

A New Process for the Church and the Congregation for the Doctrine of the Faith

He who is the object of an enquiry should be present at the process, and, unless absent through contumacy, should have the various headings of the enquiry explained to him, so as to allow him the possibility of defending himself. As well, he is to be informed not only of what the various witnesses have accused him of, but also of the names of those witnesses. (Fourth Lateran Council, 1215)

Introduction

Nowadays it is widely agreed in the church that the processes and procedures of the Congregation for the Doctrine of the Faith (CDF) are contrary to natural justice and in need of reform. They represent the legal principles, processes and attitudes of the absolutism of sixteenth and seventeenth century Europe. They don't reflect the gospel values of justice, truth, integrity and mercy that the church professes to uphold. They are out of keeping with contemporary concepts of human rights, accountability and transparency that the world expects from the Christian community and which the Catholic Church demands from secular organizations. The purpose of this proposed new approach is to reflect the attitude of Jesus (Matthew 18:15-17) and to integrate values that the world sees as basic to a functioning, civilized society.

Principles Underlying any New CDF Process

Underlying any church procedures must be a set of principles that involve a just and equitable process, accountability on the part of the CDF and Bishops' Conferences, the presumption of sincerity, innocence, and loyalty to the church on the part of the person being investigated, as well as transparency and the wider involvement of the local Catholic community and the Synod of Bishops representing the universal church. The process appended to this set of principles tries to avoid some of the worst aspects of the present CDF's investigations as experienced by the signatories and others who have been involved in dealing with the CDF over the last decades.

1 The basic principle must be to avoid anonymous denunciation by person(s) unknown to those being investigated. By naming them publicly, you stop frivolous claims by often totally unqualified individuals or organizations.

2 The same applies to the secret CDF appointed consultants. Consultants need to be named and their qualifications or otherwise in the area under consideration, be scrutinized. This also gives the one being investigated a chance to know the biases and expertise/training or otherwise of each of the consultants appointed by the CDF.

3 The whole issue of enforced secrecy and the often crippling isolation of the person being investigated must be circumvented by the CDF being made to deal directly and personally with them. They should be no longer be dealt with at third and fourth hand via a network of bishops and superiors – who might even have been the primary accuser of the person being investigated in the first place.

4 People being investigated have very often found that their work is inaccurately or unfairly interpreted by CDF consultants, or sentences or opinions are taken totally out of context and that the qualifications that they have made are completely ignored. Consultants they have never heard of, or are completely unknown to them, become the sole arbiters of the correct interpretation of their work. Even opinions they don't hold are attributed to them. The involvement of the persons being investigated and their counsel from the beginning to some extent circumvents this. It also makes sure that consultants, whose sole experience is of the Roman schools of theology with its emphasis on propositional approaches to doctrinal positions, are challenged, and are not accepted as normative for those working on the prophetic edge of theological and ministerial frontiers.

5 People under investigation have often complained of the sheer rudeness and lack of even basic politeness – let alone Christian charity - on the part of CDF personnel. Letters are ignored, or lost. Processes are dragged out in an attempt to wear down the resistance of those being investigated. Even extremely sick or dying people have been investigated and forced to respond to often silly accusations. Strict time limits and direct personal face-to-face communication would circumvent this. With supporting counsel present and the knowledge that all documentation and the names of accusers and all personnel involved will be revealed to the wider Catholic community and the media will bring about at least some measure of accountability which at the present moment is totally lacking in CDF processes.

6 The process must prevent the same people acting as investigators, prosecutors and judges. By referring on-going cases to the Synod of Bishops the process takes decision-making out of the hands of CDF, and re-situates the views under investigation within the broader cultural context in which they were first articulated.

7 The wider community of theologians, the faithful people of God and the *sensus fidelium* are involved in the discernment of the faith and belief of the church. No longer should the CDF and its Rome-based advisers be the sole arbiters of correct doctrine and belief.

8 The process should be no longer characterized by the absolutist presumptions of an antiquated legal system that has nothing to do with the Gospel. The process should be tempered by the mercy and forgiveness of God, and by the open dialogue that should characterize the community of Jesus. It integrates something of the contemporary emphasis on human rights and the need for free speech, pluralism, transparency and accountability within the church community.

Signatures:

Dr Paul Collins, writer and broadcaster, Australia

Rev Charles Curran, Scurlock University Professor of Human Values at Southern Methodist University, Dallas, USA

Rev Roy Bourgeois, priest and activist, USA

Rev Brian D’Arcy CP, writer and broadcaster, Ireland

Rev Tony Flannery CSsR, writer and broadcaster, Ireland

Sister Teresa Forcades, OSB, Benedictine nun and physician, Spain

Sister Jeannine Gramick, SL, Loretto Sister, Co-Founder, New Ways Ministry, USA

Sister Elizabeth A. Johnson, CSJ, Distinguished Professor of Theology, Fordham University, New York, USA

Professor Paul Knitter, Emeritus Paul Tillich Professor of Theology, World Religions and Culture, Union Theological Seminary, New York, USA

Rev Gerard Moloney, CSsR, Editor, Ireland

Bishop William Morris, Bishop Emeritus of Toowoomba, Australia

Rev Ignatius O’Donovan, OSA, Church Historian, Ireland

Rev Owen O’Sullivan, OFM Cap, Chaplain and Writer, Ireland

Bishop Patrick Power, retired Auxiliary Bishop of Canberra- Goulburn, Australia

Rev Marciano Vidal, CSsR, Former Ordinary Professor, Pontifical University Comillas, Madrid, Spain, Extraordinary Professor, Alphonsian Academy, Rome