Burke to head Vatican's supreme court

by John L. Allen Jr.

Pope Benedict XVI has named an American archbishop known as a legal conservative, particularly on the hot-button issue of giving communion to pro-choice politicians, as the new head of the Vatican's highest court.

The Vatican announced today that Archbishop Raymond Burke of St. Louis has been named the new Prefect of the Apostolic Signatura. The appointment puts Burke, who turns 60 on June 30, in line to become a cardinal.

Burke is expected to relocate to Rome in August to take up his new duties.

The nomination comes as little surprise to church-watchers, who have long speculated that Burke might return to Rome at some point. Burke received a doctorate in canon law from Rome's Gregorian University in 1984, and from 1989 to 1994 he served as the Defender of the Bond in the Apostolic Signatura, a position equivalent to the top defense attorney in the Vatican's legal system.

In July 2006, Benedict XVI named Burke a member of the Apostolic Signatura, a move that some observers at the time interpreted as grooming him to eventually take over the top spot on the court.

In the Vatican, there are three courts: the Roman Rota, which is an appeals court that deals largely with cases involving requests for annulment of a marriage; the Apostolic Signatura, more or less the Supreme Court of the church; and the Apostolic Penitentiary, which handles cases involving the internal forum, meaning especially delicate matters that can't be resolved through the normal legal process.

In Catholic circles, Burke has long been considered one of the most precise legal minds at the senior levels of the church, with an encyclopedic knowledge of the Code of Canon Law, the legal system of the Catholic church, as well as the tradition of case law stemming from that code.
Among other things, Burke’s appointment is another sign of Benedict XVI’s affection for American Catholicism. Three important Vatican offices are now led by Americans: the Congregation for the Doctrine of the Faith, headed by Cardinal William Levada; the Apostolic Penitentiary, led by Cardinal Francis Stafford; and the Signatura, with Burke now in the top position.

Since taking over in St. Louis in 2003, Burke earned a reputation as a strong conservative and prelate willing to draw lines in the sand in order to defend church teaching. In 2004, for example, Burke argued publicly that Democratic presidential candidate John Kerry should not receive the Eucharist because of his pro-choice voting record. Catholic who voted for Kerry, Burke likewise argued, should also not receive communion until they had received the Sacrament of Confession.

Burke's hard-line position on the communion issue has long been controversial, even among his fellow bishops. One year ago, Burke lost a race within the U.S. bishops' conference to become head of the Committee on Canonical Affairs, drawing just over 40 percent of the vote.

While few bishops question the need to defend church teaching, many draw the line at publicly refusing someone communion, seeing it as a form of "politicizing" what is supposed to be the church's supreme moment of unity.

The communion issue has not been the only flashpoint during Burke's tenure in St. Louis.

In 2007, Burke resigned from the board of directors of a children’s hospital to protest a benefit concert featuring singer Sheryl Crow, who holds a pro-choice position; in 2008, Burke urged St. Louis University to take action against basketball coach Rick Majerus, who had announced his support for abortion rights and embryonic stem cell research at a campaign event for U.S. Senator Hillary Clinton.

Church-watchers note that in his new position, Burke will no longer play quite so public a role. As prefect of the Signatura, Burke's job will be to apply church law to questions which are put to the court.

Generally speaking, the following sorts of cases are heard by the Signatura:

- Conflicts between two Vatican offices;
- Appeals against decisions by diocesan bishops and Vatican offices;
- Appeals against decisions by the Roman Rota.

Two other Americans are members of the Apostolic Signatura: Cardinal Edward Egan of New Yor, and Bishop Thomas Doran of Rockford, Illinois.


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