence into the church and theology so that unjust ecclesial structures and power centers may be transformed.¹¹⁹

In recovering and restoring women’s role in the history of Christianity, it is important to consider that the redaction and composition of the Gospels and Acts of the Apostles occurred at a time when authors clearly attempted to adapt the role of women to the patriarchal, hierarchal ordering of society and religion. Therefore, most of the traditions, stories and information about women’s contributions to the early Christian movement are

¹¹⁶ Watson, “Feminist Ecclesiology,” 462 and 464.

¹¹⁷ Elizabeth A. Johnson, “Redeeming the Name of Christ” in *Freeing Theology: The Essential of Theology in Feminist Perspective*, edited by Catherine Mowry LaCugna (New York: HarperCollins Publishers, Inc. 1993), 116.

¹¹⁸ Elisabeth Schüssler Fiorenza, “Feminist Theology as a Critical Theology of Liberation,” *Theological Studies* 36 (1975): 611.

¹¹⁹ *Ibid.*, 620.

irretrievable because they were either considered insignificant or a threat to the prevailing power structure.¹²⁰ This makes it “remarkable that not one story or statement is transmitted in which Jesus demanded the cultural patriarchal adaption and submission of women.”¹²¹

Feminist biblical scholar Elisabeth Schüssler Fiorenza contends that, while interpretations of androcentric texts and historical sources have reinforced the assumption that women were either peripheral or not at all present in early Christianity, this is not the case. Androcentric texts and the language of the time should not be mistaken as trustworthy evidence of human culture, history or religion. Therefore, a feminist critical hermeneutics moves from acceptance of androcentric texts to a critical appraisal of their social, cultural and historical contexts.¹²²

For example, certain interpretations of Scripture have been used to exclude women from the ordained priesthood through the narrow view of apostolic succession, which traces the lineage of Catholic bishops back to the time of the twelve apostles. This theory claims that only men who share in Christ’s maleness can inherit the power for sacramental celebration.¹²³ However, feminist thinkers counter that Jesus radically defied the social and cultural norms of the time and included women in His universal call to discipleship. While there is also strong evidence that women held positions of leadership in St. Paul’s missionary movement, early Christianity took the shape of the patriarchal society of the Roman Empire where men exhibited power and control over women.¹²⁴ This suggests that

¹²⁰ Elisabeth Schüssler Fiorenza, *Changing Horizons: Explorations in Feminist Interpretation* (Minneapolis: Fortress Press, 2013), 66.

¹²¹ Ibid.

¹²² Elisabeth Schüssler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* (New York: Crossroad Publishing, 1983), 29.

¹²³ Ruether, “Women Priests.”

¹²⁴ Elizabeth A. Johnson, “Jesus and Women: ‘You Are Set Free’” in *Catholic Women Speak: Bringing Our Gifts to the Table*, edited by the Catholic Women Speak Network (New York: Paulist Press, 2015), 21.

“texts must be interrogated not only as to *what they say* about women but also how they construct what they say *or do not say*.”¹²⁵ As proposed by Fiorenza:

Thus to reclaim early Christian history as women’s own past and to insist that women’s history is an integral part of early Christian historiography imply the search for roots, for solidarity with our foresters, and finally for the memory of their sufferings, struggles, and powers as women. If history in general, and early Christian history in particular, is one way in which androcentric culture and religion have defined women, then it must become a major object for feminist analysis.¹²⁶

This approach suggests that rather than challenging one to prove that women actively participated in church history, one must prove they did not.

Theology from a feminist perspective also critiques the practice of speaking about God in strictly male terms, particularly because it undermines the equality of women who are created in the *imago Dei*.¹²⁷ The repetition of prayers, hymns and Scriptural passages referring to Christians as “brothers” or “men” and to God as “He” inculcate a vision of God as male and fail to reflect that God transcends gender.¹²⁸ Johnson proposes that sexist God language and symbols damage the truth of God which theology is called to cherish, resulting in broken communities and persons who suffer from patterns of dominance and subordination.¹²⁹ Explaining that “the symbol of God functions,” she finds the task of naming God important because it orients faith communities toward praxis.¹³⁰ As feminist symbols emerge from a community in which salvation takes place, “they not only say something about who God is but also serve as signs of God’s grace, calling forth communities based on mutuality and equality.”¹³¹

¹²⁵ Fiorenza, *In Memory*, xx.

¹²⁶ *Ibid.*, l.

¹²⁷ Johnson, *She Who Is*, 20.

¹²⁸ Fiorenza, *In Memory*, l.

¹²⁹ Johnson, *She Who Is*, 18 and 36.

¹³⁰ Darla J. Field, “*She Who Is: The Mystery of God in Feminist Theological Discourse*,” review of *She Who Is*, by Elizabeth A. Johnson, New York, Crossroad Publishing Company, 2002. *Theology Today*, 50 (1993), 289.

From a theological standpoint, the feminist concern for nonhierarchical structures and practices remains rooted in the story of salvation through Jesus Christ.¹³² Scripture teaches that Jesus “preached the reign of God in which male and female will dwell together in a new household of God.”¹³³ Thus, the rule of God is inclusive of the poor, the vulnerable, the outcast and the woman.¹³⁴ However, present reality reflects the discriminatory praxis of a church which maintains the equality of all Christians with respect to hope and salvation, but not with respect to church structures and ecclesial office.¹³⁵ Fiorenza attributes this to the “long sexist theology of the church which attempted to justify the ecclesial praxis of inequality and to suppress the Christian vision,” and suggests that “structural change and the evolution of feminist theology, and nonsexist language, imagery, and myth have to go hand in hand.”¹³⁶

For example, Ruether contends that clericalism is the ecclesial embodiment of harmful patriarchal ideologies that oppress and disempower women. By imparting to the clergy all sacramental celebration, theological knowledge and decision-making, it creates an unjust caste system of clergy and laity.¹³⁷ Many, including Pope Francis, blame the institutional evil of clericalism for fostering and perpetuating sexual abuse committed by clergy.¹³⁸ As such, some contemporary theologians suggest the medieval concept that ordination confers an ontological change should be challenged, as this understanding perpetuates a clerical culture in which priests experience a harmful sense of superiority,

¹³¹ Field, 289.

¹³² LaCugna, “God in Communion,” 92.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Elisabeth Schüssler Fiorenza, “Feminist Theology as a Critical Theology of Liberation,” *Theological Studies* 36 (1975): 617.

¹³⁶ Ibid., 618.

¹³⁷ Watson, *Introducing Feminist*, 68.

¹³⁸ “Clerical Culture Among Roman Catholic Diocesan Clergy,” *Voice of the Faithful*, accessed on April 5, 2019, <http://www.votf.org/Clericalism.pdf>.

elitism and privilege over the laity.¹³⁹ As written by Pope Francis:

Indeed, whenever we have tried to replace, or silence, or ignore, or reduce the People of God to small elites, we end up creating communities, projects, theological approaches, spiritualities and structures without roots, without memory, without faces, without bodies and ultimately, without lives... Clericalism, whether fostered by priests themselves or by lay persons, leads to an excision in the ecclesial body that supports and helps to perpetuate many of the evils that we are condemning today. To say “no” to abuse is to say an emphatic “no” to all forms of clericalism.¹⁴⁰

Whether named clericalism, institutional idolatry or corruption, the attitude that has governed the male ordained for centuries makes them indifferent to victims and protective of perpetrators.¹⁴¹

In light of the current situation, women seeking positions of ecclesial leadership and authority call for radical restructuring of the patriarchal and hierarchal institutions of the church, rather than to be included in them.¹⁴² Imagining the church as a discipleship of equals undermines the pervasive influence of sexist ideology and androcentric thinking epitomized in its very structures, practices, language and symbols.¹⁴³ The Trinity, as the model for Christian life, “affirms that love and communion among persons is the truth of existence, the meaning of our salvation, the overcoming of sin, and the means by which God is praised.”¹⁴⁴ Therefore, if the Christian community fails to live out its mission of bringing God’s love and life to the world, it is not the church of Christ united in the Spirit.¹⁴⁵

¹³⁹ “Clerical Culture.” The notion that priests are ontologically different from the non-ordained was introduced to Catholic theology in the fifteenth century and came into use at the Council of Trent to explain how priests are endowed with the power to transubstantiate bread and wine into the Body and Blood of Christ. This understanding was affirmed by Vatican II in its *Dogmatic Constitution on the Church* (no. 10) and later emphasized by Pope John Paul II in the encyclical *Pastores dabo vobis*, which focuses on the training of seminarians.

¹⁴⁰ Pope Francis, *Letter of the Holy Father Francis to the People of God*, August 20, 2018.

¹⁴¹ Austen Ivereigh, “Have the Bishops Learned Anything? The Vatican Summit on Sex Abuse,” *Commonweal*, March 22, 2019, 14.

¹⁴² Watson, *Introducing Feminist*, 67-68.

¹⁴³ Hines, 175.

¹⁴⁴ LaCugna, *God For Us*, 400.

¹⁴⁵ Groppe, 760.

2.2 Foundations of Trinitarian Theology

Historically, trinitarian theology emerged as a way to answer questions about Jesus' nature and identity. The Council of Nicaea (351) insisted that the Father and Son are equal and of the same substance, which was later extended to include the Holy Spirit by the Council of Constantinople (381).¹⁴⁶ In addition, the Greek Cappadocian Fathers formed the insight that the unity and life of God are located in the communion among equal persons, not the superiority or hierarchy of one person over another.¹⁴⁷ In the eighth century, the Greek theologian John Damascene first used the term *perichōrēsis* "to highlight the dynamic and vital character of each divine person, as well as the coinherence and immanence of each divine person in the other two."¹⁴⁸

Over time, this understanding of *perichōrēsis* substituted for the earlier patristic notion that the unity of God belonged to the divine person of Father. As a defense against tritheism and Arian subordinationism, *perichōrēsis* came to express that the three "divine persons mutually inhere in one another, draw life from one another, 'are' what they are by relation to one another."¹⁴⁹ While each person of the Trinity maintains individuality, there is no separation. Since the divine godhead exists as a communion of love, *perichōrēsis* provides a model of persons in communion based on relationships of mutuality, interdependence and reciprocity. This model avoids locating the divine unity in the person of the Father (i.e., the original Greek interpretation) or in the divine substance (i.e., the original Latin interpretation). Rather, it locates unity in relationality, diversity and the true

¹⁴⁷ Cahill, 134.

¹⁴⁸ LaCugna, *God For Us*, 270.

¹⁴⁹ *Ibid.*

communion of persons.¹⁵⁰ While the doctrine of the Trinity is a product of a patriarchal culture, it contains insights that can be used to critique all nontrinitarian practices and structures.¹⁵¹ In terms of ecclesiology, *perichōrēsis* – embodied in inclusiveness, community and freedom – is both the form of life for God and the ideal of human beings whose communion reflects trinitarian life.¹⁵²

According to LaCugna, theories about the immanent Trinity (i.e., God’s interior self-relations) should not be detached from the work of the economic Trinity (i.e., the experience and theology of salvation).¹⁵³ She contends, “Christians believe that God bestows the fullness of divine life in the person of Jesus Christ, and that through the person of Christ and action of the Holy Spirit, we are made intimate partners of the living God.”¹⁵⁴ This is a critical point for feminist ecclesiology, as a trinitarian approach to human relations calls the church to exist as the mystical body of Christ united in the Spirit. “In the divine image, human and ecclesial community is a communion of persons-in-relation whose genuine diversity or difference is essential and not inimical to their equality.”¹⁵⁵

Essentially, LaCugna claims that an adequate trinitarian theology of God is essential to an adequate understanding of theological anthropology and soteriology. She proposes:

A nontrinitarian theology of God leads also to an anthropology that is derogatory and detrimental because one human being is put forward as normative for another. But the doctrine of the Trinity suggests that God alone is the *archē*, and it is the *archē* of love and communion among persons. God is not the kind of being who creates only males or only whites as a more perfect image of the divine...Racist and

¹⁵⁰ LaCugna, *God For Us*, 270.

¹⁵¹ *Ibid.*, 395.

¹⁵² *Ibid.*, 273.

¹⁵³ Cahill, 135.

¹⁵⁴ LaCugna, *God For Us*, 3.

¹⁵⁵ Cahill, 135.

sexist language that perpetuates these mythologies gives the lie to God's providential plan and the radical reordering of our social and personal worlds entailed in redemption through Jesus Christ.¹⁵⁶

This suggests that harmful sexist attitudes and practices result from the failure to understand the true meaning of God's *archē* (i.e., the rule of God's life), which is the opposite of hierarchical or patriarchal rule.¹⁵⁷ Trinitarian theology is intimately connected to the praxis of Christian faith and to a way of life which leads to God's salvation.¹⁵⁸ Created in the image of God and gathered in community by the Holy Spirit, all are called to live as Christ lived.¹⁵⁹

2.3. Imitating the Trinitarian Life

Feminist ecclesiology affirms equality over subordination as a model for human relations, paving the way for women's full participation in church governance and ministry.¹⁶⁰ It proposes that any doctrine "in which God is not portrayed to be vigorously opposed to all forms of life that perpetuate human suffering, hopelessness, deprivation, and grief, is not an orthodox doctrine of God."¹⁶¹ About God, the Trinity reveals a relationship of mutual self-giving. About humanity, the Trinity reveals that humans are social and inherently created to share. As the people of God engage in mutual giving and receiving, they imitate the divine life.¹⁶² As proposed by LaCugna:

The insights of trinitarian theology should free our imaginations without forcing us to abandon our tradition. The point of trinitarian theology is to convey that it is the essence or heart of God to be in relationship with other persons; that there is no room for division or hierarchy in God; that the personal reality of God is the highest possible expression of love and freedom; that the mystery of divine life is

¹⁵⁶ LaCugna, *God For Us*, 396.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid., 381.

