

Published on *National Catholic Reporter* (<https://www.ncronline.org>)

March 31, 2010 at 11:52am

Orsy declares his insights

by Arthur Jones

RECEIVING THE COUNCIL: THEOLOGICAL AND CANONICAL INSIGHTS AND DEBATES

By Ladislav Orsy

Published by Liturgical Press, \$19.95

"I am putting my insights before the academic community -- as was customary in the Middle Ages," Jesuit Fr. Ladislav Orsy told John Wilkins during an Oxford chat. The informal discussion came after Wilkins' interview for this week's front-page essay on Orsy's new book, *Receiving the Council* (Liturgical Press). Declaring one's insights is a method of examining the issues that the academic community has lost, Orsy said, and the result is "depressing conflict instead of fruitful and happy exchanges." Indeed it has been lost, and one result is Rome subverting the laity's role and rights as declared by the Second Vatican Council (1962-65).

The Hungarian-born Orsy, professor of law at Georgetown University Law School in Washington, sees the church being pulled in a new direction, and not a good one.

Review by John Wilkins of Ladislav Orsy's book **Receiving the Council: Theological and Canonical Insights and Debates** [click here](#).

He says that legislation enacted since the council supports the "definitive doctrine" theory. That means that by legislation no one can have an office in the church (be ordained, etc.) without taking the new profession of faith and the oath of fidelity -- that is, promising to accept, to carry out, and to impose the acceptance of any definitive doctrine as if it were infallible.

In effect, to bring it down to everyday language, that means the laity is being legislatively maneuvered into having to accept that any time the pope utters a ruling on doctrine, it is, in effect, infallible.

Orsy is the Catholic scholar's idea of a scholar. His licentiate in philosophy is from the Pontifical Gregorian University in Rome; his licentiate in theology from the University of Louvain, Belgium; his doctor of canon law from the Gregorian; and his master's in law from Oxford University in England. He's held academic posts at the Gregorian, Washington's Catholic University of America, New York's Fordham University, and the Graduate Theological Union in Berkeley, Calif., with the past 16 years spent at Georgetown Law.

In 1960, when he arrived at the Gregorian with his Louvain and Oxford credentials in his bag, he said it was "like stepping into an island where an archaic civilization has been preserved intact. Gradually, at the time of the Second Vatican Council (1962-65) and after it, I became aware, one, how much the laws of the church had lost their vital connection with their source -- namely sober and sound theological understanding -- and next, how much laws have an existential priority in the church because they dominate its practical life, and by that they create a sort of secondary vision of what the community ought to be."

Orsy says that behind Rome's definitive doctrine argument "is an understanding that the whole of the revelation is given to the hierarchy." That is not the case, Orsy contends, as he places his arguments before the academic community. Rather, he told Wilkins, such an approach ends in a contradiction: "Vatican I and II affirm that the whole people of God is infallible -- but if the content of Christian revelation is exclusively in the possession of the hierarchy, the people can only be infallible if they obey the instructions."

In everyday American terms, what Orsy's saying amounts to the laity being denied their postconciliar role, and blind-sided by a Vatican that is passing laws mandated from the top to give ever greater power -- indeed absolute power -- to the absolute monarch.

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There's more to this hierarchical magisterial power grab than this week's lead story, however, for even the present pope once worried about popes acting like monarchs.

In the next issue of *NCR*, Nicholas Lash looks at what theologian Fr. Joseph Ratzinger, a council peritus, or expert, wrote about the council in his *Theological Highlights of Vatican II* (Paulist Press). At that time, writes Lash, the future Cardinal Ratzinger, prefect of the Congregation for the Doctrine of the Faith, and now Pope Benedict XVI, worried that "the papacy had not yet found a form for the formulation of its position" that is not, and does not appear to be, monarchical.

Monarchs, by definition, do not want faithful citizens, they want subjects.

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