¹⁵⁹ Ibid., 378.

¹⁶⁰ Cahill, 134.

¹⁶¹ LaCugna, *God For Us*, 395.

¹⁶² Hahnenberg, 122-124.

characterized by self-giving and self-receiving; that divine life is dynamic and fecund, not static or barren.¹⁶³

For the church, this suggests reciprocal and equal relationships in an ecclesial communion, equality over subordination for human relations, and that all are created in the image of God who exists in a communion of love.¹⁶⁴

Feminist trinitarian ecclesiology deeply connects the church's mission with women's struggle for equality, justice and freedom from oppression. It suggests that subordination is unnatural and contrary to the nature of persons created in the image of God. The understanding provides the foundation for an ecclesiology in which communion among all is achieved through collegiality and subsidiarity.¹⁶⁵ "In Jesus Christ there is no longer male or female; all are redeemed in Him. And the Spirit of God is at work, bringing about the healing of division and alienation, indeed the inequality of male and female that stemmed from the fall."¹⁶⁶

In simple terms, one must ask whether the church's institutions and practices foster elitism and discrimination, or whether the church is run like "God's household: a domain of inclusiveness, interdependence and cooperation."¹⁶⁷ Apart from the issue of women's ordination to the priesthood, one can easily determine how the complementarity theory impacts women in other aspects of church life. "One only has to envision the Roman Curia, the Congregation for the Doctrine of the Faith, a meeting of the national bishops' conference or a conclave gathered to elect the pope, to get the picture – in which all the actors are male."¹⁶⁸ Clearly, the church must abandon any teaching that women by

¹⁶³ LaCugna, "God in Communion," 106.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid., 94.

¹⁶⁶ Ibid.

¹⁶⁷ LaCugna, *God For Us*, 402.

virtue of their feminine attributes are more capable of menial service than men, or that men by virtue of their gender are exclusively chosen for ecclesial and sacramental functions.¹⁶⁹

The Christian community is called to serve as an icon of God's triune love, which is the starting point for radically opening oneself to transformation by the Spirit who restores both male and female in the image of God.¹⁷⁰ As the church continues to reflect inequality in its texts, symbols, doctrines, canon laws and governance, this understanding provides focus to the quest for change.¹⁷¹

Living trinitarian faith means living God's life: living from and for God, from and for others. Living trinitarian faith means living as Jesus Christ lived, *in persona Christi*: preaching the gospel; relying totally on God; offering healing and reconciliation; rejecting laws customs and conventions that place persons beneath rules, resisting temptation; praying constantly; eating with modern-day lepers and other outcasts; embracing the enemy and the sinner; dying for the sake of the gospel if it is God's will.¹⁷²

In terms of ecclesiology, while life in the Trinity may not specify the exact forms of structure and community appropriate to the church, it provides a critical reference point against which one can measure present structures and practices.¹⁷³

Chapter 3 Constructing a Community of Justice and Equality

According to ecclesiologist Natalie K. Watson, women cannot be satisfied with being part of the spiritual body of the church. Their participation must be reflected in the church's very structures and practices. She proposes a narrative ecclesiology where the story of the triune God is told through the story of women's lives, and which contests unjust

¹⁶⁸ Cahill, 142.

¹⁶⁹ Ibid.

¹⁷⁰ LaCugna, "God in Communion," 106.

¹⁷¹ Johnson, "Jesus and Women," 21.

¹⁷² LaCugna, *God For Us*, 401-402.

¹⁷³ Ibid.

systems and practices that fail to honor all people.¹⁷⁴ In this process, the church is summoned to recapture its early egalitarian mission. A feminist trinitarian ecclesiology rooted in Vatican II can propel the church to achieve transformative change. As contended by La Cugna:

The church makes a claim that civil governments do not: that it is the People of God, Body of Christ, and Temple of the Holy Spirit. The life of the church is to be animated by the life of God; the church is to embody in the world the presence of the risen Christ, showing by its preaching and by its own form of life that sin and death have been overcome by Jesus Christ. The church also claims to embody in its corporate life the presence, fruits, and work of the Holy Spirit, to be the visible sign of God's reign, of the divine-human communion, and the communion of all creatures with one another.¹⁷⁵

Thus, feminist ecclesiology understands church as an embodied community where diversity and justice are celebrated, shifting the focus from the disembodied institution to those who are church.¹⁷⁶

This suggests the church's mission is to embody in its teachings, practices, ecclesial structures, internal patterns of relationships and service to the world the inclusivity of divine love (i.e., so that the nature of the church reflects the nature of God). Just as the doctrine of the Trinity is a concrete teaching about God's life with us and our life with each other, ecclesiology "is not the abstract study of an abstract church, but a study of the actual gathering of persons in a common faith and a common mission."¹⁷⁷ As taught by St. Paul to the early Christian communities, by sharing in Christ's death and resurrection, women and men "conform to His image" (Romans 8:29).¹⁷⁸ As women reclaim and reinterpret Scripture, ministry and the sacraments, they subvert the gendered

¹⁷⁴ Natalie K. Watson. "Reconsidering Ecclesiology: Feminist Perspectives." *Theology & Sexuality: The Journal of the Institute for the Study of Christianity & Sexuality* 7(2001), 59.

¹⁷⁵ LaCugna, *God For Us*, 362-363.

¹⁷⁶ Watson, "Feminist Ecclesiology," 472.

¹⁷⁷ LaCugna, *God For Us*, 403.

¹⁷⁸ Johnson, "Your One Wild," 207.

symbolism that has structured ecclesiological discourse in the past.¹⁷⁹

3.1. Embodiment in the Context of Family

In a world structured by hierarchies of patriarchal power, sacraments enable Christians to live in right relationship with God, themselves and others. God's grace transforms death into life and singular life into triune life.¹⁸⁰ To embody the image of Christ means to imitate His compassionate, liberating and loving life in the world through the power of the Spirit.¹⁸¹ The doctrine of the Trinity is the normative Christian model for all human action, and is the basis for promoting the flourishing of all persons and for all human relationships. Each divine person is both self-possessed and other-oriented, transcending the self in the practice of self-giving love. The Trinity is both equal and open to the other, supporting an ecclesiology that is inclusive of the poor, the oppressed and the marginalized.¹⁸²

Theologically, Jesus didn't identify Himself with those who fed the hungry or served the poor. Rather, He radically defied social norms by identifying Himself with the most vulnerable and excluded.¹⁸³ The identification of Jesus with the marginalized is significant to ecclesiology for two reasons: First, it manifests the need to acknowledge the full and equal dignity of all persons. Second, it affirms the responsibility to replace structures of exclusion that have been created by humans with communities of inclusion.¹⁸⁴

While a main concern of sacramental theology is its emphasis on the role of the community and unity of the human experience, theologian Susan K. Ross suggests that it

¹⁷⁹ Watson, "Reconsidering Ecclesiology," 59.

¹⁸⁰ LaCugna, *God For Us*, 404.

¹⁸¹ Johnson, "Your One Wild," 209.

¹⁸² LaCugna, *God For Us*, 270.

¹⁸³ Meghan J. Clark, "Pope Francis and the Christological Dimensions of Solidarity in Catholic Social Teaching," *Theological Studies* 80 (2019): 113.

¹⁸⁴ *Ibid.*

must take into account the particularities of women's lives.¹⁸⁵ This means thoroughly critiquing theories of body and gender, as well as closely scrutinizing theological anthropology.¹⁸⁶ For example, she supports that the use of the spousal model for understanding the relationship between Christ and the church has serious ecclesiological implications. Because it affirms an active-receptive relationship, it conceals the intrinsic equality of the people of God.¹⁸⁷ As practiced by Jesus, "in God's new household the male does not rule, God rules together with us, in solidarity with the poor, the slave, the sinner. Male and female are equal partners."¹⁸⁸

In fact, many *mujerista* and womanist theologians argue that the spousal model supports a hierarchical concept of church and of clergy-lay relationships that are contrary to both Gospel truths and the vision of Vatican II.¹⁸⁹ In response, they ground the meaning of embodiment in the context of inclusive families of color. This model rejects a patriarchal, nuclear vision of family and expands it to those who are not living in a traditional family of origin.¹⁹⁰ In addition, Ada María Isasi-Díaz suggests that within the social, cultural and historical context of family, Latina women play a central role and find a place for human agency.¹⁹¹ An important theme in Latino/a theological discourse is the sacredness of everyday life. Thus, popular practices in the ordinary lives of Christians serve "as a counterpoint to mainstream/dominant theology's overreliance on the experience (and texts) of Euro-American males."¹⁹² This understanding provides a basis

¹⁸⁵ Ross, 124.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid., 113.

¹⁸⁸ LaCugna, *God For Us*, 395.

¹⁸⁹ Ross, 113.

¹⁹⁰ Ibid., 129.

¹⁹¹ Ibid., 128.

¹⁹² Natalia Imperatori-Lee, *Cuéntame: Narrative in the Ecclesial Present* (New York: Orbis Books, 2018), 25.

for new ways of thinking about power and structure in the church, as well as the standing of women in the church.

Family is also a central and important context for embodiment to womanist theologians. In the face of the devastating and lingering effects of slavery, family serves as both an area of struggle and source of strength. “While threatened by a racist society, it still serves to ground the physical and social lives of the African-American community.”¹⁹³ M. Shawn Copeland suggests that through His ministry of healing, Jesus restored men and women who were isolated and excluded “to kin and friends...those abandoned or hidden because of deformity were restored to family life.”¹⁹⁴ Living out the dangerous memory of the torture, abuse, death and resurrection of Christ constitutes persons “as His own body raised up and made visible to the world.”¹⁹⁵ This makes encounter with the outcast and encounter with Jesus intricately connected.¹⁹⁶

For women seeking freedom from patriarchy and oppression, joining a community of equal disciples means sharing in Jesus’ mission of healing, redemption and liberation. “To bear Christ to the world is to en flesh the life of the one who celebrated life in all its fullness and exercised mercy even in the midst of His own dying.”¹⁹⁷ With their diverse gifts, women are fully capable of living out their baptismal calling through the power of the Spirit.¹⁹⁸ Ultimately, the church must embody the presence of the risen Christ, demonstrating that sin and death have been conquered. It must also embody the presence and fruits of the Holy Spirit, serving as a visible sign of God’s reign.¹⁹⁹ As such, ecclesial

¹⁹³ Ross, 128-129.

¹⁹⁴ Shawn. M. Copeland, M., *Enfleshing Freedom: Body, Race and Being* (Minneapolis: Fortress Press: 2010), 60-61.

¹⁹⁵ *Ibid.*, 126-127.

¹⁹⁶ Clark, 112.

¹⁹⁷ Johnson, “Your One Wild,” 208.

¹⁹⁸ *Ibid.*

life is not a present reality, but is an eschatological hope. “We are all members of a church on the way toward the full realization of God’s life...The mission of the church is to assist us on this destiny.”²⁰⁰

3.2 Practice of Eucharistic Solidarity

In Catholic social teaching, human solidarity is modeled on the communion of persons in the Trinity.²⁰¹ “God enters into our reality not at a point of power and privilege but into human weakness, fragility and finitude.”²⁰² The obligations of solidarity go beyond the duty to avoid harming others to the pursuit of individual and communal human flourishing through radical interdependence.²⁰³ “The overarching framework...is the equal human dignity of all with an emphasis on participation. Aid without participation and agency falls short of this view.”²⁰⁴

For Christians, sacramental life is at the heart of ecclesial life, with Eucharist serving as the ongoing sign of communion.²⁰⁵ The trinitarian structure of the Eucharist is revealed in St. Paul’s second letter to the Corinthians (13:13): “May the grace of our Lord Jesus Christ, the love of God and the communion of the Holy Spirit be with you all.” As suggested by Copeland, Jesus demanded of His disciples both personal conversion and new body practices of solidarity, including table fellowship or commensality.²⁰⁶

Eucharist is at the heart of the Christian community. We know in our bodies that eating the bread and drinking the wine involve something much deeper and far more extensive than consuming elements of the ritual meal. Eucharist solidarity is a virtue, a practice of cognitive and bodily commitments oriented to meet the social

¹⁹⁹ LaCugna, *God For Us*, 401.

²⁰⁰ *Ibid.*, 401 and 403.

²⁰¹ Clark, 110.

²⁰² *Ibid.*, 111.

²⁰³ *Ibid.*, 106.

²⁰⁴ *Ibid.*, 108.

²⁰⁵ LaCugna, *God For Us*, 403 and 405.

²⁰⁶ Copeland, 61.

consequences of Eucharist...Eucharistic solidarity opposes all intentionally divisive segregation of bodies on the specious grounds of preference for race or gender or sexual orientation or culture.²⁰⁷

Thus, at the Eucharistic gathering all celebrate communion in the life of the Trinity and are called to ask how remembrance of Christ includes those who are marginalized or excluded.²⁰⁸

Jesus' table ministry – in which sinners, outcasts and even the ritually impure are welcome – demonstrates that the fundamental meaning of Eucharist is welcoming all people to God's mercy and forgiveness in His name. Metaphorically, the egalitarian meals offered by Jesus take place at a table that is round, representing discipleship and unity at a banquet enjoyed by a community of equal disciples.²⁰⁹

At the table that Jesus prepares, *all* assemble: in His body, we are made anew, a community of faith – the living and the dead. In our presence, the Son of Man gathers up the remnants of our memories, the broken fragments of our histories, and judges, blesses and transforms them. His Eucharistic banquet re-orders us, remembers us, restores us, and makes us one.²¹⁰

This causes many to suggest that Jesus was crucified not because of what He said, but by the way He ate and drank.²¹¹ The Eucharist is by its nature a sacrament in which all are welcome to partake and be included in communion. As expressed by LaCugna, "At the common table of bread and wine, prejudice, intolerance, and alienation are to pass away. The God whom we love and adore is in communion with everything and everyone."²¹² Thus, to the extent the Eucharist does not mirror God's inclusive household, it contradicts itself. Feminists engaged in ecclesiology view the conclusion of the Eucharistic rite as a

²⁰⁷ Copeland, 127.

²⁰⁸ David N. Power and Michael Downey, *Living the Justice of the Triune God* (Minnesota: Liturgical Press, 2012), 120.

²⁰⁹ Edward Foley, "Eucharistic Practice – Eucharistic Theology: The Font and Summit of Ecclesial Life" in *Invitation to Practical Theology* edited by Claire E. Wolfteich (New York: Paulist Press, 2014), 108-109.

²¹⁰ Copeland, 128.

²¹¹ Foley, 108-109.

²¹² LaCugna, *God For Us*, 406.

missionary command: “Go now in peace to love and serve the Lord.”²¹³

In practice, Eucharist solidarity elevates the dynamics of love against those of domination, recreates and regenerates the world, and offers a new way of being in relation to God, to others and to oneself.²¹⁴ The Christian praxis of solidarity challenges all to live out the implications and demands of discipleship, which ultimately involves a critique of self, society and church.²¹⁵ Feminist thinkers contend that when legalism rules sacramental theology and practice, opportunities for sacredness, healing, reconciliation and union are endangered.²¹⁶ Therefore, ecclesiology must be connected to a concern for justice in the communities in which the sacraments are celebrated.

Ultimately, the sacrament of Eucharist allows believers to participate in personal and collective transformation. All are called to participate in the triune life of God. “We offer praise and thanksgiving to God who is the fountain of all holiness; we join our prayer to that of the high priest Jesus Christ who presents our prayers and petitions to God; we call upon the Holy Spirit to create a holy Body of Christ.”²¹⁷ But the celebration of the Eucharist, which proclaims the values of the reign of God, must be accompanied by actions that promote justice and equality for all. Feminist trinitarian ecclesiology focuses on transforming structures in church and society so that all persons may participate in and embody God’s very being in communion.²¹⁸

3.3 Circular Models of Church and Ministry

Feminist ecclesiology does not offer an ideal or universal model of the institutional

²¹³ LaCugna, *God For Us*, 406.

²¹⁴ Copeland, 126.

²¹⁵ Ibid.

²¹⁶ Ibid., 55.

²¹⁷ LaCugna, *God For Us*, 406.

²¹⁸ Watson, *Introducing Feminist*, 92.

church. Rather, it provides a framework for a constructive critique of all aspects of ecclesial life and a vision for creating a community of equal disciples working toward transformation of the world. This means that authority in the church can no longer be understood as endowed upon the male ordained to support a particular patriarchal and hierarchical power structure.²¹⁹ One of the key characteristics of feminist trinitarian ecclesiology is its pragmatic approach toward existing church structures and the development of new ones. It does not seek to develop an ideal model of being church, but rather supports a vision of a liberated and liberating church.²²⁰ This means that all the faithful are called to ministry through baptism, which is a sacramental symbol of radical equality and democracy. The need for leadership is a practical one, as determined by the need of a particular community. All authority is shared authority in order to achieve the purpose of the community as a whole (i.e., *the ekklesia*).²²¹

As described by Watson, the primary ministry of all members of a community where authority is shared is to serve as midwives of justice, transforming barriers into celebrations of diversity.²²² Feminist ecclesiology does not focus on elite knowledge, but on practical wisdom. “It recognizes that at the heart of being church is not so much orthodoxy, the right formulation of particular doctrines, not even... the (morally) right doing, but the particular lives of those around the table locally and worldwide.”²²³ As such, midwives of justice do not only help give birth, they have knowledge of healing which is often rejected by conventional medicine. “Healing is the restoration of wholeness within the

²¹⁹ Watson, *Introducing Feminist*, 70.

²²⁰ *Ibid.*, 75.

²²¹ *Ibid.*

²²² *Ibid.*, 76.

²²³ *Ibid.*

body, within community as a whole.”²²⁴ Living in a community of shared authority and responsibility means living in the image of the triune God. “Being church is women’s claim to the authority of being the actualization of God’s being as communion in the world and with this world.”

In light of this understanding, theologian Mary E. Hines proposes that ecclesiology is perhaps the most difficult area of systematic theology to treat from a feminist perspective within the Catholic tradition.²²⁵ Church traditions and structures seem interminably hierarchical and patriarchal, and magisterial documents continue to legitimize the exclusion of women from positions of ministry, governance and authority.²²⁶ Thus, a critical feminist framework finds a more useful ecclesial starting point in Vatican II’s contextualization of the church’s institutional dimensions within its self-understanding as the community of God’s people journeying through history toward His reign.²²⁷

According to Hines, a main challenge is determining which structures will best serve the church today.²²⁸ “The search for alternative structures can find a resource in Vatican II’s move from description to image to understand the nature of the church.”²²⁹ She expands three models of church supported by feminist theologians: a discipleship of equals, which follows the model of inclusive community established by Jesus and the early church; democracy, which grounds ecclesial authority in participatory decision-making; and world-church, which views globalization as a sign that the church must build unity and

²²⁴ Watson, *Introducing Feminist*, 76.

²²⁵ Hines, 161.

²²⁶ Ibid.

²²⁷ Ibid., 162.

²²⁸ Cahill, 133.

²²⁹ Hines, 171.

respect among many cultures.²³⁰ While proposals for structural change are a topic of ongoing debate, the disjunction grows wider between the local communities (where more egalitarian and democratic ideas are born) and the existing patriarchal power structures of the hierarchical church.²³¹ A key element of reform is to extend the norm of participation beyond local communities to representation of the laity within structures that enable the church's universality.²³²

Looking toward the future, the church in the third millennium must engender flexibility in its structures for emerging paradigms of governance, leadership and spirituality.²³³ If narrative is the proper form of ecclesiology, it is essential to have an accurate understanding of the historical narrative of the church. For example, feminist theologian Natalie Imperatori-Lee contends that Latino/a theology fundamentally disrupts the narrative of Catholic ecclesiology, reframes the story of American Catholicism and moves forward the goals of Vatican II. This suggests the church must take into account varieties of the Christian experience, including contributions from marginalized communities.²³⁴ "In contrast to totalizing metanarratives that erase differences in favor of a unifying story, an emphasis on narratives of particularity allows ecclesiology to avoid the marginalization of non-dominant voices."²³⁵

Ecclesiologist Richard P. McBrien suggests five trends for the development of the church and its ecclesiologies over the next several decades. First, the church of twenty-

²³⁰ Cahill, 133.

²³¹ Hines, 176.

²³² Cahill, 133.

²³³ Imperatori-Lee, *Cuéntame*, 154 and 156.

²³⁴ Natalia Imperatori-Lee, "Unsettled Accounts: Latino/a Theology and the Church in the Third Millennium," in *A Church With Open Doors: Catholic Ecclesiology for the Third Millennium*, edited by Richard R. Gaillardetz and Edward P. Hahnenberg (Minnesota: Liturgical Press, 2015), 46-47.

²³⁵ *Ibid.*, 46.

first century, impacted by globalization, is more likely to assume an interfaith and ecumenical character. Second, the church will increasingly recognize its existing degrees of communion – expressing unity specifically in the Eucharist and more generally in common prayer and collaboration in ministry. In terms of ecclesiology, this will involve broader and deeper examination into the nature and exercise of authority and ministry, particularly of the papacy and collegiality in an increasing ecumenical church.²³⁶

Third, based on the principle of sacramentality, McBrien suggests the church will be increasingly challenged to close the gap between Catholic social teaching and practice – recognizing that many of the issues once reserved to moral theologians and ethicists have ecclesial dimensions. Fourth, in light of the growing gap between the powerful and powerless, the church in the third millennium will increase its commitment to the quest for social justice, human rights and peace. Finally, regardless of how many changes take place in its everyday life and structure, the church will remain a Eucharistic faith community which gives witness to the kingdom of God.²³⁷ Ultimately, the future of the church is in process. Like the reign of God (which brings forth justice, peace, holiness and grace), it is an important part of the “already,” but holds the promise and hope of the “not yet.”²³⁸

As argued by LaCugna, feminist ecclesiology is driven by the conviction that theology and Christian faith can transcend their ideological forms. Women continue to hope that the Church will become an all-inclusive, authentically catholic community. However, this hope can only be realized if women are allowed to respond to their call from

²³⁶ Richard M. McBrien, *The Church: The Evolution of Catholicism* (Harper Collins Publishers Inc., 1991), 368-371.

²³⁷ *Ibid.*, 368-371.

²³⁸ *Ibid.*

the Spirit and to achieve equality.²³⁹ “*Perichōrēsis* takes place within God, and the human community is supposed to mirror or imitate this *perichōrēsis* in its own configuration.”²⁴⁰ Trinitarian or *perichōrētic* communion reaches beyond itself to creation. It is diverse, outward-moving and egalitarian, opposing all forms of hierarchy, patriarchy and clericalism.²⁴¹

What might a new model of church and ministry look like? Vatican II’s vision of a teaching and learning church suggests that the magisterium must receive the lived faith of the people before formulating laws or doctrine. This new *communio*-model, as opposed to the church’s historical juridical view of ecclesial reception, fosters a collaborative relationship between bishops and local parishes, as well as between the clergy and the laity.²⁴² However, authority in the church has traditionally been exercised by virtue of office. This makes church leaders accountable only to their hierarchical superiors and faithful only to the church’s teachings, institutions and structures. Supported by canon law, these lines of accountability point only upward and deem only hierarchical superiors competent to judge whether subordinates have fulfilled the duties of their office or abused their powers. This makes bishops and pastors accountable only to the magisterium and not to those they serve (i.e., all the baptized).²⁴³

In response, Gaillardetz contends that this understanding suffers from an inadequate appreciation for the church’s trinitarian foundations, and that accountability to

²³⁹ LaCugna, “Feminist Theology as a Critical,” 619.

²⁴⁰ LaCugna, *God For Us*, 276.

²⁴¹ *Ibid.*, 277.

²⁴² Richard A. Gaillardetz, *By What Authority A Primer on Scripture, the Magisterium, and the Sense of the Faithful* (Minnesota: Liturgical Press, 2003), 116-117.

²⁴³ Richard R. Gaillardetz, “Power and Authority,” 109.

Christ must not be separated from accountability to the Spirit alive in the church today.²⁴⁴

Accountability to Christ and his Spirit require both fidelity to the apostolic tradition and openness to the witness of the Spirit in the church today... Faithful obedience to Christ will be manifested in practices of communal discernment that listen for the voice of the Spirit speaking through a faith-filled people. When all in the church come to discover the dignity and demands of their baptism and the concrete shape of discipleship in service of the Spirit's promptings, accountability becomes simply another word for *koinonia*, our "shared communion" in Christ.²⁴⁵

Thus, the church and its ministries must reflect that the work of Christ and the work of the Holy Spirit cannot be separated.²⁴⁶ The Trinity ultimately provides a model of ministry based on the language of relationship which does not divide or isolate the activities of church clergy from those of secular laity, or the activities of men from those of women.

In addition, theologian Yves Congar suggests a model of ministry which replaces the linear division between priest and layperson with a concentric-circles model that reflects a multitude of diverse ministries in ordered communion.²⁴⁷ A starting point for ecclesiology is the presence of God in the church community, where diverse ministries serve within a church which, as an inclusive whole, ministers within the world. This vision, based on unity in diversity, also eliminates any tension that positions the institution of the church in opposition to the church as communion.²⁴⁸

A concentric-circles model of church also suggests that a person becomes an ecclesial minister through a relationship of service with others in the context of a community. The ministry itself does not transform a person into something new. Rather, a person's actions create something new for others.²⁴⁹ However, current church teaching

²⁴⁴ Gaillardetz, "Power and Authority," 110.

²⁴⁵ Ibid.

²⁴⁶ Hahnenberg, 39.

²⁴⁷ Ibid., 10.

²⁴⁸ Ibid., 35-37.

²⁴⁹ Ibid., 94.

offers a descending hierarchy of lay ministry based on the degree that each is recognized by church authority. As a result, this model demonstrates non-alignment between a ministry's official recognition and genuine importance to the life and mission of the community.²⁵⁰

To pave a way forward, Gaillardetz calls for ecclesiastical re-positioning as a framework to describe real ministerial relationships among persons in a particular church community. This means that public ministry repositions a person in the eyes of God's people, which opens the opportunity for a layperson to assume an ecclesial leadership role. Ultimately, a minister's ecclesial position could be determined by his or her commitment to ministry, the significance and public nature of the ministry itself, and its importance to the community. In this model of church, ministries work in collaboration and not opposition, power is freely shared, decisions are made collectively, and the voices of both women and men are strong and valued.²⁵¹

Clearly, some form of ecclesial leadership is needed in the church, but it must be rooted in ministry and it must be guided by the Holy Spirit. According to LaCugna, God's grace and power are distributed among all the faithful, with ministry serving as an outward sign that "life in the church is constituted by Christ in the Spirit."²⁵² The structure of authority within the Trinity is not imposed or demanded by the Father, who is the divine archē or origin, but is accepted freely within the mutual relationships of love and service that constitute the Trinity. Though closely aligned with the Father's will, structure of

²⁵⁰ Hahnenberg, 146.

²⁵¹ *Ibid.*, 145 and 150. For example, women serve as parish administrators, hospital chaplains, educators, canon lawyers and even tribunal judges. However, because they are not clergy, canon law restricts women from serving on an ecclesial tribunal that requires only a single judge – even when the appointing bishop is not a canon lawyer and, therefore, has less expertise. Notably, marriage tribunals always require a college of three judges of which at least one member must be a priest or deacon. Macy, Ditewig and Zagano, 103-104.

²⁵² LaCugna, *God For Us*, 402.

authority is based on “the primacy of communion among equals, not the primacy of one over another” as the hallmark of the reign of God.²⁵³ Thus, the Cappadocian reconception of the divine was revolutionary in proposing that the true understanding of God and God’s monarchy requires thinking always in trinitarian terms (i.e., without subordinationism and with primacy to persons in relation).²⁵⁴

Importantly, LaCugna does not deny that God is the *archē*, but suggests what it means to live in the new household established by Christ.²⁵⁵ A community of equals does not imply that an institution or institutional leadership is not necessary. Rather, human action is joined to divine action by participation in the triune God, which incorporates all persons (and not just the hierarchy) into the missions of Christ and the Spirit. In LaCugna’s paradigm, *theologia* (i.e., the mystery and being of God) and *oikonomia* (i.e., the plan of God) are distinct, but inseparable, dimensions of trinitarian theology.²⁵⁶ As such, everything comes from God and returns to God through Christ in the Spirit.²⁵⁷

According to LaCugna, trinitarian movement descends from above (i.e., Trinity *in se*, meaning God’s existence in God’s self) outward and downward to the most vulnerable human persons, and then ascends back up to the divine.²⁵⁸ While this movement may appear from above to below, the movement toward God is very much from below to above. This implies that the authority of the institutional church does not originate from God, but moves from God to the laity and then to the offices of the church. Since church authority lives with and emerges from the laity, there is no clerical authority in and of itself apart from

²⁵³ LaCugna, *God For Us*, 391.

²⁵⁴ *Ibid.*

²⁵⁵ Groppe, 730.

²⁵⁶ *Ibid.*, 742.

²⁵⁷ LaCugna, *God For Us*, 274.

²⁵⁸ *Ibid.*, 103.

the baptismal priesthood of all believers.²⁵⁹

Feminist trinitarian ecclesiology finds that “the church which lives by the Spirit of Christ is the church among the poor and the church living for the poor.”²⁶⁰ The trinitarian God is visible in those who follow Jesus and live in solidarity with the oppressed in service to His kingdom.²⁶¹ It also implies the church’s very structures and practices must be based on equal, yet distinct, relationships of service. When diversity exists within an ordered communion, the church in its institutional and spiritual life reflects the unity of all believers and embodies the image of God as Trinity.

Chapter 4 Case Study: Catholic Nullity of Marriage Process

Feminist ecclesiology is about finding a space for women to share in the Christian tradition, while rejecting boundaries and institutions that exclude and diminish.²⁶² As such, the nature of the church cannot be discussed apart from the concrete and contextual praxis of the church.²⁶³ Today, women’s experiences continue to raise difficult issues regarding the hierarchical and patriarchal power centers of the church, and spur a rethinking of its very structures and practices. This includes a critique of the Catholic nullity of marriage process in which the church claims authority to determine the validity of a marital union and, most significantly, to prohibit the civilly remarried from receiving the Eucharist for life. Because couples in non-canonical marriages are deemed to be living in a continuous adulterous union that prevents absolution of their sins, there is no possibility for

²⁵⁹ Tracy Tiemeier, Ph.D., email message to author, April 17, 2019.

²⁶⁰ Power and Downey, 37.

²⁶¹ Ibid.

²⁶² Watson, “Feminist Ecclesiology,” 473.

²⁶³ Ibid.

them to acknowledge failure, be forgiven and move forward in the life of the church.²⁶⁴

Clearly, the culture of clericalism, patterns of patriarchy and misuse of power that have perpetuated the clergy sex abuse scandals are deeply connected to the church's mistreatment of Catholics in non-canonical marriages – as both are indicative of an ecclesiology that places the protection of patriarchal power above the practice of pastoral care. For example, it appears fundamentally unjust for the church to allow priests who have perpetrated crimes against children to continue celebrating the sacraments of Reconciliation and Eucharist, while it permanently prohibits civilly remarried Catholics who have entered into loving unions from receiving both sacraments. The entire church must confront the evils reinforcing a structure that protects male clergy guilty of shameful crimes from accountability, while banning laypeople from the common table.

From a feminist trinitarian perspective, paving the way for the civilly remarried to receive the sacraments extends beyond proper pastoral care to an issue of great theological significance. Namely, that God is essentially relational, drawing all persons into full communion with Him and with each other in love. In banning couples from the Eucharistic table, the death and resurrection of Christ (as first announced to and proclaimed by women) are occasions used by the magisterium to support a theology and praxis of exclusion, inequity and division in contradiction the truths of the Gospel.²⁶⁵

Feminist trinitarian ecclesiology challenges the church to embody the image of the divine, regardless of particular man-made and male-dominated structures.²⁶⁶ God as Trinity teaches that “living as persons in communion, in right relationship, is the meaning of

²⁶⁴ Margaret Nutting Ralph, *Why the Catholic Church Must Change: A Necessary Conversation* (Plymouth: Rowman & Littlefield Publishing Group, 2013), 142.

²⁶⁵ Watson, *Introducing Feminist*, 76.

²⁶⁶ *Ibid.*, 77.

salvation and the ideal of Christian faith.”²⁶⁷ As suggested by LaCugna:

Inasmuch as the members of the church exist together ‘periorchoretically,’ in mutual giving and receiving, without separateness, or subordination, or division, the church is an icon of the Trinity. And inasmuch as the church has saving significance, it is an icon of God’s saving and healing love...Ministry in the Christian church is not the ‘dispensing’ of God’s grace by the elite to the many, but one of the outward signs that the life of the church is continued by Christ and the Spirit. Ministry properly exercised activates the vocation and mission of every member of the church to become Christ.²⁶⁸

Thus, the nature of the church must reflect the very nature of God. This frees persons from every form of domination and oppression, while allowing them to live out their baptismal promises.

It is important to consider that the church roots its theology of marriage in the creation narratives, perpetuating the same patriarchal anthropology and theories of gender complementarity that have deemed women subordinate and inferior to men in ecclesial governance and ministry. When a Catholic marriage fails, male bishops have ultimate responsibility for judging its validity in an ecclesial court, regardless of a person’s concrete circumstances or access to a tribunal.²⁶⁹ This exercise of clerical power results in feelings of disempowerment and alienation among the laity, especially those in need of reconciliation and healing. As described by Ruether:

Hence the same imagery of hierarchical patriarchal conjugality, as the relation of Christ to the Church, is introduced to express the relationship of the clergy to the laity. The people are the passive dependent “child-women” before the male Father-husband figure of the clergy, who represent God or Christ. The Church becomes split into a “male” active principle, hierarchically related to a “female” passive principle. The people cease to be seen as having self-generating capacities for leadership which can bless, teach or ordain. Instead they must receive “the Word”

²⁶⁷ LaCugna, *God For Us*, 292.

²⁶⁸ *Ibid.*, 402.

²⁶⁹ Many countries, such as the Philippines, lack the resources and structure to support a marriage tribunal. As a result, it is nearly impossible for an annulment to be heard unless you are powerful or wealthy, which continues to raise serious issues of justice in the global church.

from outside and above themselves.²⁷⁰

Thus, the church's juridical response to a broken marriage causes lay people to assume a prone position before the clergy, who claim to bring all grace and truth from above. As a result, and despite the rising number of divorced Catholics in the United States (where nearly 70 percent of nullity of marriage cases are heard), only a small percentage pursue this option. In addition, divorced Catholics are growing more likely to remarry outside of the church and less likely to nurture the faith in their children. These trends point to serious pastoral failings in the life of the church.²⁷¹

The church also teaches that divorced Catholics who remain single, or who enter a canonical marriage after their former spouse has died, are free to receive the sacraments. Also, if a couple in an illicit union remains together for a serious reason, such as for the sake of their children, they may be admitted to the sacraments only if they refrain from sexual relations and their pastor judges that the faithful will not be scandalized.²⁷² In such cases, the power to determine who may find a place at the Eucharistic table is held exclusively by a priest, forcing women's sacramental relationships to be mediated by male clergy.²⁷³

Thus, civilly remarried couples are judged, excluded and condemned according to canon laws rooted in the Roman legal system, compiled in the twelfth century and

²⁷⁰ Rosemary Radford Ruether, "Male Clericalism and the Dread of Women" in *Women and Orders*, edited by Robert J. Heyer (New York: Paulist Press, 1974), 1.

²⁷¹ Hegy and Martos, 2. This issue is especially significant to the Rite of Christian Initiation of Adults, where many candidates who come with a background of divorce must also receive a declaration of nullity for their former marriages before receiving the sacraments of Reconciliation and Eucharist. Few, especially those who have already received a Christian baptism, are aware that they are bound by the requirements of canon law.

²⁷² Becket W. Soule, O.P., *Preserving the Sanctity of Marriage: The Catholic Teaching on Annulment* (New Haven: Catholic Knights of Columbus Supreme Council, 2009), 6.

²⁷³ Ross, 51.

dependent on ancient writings.²⁷⁴ As argued by Clara Maria Henning, one of the first women in the world to earn a doctorate in canon law and to hold membership in the Canon Law Society of America, “The law of the church is designed to elevate one group at the expense of another...In that men wrote for men, and then celibates for celibates, women were written out of the organization of the church and the sanctuary.”²⁷⁵ In fact, until the twentieth century, sexist attitudes were reflected in canon laws requiring women to cover their heads in church, discouraging women from choral singing in church, prohibiting women from approaching the altar and denying admittance to girls as mass servers.²⁷⁶ Could not the canon laws governing nullity of marriage cases also be reexamined?

Today, this area of canon law remains closely connected to women’s quest for justice and equality. While women may now serve as canon lawyers and tribunal judges, ecclesiastical law establishes the diocesan bishop as the principle judge in marriage cases according to his role as shepherd of the faithful. Should the bishop appoint a designee, he must be selected from among the male ordained. In addition, all appeals made against the judgment of a diocesan bishop are submitted to a metropolitan bishop who heads the local ecclesiastical province. If the metropolitan bishop himself heard the case, an appeal can

²⁷⁴ Henning, 269-270. Historically, the church was governed by canons and decrees issued by councils and popes that were periodically published. During the twelfth century, the canonist Gratian compiled thousands of church decrees and laws promulgated by past sources, including ancient documents, church councils and papal announcements. These formed the basis for the systems of legislation and canonical law employed by the church today, including those regulating marriage. Under Pope Benedict XV, the church compiled these regulations and issued the Catholic Code of Canon Law in 1917, which echoed theological and canonical developments regarding marriage from the twelfth to the nineteenth centuries. The Catholic Code of Canon Law was last modified in 1983, incorporating the change in attitude toward marriage and family found in the documents of Vatican II.

²⁷⁵ Ibid., 270.

²⁷⁶ Ibid.

be made to the bishop in a separate province with the most seniority.²⁷⁷

For a declaration of nullity to be granted, canon law dictates it must be proven through a formal investigation and trial held in an ecclesiastical court (i.e., a marriage tribunal) that the marriage lacked at least one essential element required for an indissoluble and sacramental bond prior to the couple exchanging vows.²⁷⁸ The three ways in which canon law recognizes that a true and valid marriage never existed include: 1) where there was a lack or defect of canonical form; 2) where there was an impediment to the marriage; and 3) where there was a defect of consent exchanged between the partners, which accounts for the majority of cases.²⁷⁹

Since the marriage tribunal seeks to determine if a defect existed prior to the moment of consent, anything that happens in the relationship following the exchange of vows – even domestic violence, substance abuse or infidelity – is considered evidence and not grounds for a declaration of nullity.²⁸⁰ Because it is most concerned with what happens

²⁷⁷ Jimmy Akin, "Pope Francis Reforms Annulment Process: 9 Things to Know and Share," *Catholic Answers*, September 8, 2015, accessed March 26, 2019. <https://www.catholic.com/magazine/online-edition/pope-francis-reforms-annulment-process-9-things-to-know-and-share>.

²⁷⁸ United States Conference of Catholic Bishops, "Catholic Marriage and Family in the United States," accessed May 22, 2018, <http://www.usccb.org/about/public-affairs/backgrounders/catholic-marriage-family-us-statistics.cfm>.

²⁷⁹ Soule, 16-17.

²⁸⁰ For a Catholic marriage to be valid by church law, it is required that: the spouses are free to marry; they are capable of giving their consent to marry; they freely exchange their consent; in consenting to marry, they have the intention to marry for life, to be faithful to one another and to be open to children; they intend the good of each other; and their consent is given in the presence of two witnesses and before a properly authorized church minister. During a formal trial, the tribunal investigates the couple's relationship during the courtship, the time of marriage and during the marriage. The tribunal also requests witnesses who knew the couple during this timeframe to answer specific questions. Canon law requires that the other party (i.e. the respondent) be contacted, informed of the proceeding and given the opportunity to participate. Both the petitioner and respondent are requested to provide detailed information via questionnaire and possibly interviews. After the information gathering stage is completed, the case proceeds to a formal hearing before three judges (who are assigned to the case by the presiding Judicial Vicar), the Advocate (who is assigned to assist the petitioner in developing the case) and the Defender of the Bond (who must highlight evidence in favor of the validity of the marriage). After the formal hearing, during which additional testimony may be gathered under oath, the judges review the evidence, testimonies and opinions of the Advocate and Defender of the Bond, and then render a decision. The exact procedures and time to process the cases vary by diocese. United States Conference of Catholic Bishops, "Catholic Marriage and Family in the United States."

prior to the wedding ceremony, a major shortcoming of canon law is that it upholds a static view of marriage. For example, one might suggest that the moment a couple exchanges their wedding vows is not as significant as the way they live during the course of their marriage. From this theological perspective, one might challenge the assumption that every contract of marriage between two baptized persons is automatically a sacrament.²⁸¹ It also raises the question of whether a permanent, sacramental bond truly exists in a marriage dominated by violence, abuse and oppression.²⁸²

Ultimately, when a Catholic marriage fails to live up to the ideal, the church's legalistic response fails to give witness to a core truth of the Gospel – that Jesus offered a theology of love, mercy and second chances.²⁸³ The redemptive and salvific work of Jesus demonstrates that the church, as a community of believers and religious institution, must proclaim God's mercy in both word and action. This quest for justice extends to all of its structures and practices, including canon law.²⁸⁴ In fidelity to Gospel truths, Christ came to reveal God's infinite love and mercy, and to call all people to repentance and forgiveness.

Those who take scandal at the return of a person who has failed on one way or another are just like the older brother in Jesus' parable of the prodigal son (see Luke 15:11-32), and just like the Pharisees to whom Jesus told this parable. They fail to recognize their own sin – their own lack of ability to love and forgive.²⁸⁵

Today, the church's ongoing tendency to appeal to the divine institution of the sacraments and to center issues of the family on natural law (rather than on norms of justice and mercy) perpetuate a division between the secular and the sacred, as well as

²⁸¹ Gerard McCarron, "Divorce and the Catholic Church," in *Journal of Religion and Health* 14 (1975), 115.

²⁸² *Ibid.*, 117.

²⁸³ Margaret Nutting Ralph. *Why the Catholic Church Must Change: A Necessary Conversation* (Lanham: Rowman & Littlefield Publishing Group, Inc.), 141.

²⁸⁴ Cathleen Kaveny, "Mercy, Justice, and Law: Can Legal Concepts Help Foster New Life?" in *Marriage and Family – Relics of the Past or Promise of the Future?* edited by George Augustin (New Jersey: Paulist Press, 2015), 76 and 78.

²⁸⁵ Ralph, 142.

between Catholic faith and practice.²⁸⁶ As suggested by Allan Figueroa Deck, S.J.:

Alternate ways to work with these and other situations that arise in today's world are urgently needed if the church is really going to engage humanity in fidelity to its ecclesial mission. Pastoral solutions that respond to the reality, the needs, must be sought, but which also affirm the Gospel teachings of Christ and authentic church teaching, not the ideologically limited interpretations of one's favorite period or theologian.²⁸⁷

Thus, pastoral solutions are urgently needed for the church to complete its ecclesial mission. While Jesus preached ideals, He did not institute absolute laws or moral prescriptions to address every situation.

As taught by St. Paul, "The only thing that counts is faith working through love" (Galatians 5:6). If Jesus' ministry was one of second chances, remarriage can be received as a gift from God to start over again.²⁸⁸ Feminist trinitarian theology provides a broader lens for the church to serve as a witness of new life in Christ in the world. It calls the church to embody in its words, actions, teachings and ecclesial structures that in God there is no exclusion or division, only unity in love and diversity.²⁸⁹ As described by LaCugna:

The reign of God is the rule of love and communion....The salvation of the earth and of human beings is the restoration of the praise of the true living God, and the restoration of communion among persons and all creatures living together in a common household. The articulation of this vision is the triumph of the doctrine of the Trinity...This doctrine succeeds when it illuminates God's nearness to us in Christ and the Spirit.²⁹⁰

Thus, both pastoral practice and ecclesial structures must embody the hope, healing and redemption found only in Christ through the Spirit. In regard to the church's treatment of

²⁸⁶ Ross, 190.

²⁸⁷ Allan Figueroa Deck, S.J., *Francis Bishop of Rome: The Gospel for the Third Millennium* (New York: Paulist Press, 2016), 99.

²⁸⁸ Hegy and Martos, 220.

²⁸⁹ LaCugna, *God With Us*, 403.

²⁹⁰ *Ibid.*

Catholics in non-canonical marriages, this also means finding a place for those who are bruised and broken by difficult circumstances.

The doctrine of the Trinity affirms that the shared life of all persons consists in the communion that arises out of an authentic diversity among equals. This provides a strong theological basis for arguing that the church's existing orientation to canon law and marriage be shifted from an institutional, androcentric model to a feminist trinitarian one that emphasizes relationships of true mutuality and reciprocity. In so doing, all are redeemed in Christ and the Spirit of God brings about the healing of all division and alienation.²⁹¹

In the current situation, canonists consider the second marriages of civilly remarried Catholics to involve repeated acts of adultery, which place them in a permanent state of mortal sin. As a result, murderers are eligible for absolution of their sins, while divorced and remarried persons are not. Banned from the Eucharistic table, those in non-canonical marriages are deemed unworthy of redemption and salvation. For feminists engaged in ecclesiology, the current nullity of marriage process calls into question the sacramental structure of the church itself, as the Eucharist is the source and summit of all Christian life.²⁹² Ultimately, all aspects of ecclesial life must proclaim that mercy, which reflects the self-communicative love of the Trinity, does not undermine justice, but fulfills and transcends justice.²⁹³

4.1 Theology of the Marriage Bond

In order to bring current issues regarding divorce and remarriage within their theological context, one must first explore how the concept of the indissoluble bond

²⁹¹ LaCugna, "God in Communion," 94.

²⁹² Watson, *Introducing Feminist*, 90.

²⁹³ Kaveny, 78.

emerged within Catholic tradition as the focus of marriage theology. While the church situates the marriage bond at the heart of the creation narratives and traces its origins to Jesus, the raising of the natural union of marriage to a permanent sacramental union took centuries to develop.²⁹⁴

In the eyes of the church, all marriages are established by God's will according to natural law (Genesis 1:27-28, 2:23-34 and 2:18-25). Historically, its fundamental theology of marriage – that a husband and wife complement one another and are called to lifelong unions – is rooted in the teaching of Jesus, who took the absolute prohibition of divorce and remarriage back to the Genesis texts (Luke 16:18, Mark 10:2-13 and Matthew 19:3-9). The church also bases its doctrine of marriage on the instructions of St. Paul, who reminded early Christian communities that the institution of marriage is permanent and sanctifies each spouse (1 Corinthians 7:10-11 and Romans 7:2-3). Paul's image of the Church as the bride of Christ (Ephesians 6: 21-33) also shapes the church's sacramental theology of marriage, which was first formulated by the prophets when describing God reaching out to His unfaithful bride Israel (Hosea 1:2-3). Thus, marriage is described in Hosea and deutero-Pauline writings as both a patriarchal institution that exists for the perpetuation of the family line and as a covenant reflecting God's faithfulness to His people.²⁹⁵

From a feminist perspective, it is also important to consider that beginning with the story of Cain and Abel (Genesis 4), the Old Testament contains many stories of broken

²⁹⁴ Timothy J. Buckley, C.S.S.R., *What Binds Marriage?* (London: Continuum, 1997), 30. This is a point of difference between Western and Eastern Christianity, which holds a more pastoral view that a sacramental marriage can dissolve as a result of human failure.

²⁹⁵ Hegy and Martos, 89.

relationships and of God's desire to restore those broken relationships.²⁹⁶ In addition, Paul's emphasis that marriage is a relationship of mutual self-giving (i.e., in which all members of God's household love as Christ loves) stands in contrast to the prevailing norm of male superiority and female inferiority of the time.²⁹⁷ Neither the Old Testament nor the New Testament uses the word "bond" in relation to marriage, though both call for permanence and fidelity in monogamous unions.²⁹⁸ While there is currently no consensus among Christians on whether the Bible permits divorce and remarriage, throughout Scripture marriage appears a "presumed, cross-cultural reality."²⁹⁹

In Roman imperial times, marriages among Jewish couples were arranged by parents and considered a contract to fulfill family, civic and social duties.³⁰⁰ They typically involved written contracts and the payment of a dowry by the bride's family.³⁰¹ The book of Deuteronomy contains the only law of divorce in the Old Testament (24:14), forming the basis for Jewish law in which a man could divorce his wife for even the most trivial objection. Total fidelity was demanded of the wife and she could be put to death if caught in adultery (i.e., sexual relations with a person other than one's spouse).³⁰²

Under Roman law, divorce could be initiated by either the husband or wife for almost any reason, with adultery as the most usual cause. Where a woman's own father or husband presented compelling evidence of her adultery, the husband was required by law

²⁹⁶ Buckley, 30.

²⁹⁷ Victor Paul Furnish, *The Moral Teaching of St. Paul* (Nashville: Abingdon Press, 2009), 37-38.

²⁹⁸ Buckley, 29.

²⁹⁹ Margaret Nutting Ralph, *Why the Catholic Church Must Change: A Necessary Conversation* (Plymouth: Rowman & Littlefield Publishers, Inc., 2013), 132.

³⁰⁰ Ralph, 132.

³⁰¹ *Ibid.*

³⁰² Furnish, 42. In Jewish society, grounds for divorce could range from something as trivial as the wife spoiling a meal to a transgression as serious as committing adultery. Buckley, 30.

to immediately divorce her.³⁰³ Traditions in the Synoptic Gospels suggest that Jesus took a much stricter stance against divorce and remarriage than most Jewish teachers of the time, considering it a form of adultery. However, the Gospel of Matthew (19:8-9) introduces unchastity or *porneia* as one exception for a man to divorce his wife and remarry.³⁰⁴ Thus, Jesus' teaching is aligned with a patriarchal and conventional understanding of divorce, while allowing an exception to the received tradition under certain circumstances.³⁰⁵ Because only Matthew transmits this patriarchal adaptation, it is assumed that he either modified the new tradition or it was already being practiced within his community.³⁰⁶

The letters of St. Paul pre-date the New Testament sources, yet reflect a conscious pastoral adaptation of Jesus' teaching on this topic.³⁰⁷ For example, in his first letter to the Corinthians (7: 1-16), Paul supports Jesus' prohibition of divorce and remarriage, but adds an exception that permits separation when one of the spouses is not a Christian and will not live in peace with the baptized spouse.³⁰⁸ His advice that a believer is not bound to an unbeliever "implies a crucial claim: participation in the community of faith is the most fundamental commitment, more basic than marriage."³⁰⁹

³⁰³ Furnish, 42.

³⁰⁴ Richard B. Hays, *The Moral Vision of the New Testament: Community, Cross, New Creation* (New York: HarperCollins, 1996), 353. The definition of *porneia* differs in many translations of the Bible and could mean unfaithfulness, unlawfulness or fornication.

³⁰⁵ *Ibid.*, 353. From a pastoral standpoint, one might also suggest that within the cultural and social context of the time, perhaps Matthew finds Jesus' teaching against divorce rooted in compassion for women who may lack the economic means to survive or whose reputations would be ruined by a marital breakdown.

³⁰⁶ *Ibid.*

³⁰⁷ *Ibid.*, 357.

³⁰⁸ Raymond E. Brown, *Introduction to the New Testament* (New York: Doubleday, 1997), 519.

³⁰⁹ Hays, 360. Paul's exception for divorce for marriages in which only one partner is a baptized Christian forms the basis of the present-day church's Pauline Privilege. Practiced by various bishops since the Middle Ages, this exception to canon law states that if two unbaptized people are married and one of them is subsequently baptized, the marriage can be ended if the other spouse remains unbaptized and desires to separate. An expansion of this exception, still practiced today, is the Petrine Privilege (also called the Privilege of the Faith), which is based on Christ's bestowal of the keys to Peter in Matthew 16:19. In response to missionary growth among polygamous societies during the sixteenth century, the church issued a policy that allowed the pope, as a successor to St. Peter, to dissolve marriages that were indissoluble by nature; namely first marriages between unbaptized persons. Hegy and Martos, 145.

In fact, marriage was not celebrated in the church for the first thousand years of its history. Following baptism, it was considered that Christians lived their entire lives in a sacramental context.³¹⁰ The first official declaration of marriage as a sacrament happened at the Council of Verona in 1184 and was confirmed by the Council of Florence in 1439, which listed marriage among the seven sacraments of the Roman Catholic Church and as a sign of the union between Christ and the church.³¹¹ Over time, as people's understanding became centered on law rather than on sacramental mystery, marriage became defined in terms of a contract rather than a covenant. Therefore, the definition of what constituted a sacramental marriage focused on the elements of consent, procreation and consummation.³¹² In regard to sexual relations, "a woman was bound in justice to give her husband what was his right."³¹³

While the Council of Florence reaffirmed the church's absolute prohibition of divorce, ecclesiastical courts were empowered to grant annulments to those who could prove that their marriage was invalid by canonical standards. For example, the court could declare a marriage null and void if a person could prove a certain degree of kinship between the spouses or that the couple had married in secret. The granting of annulments for the wealthy and the nobility, particularly under questionable circumstances, was one of the scandals which caused early Reformers to revolt against the hierarchy's regulation of marriage.³¹⁴

³¹⁰ Ralph, 137.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Martos, 55. The church's procedural law regarding nullity of marriage cases on the ground of non-consummation, published as recently as 1942, required a woman to be physically examined by two physicians, midwives or married women and then orally examined by the marriage tribunal itself. Tribunal officials were mainly male priests who were not trained as canonists to handle testimony of a sensitive or intimate nature. Henning, "Canon Law," 281.

³¹⁴ Ibid., 57.

The movement towards a theology of the bond was continued by scholastic theologians in the Middle Ages, who considered the bond of marriage both a legal reality which came into existence at the exchange of vows, and a metaphysical reality which existed in the souls of the spouses.³¹⁵ The focus was mainly on ecclesiastical regulation of marriage, with laws governing issues such as who could legally marry, betrothal and inheritance. As a result, the legal terminology of canon law was eventually incorporated into the church's sacramental theology of marriage.³¹⁶

In 1563, the Council of Trent solidified canonical form by teaching that “for a marriage to be valid and sacramental it had to be conducted in the presence of a priest and two witnesses.”³¹⁷ Here Western tradition parted with Eastern tradition in placing the sacrament in the baptismal character of the spouses who became ministers of the sacrament to each other, rather than in the priest who ministered Christ's grace to the spouses.³¹⁸ The 1983 Code of Canon Law explains how the scholastics understood this notion:

From a valid marriage there arises between the spouses a bond which of its own nature is permanent and exclusive. Moreover, in Christian marriage the spouses are by a special sacrament strengthened and, as it were, consecrated for the duties and the dignity of their state (Canon 1134).³¹⁹

By defining the marriage bond as having its own nature, the church granted it an existence on its own standing. This interpretation defines the marriage bond as an ontological reality that exists between two persons, which comes into existence upon consent and which no longer depends for its continued existence on the will of the spouses

³¹⁵ Martos, 53.

³¹⁶ Ibid., 55.

³¹⁷ Ralph, 137.

³¹⁸ Buckley, 50.

³¹⁹ Ibid., 54.

alone. Essentially, when the church acquired authority over marriage in the Middle Ages (i.e., assuming the power to determine when a marriage started and ended), the understanding of the bond shifted from being a moral obligation to being a separate reality. Therefore, it was defined as something that could not be dissolved, rather than as a relationship that should not be terminated.³²⁰ Thus, the absolute Catholic prohibition against divorce and remarriage arose “as both a canonical regulation supported by sacramental theory, and as a theological doctrine buttressed by ecclesiastical law.”³²¹

Feminist thinkers argue that the church’s laws and institutions must consider differences among first-century and present-day social, political and cultural reality. “An immense gulf exists between the particular circumstances and conditions that gave rise to these issues in ancient society, and formed the contexts in which they had to be addressed, and the conditions and circumstances” of the 21st century.³²² It is particularly significant that both Matthew and St. Paul were inspired to modify the provision for divorce which stems from Jesus in absolute form. If both could introduce an exception on his own authority, it seems the “Spirit-guided institutional church of a later generation” could “make a similar exception in view of problems confronting Christian married life.”³²³

Clearly, the question of whether a divorced person may remarry cannot be answered solely on biblical grounds or on a purely ecclesiastical basis.³²⁴ If the church assumes authority to discern exceptions to the rule of divorce, then it should not “reject the possibility that a second marriage after a divorce could serve as a sign of grace and

³²⁰ Buckley, 54.

³²¹ Martos, 53.

³²² Furnish, 26.

³²³ Joseph A. Fitzmyer, S.J., *The Anchor Yale Bible Commentary* (New Haven: Yale University Press, 2006), 298.

³²⁴ Margaret Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum International Publishing Group), 309.

redemption from the sin and brokenness of the past.”³²⁵ Appeals to the ontological union also fail to acknowledge the reality that sometimes divorce does not follow from either partner’s culpable failures, but results from human limitation in the face of struggle.³²⁶

Rather than framing the church’s theology of marriage on mystical complementary anthropology, or using canonical regulations to support ecclesiastical claims to power, the church must approach marriage through the lens of trinitarian ministry. As a human relationship, the process of marriage which enables a person to enter into the perfect love and union of the Trinity, becomes part of one’s broader initiation into Christian life. In this sense, a person becomes Christian, just as a person becomes married. Marriage has an eschatological orientation because it reaches its full significance in the divine, ultimately empowering a person to live in right relationship with oneself, God and others.³²⁷ When a marriage fails and a human falls, God’s love and forgiveness do not end. Therefore, when there is no possibility for the civilly remarried to receive absolution through the sacrament of Reconciliation, which provides access to the Eucharist, the church fails to serve as a sacramental sign and instrument of God’s mercy. As expressed by Cardinal Walter Kasper:

Only if God in himself is love, is his self-revelation an irreducibly free, unmerited gift of his love. The trinity of God is, therefore, the inner presupposition of God’s mercy, just as, conversely, his mercy is the revelation and mirror of his essence. In God’s mercy, the eternal, self-communicating love of the Father, Son, and Holy Spirit is mirrored and revealed.³²⁸

This not only suggests that ecclesiology should model the Trinity, but that pastoral care should draw divorced Catholics into the deepest possible love, relationship and

³²⁵ Hays, 373.

³²⁶ Farley, 309-310.

³²⁷ Bernard Cooke, “What God Has Joined Together” in *Perspectives on Marriage – A Reader*, edited by Kiernan Scott and Michael Warren (New York: Oxford University Press, 1993), 359.

³²⁸ Walter Kasper, *Mercy: The Essence of the Gospel and the Key to Christian Life* (New York: Paulist Press, 2013), 93.

communion of the Trinity. Eucharistic celebration is where all people receive the gift of life in the triune God. For the church to see its mission as embodying God's presence in the world, it must reform practices of exclusion and division which fundamentally contradict true ecclesial communion.³²⁹

When applied to the church's theology of marriage and its resulting judicial system, feminist trinitarian ecclesiology suggests that ministering to the divorced and remarried should never be an application of legalism or exclusion. Rather, it should reflect the church's desire to provide healing and justice in the face of human weakness. Feminist trinitarian theology is especially sensitive to how belief in the triune God is inherent to the actions of those who seek faith and work to transform the world. It connects the quest to liberate those who suffer from oppression and injustice with the proclamation of the reign of God in the teaching and ministry of Jesus.³³⁰ In so doing, it draws on the mystery of the Trinity to develop an understanding of community and build the foundation for liberating action on behalf of the marginalized.³³¹

This calls into question the church's practice of employing canon law to exclude persons from full participation in the church due to their imperfect marital histories. In the present situation, the civilly remarried are among the most marginalized members of the ecclesial community due to their prohibition from receiving the sacraments of Reconciliation and Holy Eucharist (i.e., which ultimately deems them unworthy of healing, redemption and salvation). In response, feminist trinitarian ecclesiology finds fulfillment of Jesus' mission in a concrete life of mercy and solidarity, in which all are included and none

³²⁹ Power and Downey, 116-119.

³³⁰ Ibid., 36.

³³¹ Ibid.

are excluded.³³² The church claims the nullity of marriage process is a pastoral practice designed to heal the wounds of a broken relationship. However, for many Catholics, it is experienced as an excessively harsh and unjust exercise of ecclesiastical power.

4.2 Rethinking the Church's Canonical Tradition

By far, one of the most painful consequences for civilly remarried Catholics is their permanent banishment from the Eucharistic table. Catholics today are aware of the biblical teachings of the church that manifest God's infinite love and forgiveness, rather than divine anger and punishment. How does one reconcile the church's exclusion of those in non-canonical marriages with Jesus' practices of inclusivity and mercy? While canon law dictates the church's juridical response to a failed marriage, it also manifests the shortcomings of centuries-old practices and institutions that place the preservation of patriarchal power above ministering to the individual. As such, the pastoral context of canon law is a poignant illustration of the need to foreground trinitarian communion (rather than abstract law, hierarchical power or institution) in the church's ministry to broken families.

A major development of Vatican II was the church's expansion of its definition of marriage as both a covenant and an intimate relationship between two parties, which helped introduce psychological impediments as grounds for annulment for the first time.

The Council, in its documents *Lumen Gentium* and *Gaudium et Spes*, retrieved some of the early biblical insights that had lost prominence over the years and took into account knowledge gained from the human sciences...the Council put less emphasis on an understanding of the sacrament of marriage as a thing (an outward sign) that centered on matters legal and contractual, and gave renewed prominence to an emphasis on relationship (an act of worship through which we come into an intimate relationship with the risen Christ), the personal dimension of marriage.³³³

³³² Power and Downey, 37.

³³³ Ralph, 150.

This was a significant shift from the Church's traditional juridical approach that was detached from mitigating factors such as mental illness, and shifted focus to the personal, rather than contractual, dimensions of marriage.³³⁴ However, despite these changes, the church has elected not to reexamine the legal structure that makes annulments necessary for divorced Catholics. Nor, does it acknowledge that a "covenant theology of marriage, such as the one suggested by Vatican II, is ultimately incompatible with the older contract theology that thinks in terms of validity and nullity."³³⁵

Vatican II also placed great importance on freedom of conscience in moral-decision making based on the theological writings of Thomas Aquinas, who defined conscience as a combination of obedience to moral law and the exercise of practical reason. As described in *Gaudium et Spes*, conscience is "the most secret core and sanctuary of the person. There one is alone with God, there in one's innermost self, one perceives God's voice" (no. 16). For divorced and civilly remarried Catholics, the judgment of conscience (i.e., one's innermost voice before God) addresses the question of whether he or she is in a state of mortal sin.³³⁶

The Council's intention to highlight the law of love and communal truth above adherence to objective norms of morality is apparent in its citation of St. Paul's letter to the Romans (2:15): "They show that the demands of the law are written in their hearts, while their conscience also bears witness and their conflicting thoughts accuse or even defend them." For Catholics, this means that obeying one's conscience is not only a right, but a duty. Therefore, if a conflict arises between one's conscience (i.e., in the internal forum)

³³⁴ Hegy and Martos, 147.

³³⁵ Ibid., 3.

³³⁶ Buckley, 30.

and Church law (i.e., in the external forum), a person must seek further enlightenment, particularly because no law can apply to every set of circumstances.³³⁷

From a pastoral standpoint, this enables a priest to privately help a civilly remarried Catholic make an informed decision based on personal experience, knowledge and conscience. Notably, canon law specifically states that the church should seek harmony between the internal and external forums, especially in relation to the sacraments.³³⁸ The church also accepts that there is humility to conscience that acknowledges the ultimate judgment of God.³³⁹ This understanding reflects a profound respect for church tradition, the grace that is present in every irregular situation and the voice of God speaking through the Holy Spirit.³⁴⁰

However, in light of the secularism which permeated the sexual and feminist revolution of the 1960s, many traditionalist church leaders were concerned that moral relativism had not only eroded society's moral compass, but diminished ecclesial authority as well. Thus, they argued there could be no contradiction of doctrine and personal conscience in the church's treatment of civilly remarried Catholics. At the foundation of these opposing interpretations are different understandings about the interrelationship between conscience and objective moral norms.

As a result, both John Paul II and Pope Benedict XVI resisted many developments in modern theology stemming from Vatican II and strongly promoted the teaching authority

³³⁷ Catoir, 49.

³³⁸ Ibid.

³³⁹ James Keenan, S.J., "Examining Conscience in Light of Scripture," in *C21 Resources*, Fall Issue (2016), accessed March 17, 2019. https://issuu.com/church21c/docs/final_2016_resources.

⁷² Furnish, 12.

³⁴⁰ Michael G. Lawler and Todd A. Salzman, "In *Amoris Laetitia*, Francis' Model of Conscience is Empowering," *National Catholic Reporter*, September 7, 2016, accessed June 16, 2018, <https://www.ncronline.org/news/theology/amoris-laetitia-francis-model-conscience-empowers-catholics>.

of the magisterium on the absolute prohibition of Catholics in non-canonical marriages from receiving the Eucharist.³⁴¹ For example, in the 1983 Apostolic Exhortation *Familiaris Consortio*, Pope John Paul II states:

If these people were admitted to the Eucharist the faithful would be led into error and confusion regarding the church's teaching about the indissolubility of marriage. Reconciliation in the sacrament of Penance, which would open the way to the Eucharist, can only be granted to those who, repenting of having broken the sign of the covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage (no. 84).

Thus, he argues against a change in pastoral practice for remarried couples who contradict the union of love between Christ and the church and deems such a practice scandalous to the faithful. A decade later in 1993, Pope John Paul II issued the Encyclical *Veritatis Splendor* to address the church's moral teaching. The document reaffirms that individuals have the duty to align their consciences with the authority of the church, which always preserves and defends absolute moral truths (no. 81). Thus, it teaches that those living in non-canonical marriages are guilty of adultery, which is an intrinsically evil act.

In a similar tradition, Pope Benedict XVI upheld church teaching that only those who receive a declaration of nullity can receive penance and the Eucharist. In 1994, while serving as Prefect of the Congregation for the Doctrine of the Faith, then-cardinal Joseph Ratzinger wrote to the world's bishops that a marital irregularity must be resolved by an ecclesiastical court.³⁴² Also, in 2007 he reaffirmed the necessity of the formal nullity of marriage process and the practice of prohibiting civilly-remarried Catholics from receiving

³⁴¹ This debate continues today, as an essay published on April 10, 2019 by retired Pope Benedict XVI places Vatican II at the origin of rising moral decay and relativism in the church. His argument rests largely on the claim that sexual abuse is the result of homosexuality, which rejects Pope Francis' theory that it is fundamentally about clericalism and abuse of power. Massimo Faggioli, "Benedict's Untimely Meditation," *Commonweal*, April 12, 2019, accessed April 12, 2019. <https://www.commonwealmagazine.org/benedicts-untimely-meditation>.

³⁴² Coin B. Donovan, STL, "Communion of Divorced and Remarried," *EWTN Global Catholic Network*, accessed May 22, 2018. https://www.ewtn.com/expert/answers/communion_of_divorced_and_remarr.htm.

the Eucharist in the Post-Apostolic Exhortation *Sacramentum Caritatis* (no 29).³⁴³

Today, thousands of the church's ancient canons, laws and decrees first promulgated in the Middle Ages form the basis for the systems of legislation and canonical law employed by the church. Originally issued by Pope Benedict XV in 1917 and modified in 1983 following Vatican II, canon law governs everything from the church's structural organization to its sacramental life.³⁴⁴ Clearly, the laws regulating marriage are intricately tied to medieval notions regarding gender complementarity and anthropology. In terms of women's full and equal participation in ecclesial life, many canonists argue there are few restrictions in the revised code other than the prohibition of priestly ordination, which remains a powerful symbol of women's wider struggle for equality and justice.

In fact, canon law confirms the teaching of *Lumen Gentium* that through baptism lay people, including women, participate in the threefold ministry of Christ. It also deems the laity capable of exercising ecclesiastical offices and functions, allowing women to share in the teaching, sanctifying and governing tasks of the church. This suggests the opportunity forged by Vatican II for women to live out their baptismal promises may be equally, or even more, limited by a pervasive culture of clericalism and sexism than by the norms of canon law.³⁴⁵ However, while canon law hardly differentiates between the offices, roles and functions held by lay women and men, the fundamental exception is that only those who have received sacred orders are qualified by divine institution for the power of governance.

As the supreme law of the church, canon law ultimately exists for the salvation of souls to orient the faithful into communion with the triune God. As such, it is concerned

³⁴³ Donovan.

³⁴⁴ Henning, 269-270.

³⁴⁵ Myriam Wijlens, "At the Outset There Was No Hierarchy," *L'Osservatore Romano*, January 2, 2017, accessed April 14, 2019, <http://www.osservatoreromano.va/en/news/outset-there-was-no-hierarchy>.

with forgiveness and not punishment, and reflects a divine attitude which offers pardon, acceptance and salvation to those who seek redemption. As a pastoral tool, canon law aims to sustain and protect the common good through reformation of the sinner and reparation of scandal, while exalting the influence of the Holy Spirit in the church's very structures and practices.³⁴⁶ In so doing, it intends to meet the diverse needs of ministry while advancing Christ's mission in the world.

As expressed by Pope Paul VI, "the economy of salvation embraces—together with the human person and precisely because of it—the whole heritage of law, for this latter is bound up inextricably with justice and with the human person."³⁴⁷ Thus, canon law gives the basic texture to relationships within an ecclesial community seeking ultimate fulfillment in the perfect union of love in the Trinity.³⁴⁸ The paradox of the Trinity is that it is a unity that includes diversity, which respects and safeguards the dignity of the other.³⁴⁹ In light of this understanding, one must explore what is required of the church to achieve justice in its pastoral care of civilly remarried Catholics.

According to Cardinal Walter Kasper, the church must embody God's mercy in all aspects of its institutional life, including in its very structures, life and laws.³⁵⁰ As God's defining attribute, "mercy is the divine characteristic in light of which all of God's other qualities must be interpreted and understood, including justice."³⁵¹ Given this view of the nature of God, mercy (i.e., the application and fulfillment of justice) is the source and goal

³⁴⁶ Wijlens.

³⁴⁷ Pope Paul IV, *Essential Role of Canon Law in the Life of the Church*, May 25, 1968, *EWTN*, accessed April 9, 2019. <https://www.ewtn.com/library/PAPALDOC/P6CANONS.HTM>.

³⁴⁸ *Ibid.*

³⁴⁹ Kasper, 92

³⁵⁰ Kaveny, 78.

³⁵¹ *Ibid.*, 79.

of God's activity and that of the church.³⁵² While the traditional language of justice may be understood as rendering to a person what is required of the law, mercy actually tempers the demands of justice by reorienting the purpose of the law.³⁵³ Therefore, in pursuit of a higher form of justice, mercy goes beyond strict observance of ecclesiastical norms, rules and prescriptions to lessen the demands of the law in light of a person's individual circumstances and situation.

A feminist lens expands this concept by suggesting that mercy demands liberating action on behalf of the poor and the oppressed, including those who suffer material, spiritual and even relational forms of poverty.³⁵⁴ As envisioned by Vatican II, the church must reach out in loving mercy to the marginalized and excluded to serve as a sacramental sign of God's grace.³⁵⁵ However, one of the most serious criticisms leveled against the church today is that it speaks of God's mercy, while it does not practice God's mercy. For example, many argue the church's approach toward civilly remarried Catholics, persons who struggle with issues of sexual identity and couples who live in same-sex unions is one of exclusion. In addition, its judgmental attitude, which places attaining a certain ideal above achieving communion in diversity, is fundamentally not pastoral.³⁵⁶ As Pope Francis teaches, the church "must always be reaching out, seeking to heal, reconcile, and encourage much more than judge, dismiss, castigate, condemn or exclude."³⁵⁷ A kerygmatic attitude of mercy and willingness to reconcile reflect the deepest

³⁵² Kaveny, 79.

³⁵³ Ibid.

³⁵⁴ Power and Downey, 112.

³⁵⁵ Kaveny, 78.

³⁵⁶ Deck, 84 and 103.

³⁵⁷ Ibid., 103.

nature of the church.³⁵⁸

This implies that canon law must change its very orientation from institutional and androcentric to a trinitarian model that emphasizes true relationship and mutuality. “Canon law itself must be concerned with mercy, because mercy is part of canon law’s ultimate purpose: fostering the church’s active participation in God’s saving plan for humanity.”³⁵⁹ However, the pastoral or therapeutic application of canon law may cause one to question how its resulting legal system may truly promote justice.³⁶⁰ According to traditional canonical theory, mercy is authoritative for the pastoral and practical application of church law so that truly just solutions can be achieved. However, a criticism of the hermeneutics of mercy contends that human considerations should never empty the law of its objective sense and literal meaning.³⁶¹ In response, Kasper suggests mercy is not a matter of arbitrary reinterpretation, but of considering the sense of law in a way that is appropriate to the situation. While the interpretation of canon law must take place in the church, it must also take place in the spirit and example of Christ.³⁶²

A feminist lens expands this further by suggesting that justice must be added as a mark of the church. For example, feminist theologian Susan Abraham proposes the current understanding of the nature and mission of the church has been seriously distorted by the sins of literalism, legalism and juridicism, which ignore the historicity of all human

³⁵⁸ Deck, 103.

³⁵⁹ Ibid.

³⁶⁰ Kasper, 178.

³⁶¹ Ibid., 178-179. Importantly, Cardinal Walter Kasper notes the term mercy is often misunderstood and misused in both the personal realm and the institutional realm of the church. This confuses mercy with indulgence and a hands-off approach, which makes “cheap grace” out of God’s “precious grace” earned by Jesus on the cross. The misuse of mercy erroneously justifies the sin and not the sinner, and preaches forgiveness without repentance. Thus, dismantling rigorous legalist praxis must simultaneously build up a new praxis of church discipline that conforms to the Gospel. The extensive breakdown of church discipline evident in the church’s failure to hold accountable those who committed or failed to report crimes of sexual abuse represents a misunderstanding of how the New Testament defines mercy and the pastoral dimension of the church. Kasper, 174-175.

³⁶² Kasper, 179-180.

institutions.³⁶³ The first step in imagining a more just church is to move beyond rigid legalism and view justice as “the care and concern for community that arises from the sacramental basis of Catholic theology.”³⁶⁴ In so doing, being Catholic has more to do with a particular religious way of being in the world and less to do with an identity category arising out of membership.³⁶⁵ As suggested by Abraham:

Justice means that the elitism and exceptionalism of the institutional priestly caste must give way to more of a capacious imagination of sacramentality, mediation, and communion. Justice in relation to ecclesiology is not just about the church being an inclusive space of worship. Emphasizing justice transforms catholicity as a principle of openness and inclusivity for the whole of Catholic theology. It transforms holiness as the mark of being open to the work of the Spirit, which is new for every generation. Finally, it transforms apostolicity as a principle of close imitation of Jesus and the apostles who welcomed men and women to the table.³⁶⁶

Therefore, feminist trinitarian ecclesiology argues that justice is not simply a secular ideal, but is at the very heart of the language of Catholic theology. When justice marks ecclesiology, the domination of sexism, legalism and literalism is diminished. Justice deepens the claim of what it means to be one holy, catholic and apostolic church working toward the transformation of the world.³⁶⁷ This necessarily involves mending division, forming egalitarian relationships and welcoming all to communion as a reflection of trinitarian life.

In light of the church’s treatment of civilly remarried Catholics, certainly the distinction between natural and sacramental marriage is not supported by biblical texts, but is an innovation of the canonical tradition itself. With pastoral care at its center, the church has the power to develop and mature its doctrine in a manner that is consistent with the

³⁶³ Susan Abraham, “Justice as the Mark of Catholic Feminist Ecclesiology,” in *Frontiers in Catholic Feminist Theology*, edited by Susan Abraham and Elena Procaro-Foley (Minneapolis: Fortress Press, 2009), 195.

³⁶⁴ *Ibid.*, 195.

³⁶⁵ *Ibid.*, 196.

³⁶⁶ *Ibid.*, 201.

³⁶⁷ *Ibid.*, 213.

tradition's account of the relationship of God's mercy to God's justice. This directs canon law in a manner which fulfills its pastoral purpose.

Today, many traditionalist Catholics continue to believe that extending communion to the civilly remarried would threaten the church's doctrinal heritage. However, others argue that doctrine expands beyond formulas and laws to its appropriate application in terms of historical and pastoral context. Feminist trinitarian ecclesiology responds that the work of the Trinity is perfected in ecclesial communion, and that the naming of God occurs around the Eucharistic table.³⁶⁸ Finding a place for the broken, excluded and marginalized signifies the mutual service of the faithful to one another and opens the door to justice. "The Spirit ...moves us to love of the other, to a practical and discerning love which holds on to nothing for oneself and yields all for the sake of the other."³⁶⁹

As proposed by Gaillardetz, the terms "doctrinal" and "pastoral" should not be treated as two different aspects of the church or two mutually exclusive options. Rather, pastoral care should receive its proper standing within the church as God reveals Himself to humanity by the power of the Holy Spirit through time and history.³⁷⁰ The following examples demonstrate how the Holy Spirit has led the church to gain a more mature understanding of its teachings through a living tradition: 1) when the church changed its teaching that salvation could be achieved by all who genuinely seek God, and not solely through the church; 2) when papal infallibility was established during Vatican I; 3) when the church acknowledged fuller baptismal participation of the laity in the priesthood of Christ during Vatican II; and 4) when the church recognized the workings of grace in those

³⁶⁸ Power and Downey, 118.

³⁶⁹ Ibid., 120.

³⁷⁰ Gaillardetz, "The Pastoral Orientation of Doctrine" in *Go Into the Streets: The Welcoming Church of Pope Francis*, edited by Thomas P. Rausch, S.J. and Richard R. Gaillardetz (New York: Paulist Press, 2016), 127.

outside of the church during Vatican II.³⁷¹ Thus, there is a serious flaw in the argument of those who oppose a pathway for civilly remarried Catholics to receive the Eucharist – namely, that they believe the church’s tradition is complete.³⁷²

In the contemporary context, legal scholar Cathleen Kaveny proposes that an important first task is to recognize that the term *adultery* is not appropriate to describe the sin of a civilly remarried person against a first sacramental marriage, as it historically refers to the infidelity of a spouse. In the case of legally divorced persons, the three factors constituting adultery are not evident in the present time: 1) deceit, 2) physical and emotional betrayal, 3) exploitation of the innocent spouse. Therefore, the term *adultery* does not apply to a situation that arises after a married couple obtains a civil divorce and one or both remarry.³⁷³ Second, the church should consider the sins against the first marriage as a completed sin, and not an ongoing sin.³⁷⁴ In this way, “it is possible for the divorced parties to a sacramental marriage to repent of their wrongdoing, and to being a new life with a new spouse. It is possible for them to have a merciful second chance.”³⁷⁵

Overall, Catholics must also be guided by both individual conscience and the teachings of the church, especially when there are irregular situations that call for discernment. Theologian Kristin E. Heyer proposes that, even though conscience is the site of “transcendent encounter” where one is alone with God, discernment must take place within a Christian community.³⁷⁶ Rather than eliminating the tension that exists between the voice in one’s heart and the wisdom of the faith community, a person’s

³⁷¹ Gaillardetz, “The Pastoral,” 133.

³⁷² Ibid.

³⁷³ Kaveny, 85-86.

³⁷⁴ Ibid., 82-83

³⁷⁵ Ibid., 83.

³⁷⁶ Kristin E. Heyer, “The Call of Conscience: Pursuing the Good in Our Daily Lives,” in *C21 Resources*, 4, Fall, accessed February 28, 2017, <http://www.bc.edu/content/dam/files/top/church21/pdf/Final%202016%20Resources.pdf>.

decisions may be guided by both.³⁷⁷ While this may seem to challenge the internal forum solution as sufficient, it reflects that learning to live with ambivalence and reimagining the church as an embodied community are key tasks for feminists engaged in ecclesiology. In relation to canon law, they also suggest that however far a human may fall, God's infinite mercy is deeper and takes diverse forms in light of the concrete realities of life.³⁷⁸ This means that mercy fulfills and transcends justice by rejecting any effort to destroy hope of a person's future participation in the ecclesial community.³⁷⁹

Theologian Julie Hanlon Rubio makes this compelling case based on Jesus' practice of radical inclusivity and table fellowship:

Jesus' scandalous practice of inclusive table fellowship and his merciful practice in relation to those with imperfect sexual and marital histories should lead us to ask whether our current pastoral practice is faithful to the Gospel. Would Jesus want us to turn people away from the whole table because they are living imperfect lives?...What would He have us do about the woman attending Mass faithfully week after week, living her second marriage vow with all her heart, acknowledging her failures and the hurt she has caused, practicing restorative justice, consulting with others, and slowly becoming ready to approach the Eucharistic table again? Would not Jesus welcome her back? Would He not tell her, as He told those sinners, with whom He ate, as He tells all of us, 'come, come and eat'?³⁸⁰

Thus, one must question whether Jesus would find the greatest scandal in allowing civilly remarried Catholics to receive the Eucharist or in turning them away from the table.

The church's current juridical response to a failed marriage demonstrates that when legalism and clericalism govern those in positions of patriarchal power, opportunities for healing and redemption are destroyed. A truly sacramental church, which gives witness to

³⁷⁷ Thomas Groome, "In Good Conscience" in *C21 Resources*, 1, Fall, accessed February 28, 2017, <http://www.bc.edu/content/dam/files/top/church21/pdf/Final%202016%20Resources.pdf>.

³⁷⁸ Kaveny, 83.

³⁷⁹ *Ibid.*, 78-79.

³⁸⁰ Julie Hanlon Rubio, "Internal Forum: A Common Ground Solution for the Divorced and Remarried," *Catholic Moral Theology*, October 22, 2015, accessed March 10, 2019, <http://catholicmoraltheology.com/internal-forum-a-common-ground-solution-for-the-divorced-and-remarried/>.

the divine mystery of the Trinity, should always be open to its own need for conversion and transformation.

4.3 Pastoral Implications of *Amoris Laetitia*

From a feminist perspective, the relationship between mercy and justice in achieving God's reign is aligned with the deepest insights of the Catholic tradition and Pope Francis' own call to place pastoral care above patriarchal power.³⁸¹ In 2014 and 2015, Pope Francis convened the Extraordinary Synods on the Family, at which the admission of divorced and civilly remarried Catholics to the sacraments of Reconciliation and Holy Eucharist was one of the neuralgic and most controversial issues addressed.

On April 8, 2016, Pope Francis issued the Apostolic Exhortation *Amoris Laetitia*, which resulted from his prayerful reflection on the outcomes of both synods. In this document, he introduced discernment (i.e., the internal forum) as a way for civilly remarried Catholics who have not received a declaration of nullity through a marriage tribunal (i.e., the external forum) to receive the sacraments of Reconciliation and Holy Communion. As described by Cardinal Christoph Schönborn:

Pope Francis has succeeded in speaking about all situations without cataloguing them, without categorizing, with that outlook of fundamental benevolence that is associated with the heart of God, with the eyes of Jesus that exclude no one, that welcome all and grant the "joy of the Gospel" to all...No one must feel condemned, no one is scorned. In this climate of welcome, the discourse on the Christian vision of marriage and the family becomes an invitation, an encouragement to the joy of love in which we can believe.³⁸²

However, this has been a topic of heated debate, and even staunch opposition, among the world's bishops. Those who oppose the internal forum option argue that such a provision would violate fidelity to the divine plan for indissoluble marriage. Those who support the

³⁸¹ Kaveny, 83.

³⁸² "Cardinal Schönborn's Intervention at Presentation of *Amoris Laetitia*," *ZENIT*, March 13, 2013.

internal forum option say that God's deep mercy is paramount and that pastoral practice must be faithful to the Gospel.

In *Amoris Laetitia*, Pope Francis recognizes that current pastoral practice may not match the preaching and attitude of Jesus. Inviting the church to see irregular situations in light of Gospel truths, he calls for mercy and pastoral discernment when unions fall short of what God proposes for the full ideal of marriage (no. 300). In so doing, he brings to the forefront the church's ancient teaching regarding the authority and inviolability of personal conscience.³⁸³ Pope Francis then suggests that "individual conscience needs to be better incorporated into the church's praxis in certain situations which do not objectively embody our understanding of marriage" (no. 303).³⁸⁴

For what irregular marital situations do exceptions apply? *Amoris Laetitia* does not specify, for risk of applying a norm in the same legalistic manner to every situation. It does not provide an absolute formula for allowing remarried Catholics to receive the Eucharist, but acknowledges that God's infinite mercy will find the way – an understanding consistent with the pragmatic elements of feminist trinitarian theology. In reality, the difficult task of discernment is not widely understood or practiced by the Catholic clergy or laity today. Urging the faithful to model the church after a field hospital, Pope Francis teaches:

The church must accompany with attention and care the weakest of her children, who show signs of a wounded and troubled love, by restoring in them hope and confidence, like the beacon of a lighthouse in a port or a torch carried among the people to enlighten those who have lost their way or who are in the midst of a storm (no. 293).

³⁸³ Lawler and Salzman, "*In Amoris Laetitia*."

³⁸⁴ Footnote 351 suggests there might be circumstances where asking a couple to live as brother and sister could do more harm than good, such as when lack of intimacy endangers marital fidelity or causes suffering to the children. One could also discuss situations where a civilly remarried person experiences an authentic conversion and hungers for the Eucharist, or where the first marriage is truly invalid but the couple has no access to a marriage tribunal.

In terms of the nullity of marriage process, this means that priests at the local level are responsible for not only promoting Christian marriage, but also for the “discernment of the situations of a great many that no longer live this reality” (no. 293). As taught by Pope Francis, “the Eucharist is not a prize for the perfect, but a powerful medicine and nourishment for the weak” (footnote 351). These are meaningful instructions to guide a church that is currently divided by its treatment of civilly remarried Catholics.

From the time of antiquity, the church has existed as a spiritual body defined by its relationship with God through the cross and resurrection of Jesus Christ and life in the Spirit. In the tradition of Jesus, the early Christian communities practiced inclusivity and recognized the eschatological tension that exists between the “already” and the “not yet” in one’s personal journey to salvation, as well as in the corporate body of the church.³⁸⁵ In *Amoris Laetitia*, Pope Francis bases his aversion to legalism and rigidity on the highest authority of the Gospel. He states:

The church’s way, from the time of the Council of Jerusalem, has always, always been the way of Jesus, the way of mercy and reinstatement...The way of the church is not to condemn anyone forever; it is to pour out the balm of God’s mercy on all those who ask for it with a sincere heart....For true charity is always unmerited, unconditional and gratuitous (no. 296).

This supports that throughout history, the church has chosen to imitate the way of Jesus by reinstating, rather than excluding, people who experience distress because of their conditions in life.

The church teaches that canon law is a pastoral tool that gives witness to the divine mystery and mercy of the Trinity. However, the practice of permanently banning civilly remarried Catholics from receiving the sacraments of Reconciliation and Holy Eucharist appears punitive, retributive and even draconian. Paving the way for persons to return to

³⁸⁵ Dunn, 563.

full communion helps restore pastoral care to its proper standing in the church, an institution that has been historically beset by attitudes of power and privilege among the male ordained. For Christians, responding to the call of the triune God means finding a place for those who are bruised and broken by difficult circumstances. The church's most critical task is to embody and reflect the hope, healing and redemption found only in Christ through the Spirit.

Conclusion

Although the institutional church has historically capitulated to the patriarchal and hierarchical ordering of society, the dangerous memory of a community of equal disciples summons it to embrace the promising trinitarian theology and anthropology of Vatican II. To view the church as a spiritual entity is to recognize that it is not simply a religious institution, but the communal presence of the triune God. As a model for Christian life, this understanding reveals that hierarchy and patriarchy among persons diminishes the truth of life in the Spirit and salvation in Christ.³⁸⁶ Thus, the Trinity is the proper source and starting point for reflection on all ecclesiology and theology.

The situation in the patriarchal and hierarchical church (with its history of pervasive sexism, clericalism and legalism) provokes feminist thinkers to critique traditional theological views contributing to the formation of unjust power structures which place women in subordinate roles and deny them positions of ecclesial authority. Feminist trinitarian ecclesiology works to cross boundaries which block women's embodied discourses of spirituality, while working to transcend them. From this perspective, declaring the church irredeemable would mean denying that women are church. Women's claim to equality and justice brings new possibility and reason for hope to ecclesiology.³⁸⁷

³⁸⁶ LaCugna, *God For Us*, 400.

Life in the Trinity means the church's collective struggle for justice is inseparable from its mission of building the kingdom of God, just as the work of the Spirit is inseparable from the work of Christ. In God's household there is no exclusion or inequality, but only unity made possible through love. Critical theological reflection brings to light the church's historical shortcomings in promoting the dignity, value and equality of women in its very structures and practices. God's rule is the opposite of patriarchal rule, and whatever is not of God must be unmasked and transformed. In so doing, proper pastoral and theological imagination will be restored in a church which has historically placed the protection of patriarchal power above ministering to the individual.

In the creative vision of Vatican II, the church must retrieve the forgotten idea that its visible, organizational structures stand secondary to the deeper dimension of participating in the triune life of God. The time has come for a more inclusive and egalitarian ecclesiology, based on relationships of mutual service and receptivity, to be realized. Achieving transformative change goes beyond including women in church ministries, synods, councils and even the ordained priesthood to taking the steps necessary to horizontalize ecclesiology in fidelity to Gospel truths. Dangerous memories can bring into the present the good news that change is possible.³⁸⁸

The Trinity holds practical and radical consequences for Christian life, where there is no room for power to be held by a few. The baptismal rite, in which all are anointed in the name of the Father, Son and Holy Spirit, holds the same promise for women as for men.³⁸⁹ Christ's image is embodied in all women who tell His story through their own stories, inspiring transformed power structures in the church. The trinitarian structure of the

³⁸⁷ Johnson, "Your One Wild," 213.

³⁸⁸ Ibid., 210.

³⁸⁹ Ibid., 207.

Eucharist requires both personal conversion and new practices of table fellowship, leading to Eucharistic solidarity and new circular models of ecclesiology. All are welcome at Jesus' table, even sinners, outcasts and the ritually impure. Today, one might add civilly remarried Catholics to this list.

Feminist trinitarian ecclesiology spurs a critical rethinking of ecclesial structures and practices rooted in patriarchal theological anthropology and theories of gender complementarity, and in which women's sacramental relationships are mediated through clerical men. When applied to the Church's treatment of divorced Catholics, it finds the current nullity of marriage process unfaithful to the truths of the Gospel and life in the Trinity. The practice of permanently banning the civilly remarried from the Eucharistic table fundamentally contradicts the church's self-understanding as an ordered communion, priesthood of all believers and mystical Body of Christ. To achieve true justice, canon law must be concerned with mercy and enriched over time in the face of concrete, complex human circumstances. Mercy is ultimately the mark of a church which reflects the self-communicative love of the Trinity, allowing the possibility for a new beginning and full life in the community. While *Amoris Laetitia* does not provide an absolute formula for allowing those in non-canonical marriages to receive the Eucharist, it invites the church to live out the teaching, preaching and healing of Jesus Christ in the Spirit.

Reimagined in a feminist trinitarian paradigm, ecclesiology constructs a space where women and men can flourish, celebrate their being in the image of the divine and live as a community of equal disciples. It strives to radically reconstruct unjust patriarchal and hierarchical institutions to create of the church a community marked by justice and equality. As expressed by Johnson:

History is not over. New decisions are possible, more in line with the Gospels and Christian origins and with the baptismal vocation of gifted women today...In this beautiful, brutal world, the church, the community of disciples is called to live out the good news of the love of God made known through Jesus in the Spirit.³⁹⁰

Only in this way can the church concretize the full dignity and equality of all people in its structures, and place pastoral care above patriarchal power in its practices.

Women who are church speak prophetically for justice and freedom from the bonds patriarchy, sexism and clericalism. They take a vow of love and not of alienation, and are grounded in a reality that exists beyond this world. Their cause is drawn from Jesus, rather than from a particular ideology. Empowered by the Spirit, they articulate that God's mercy shines on the broken and the excluded. They do not foretell the future, but properly name what is not faithful to Gospel truths in the present. Their hearts reflect the universality of the Creator's heart, where there are many rooms and all are welcome. Women who are church speak prophetically out of a horizon of hope, even when all seems lost, with joyful anticipation that the promises of the triune God will be fulfilled.³⁹¹

³⁹⁰ Johnson, "Your One Wild," 212-213.

³⁹¹ Ronald Rolheiser, O.M.I., "Speaking Prophetically for Justice – Principles of Christian Prophecy," (workshop presented at the 2019 Los Angeles Religious Education Congress, Los Angeles, California, March 22-24, 2019).

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