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Milingo thanks Benedict for his 'caring concern about us'

by John L. Allen Jr.

All Things Catholic

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Renegade Zambian Archbishop Emmanuel Milingo ordained four married priests as bishops in a Sept. 24 ceremony in Washington, D.C., and 48 hours later the predictable notice of excommunication from the Vatican arrived:

"For this public act both Archbishop Milingo and the four ordinands have incurred excommunication *latae sententiae*, as laid down in Canon 1382 of the Code of Canon Law. Moreover, the Church does not recognize, nor does she intend to recognize in the future, these ordinations and all ordinations deriving from them; and she considers the canonical status of the four supposed-bishops as being that they held prior to this ordination," it said.

On Sept. 27, Milingo held a press conference at the Imani Temple in Washington, D.C., to respond. He thanked Benedict "for his gracious and caring concern about us."

"We do not accept this excommunication and lovingly return it to His Holiness, our beloved Pope Benedict XVI, to reconsider, withdraw it and join us in recalling married priests to service once again," Milingo said.

Milingo said he regards the "Married Priests Now!" movement as a "personal prelature" within the church, referring to a category in canon law for a quasi-diocese whose membership is defined by person rather than by geography. At present, the only recognized personal prelature is Opus Dei.

The four men Milingo ordained are: Rev. George Augustus Stallings, Jr., of Washington; Peter Paul Brennan, of New York; Patrick Trujillo, of Newark, N.J.; and Joseph Gouthro, of Las Vegas.

I spoke Wednesday morning with Stallings, a former priest of the Washington archdiocese (and one-time protégé of Cardinal James Hickey). He told me that Milingo's plan now is to travel the country "preaching, teaching and casting out demons," and meeting with married priests.

I asked if this effort will be supported by the Unification Movement of the Rev. Sun Myung Moon, given that Moon provided much logistical and financial assistance to Milingo both in 2001, when Milingo first broke with the church, and again this time. Stallings, however, said that Milingo's travel and advocacy will not receive financial help from the Unification Movement.

In July, I had an exclusive interview with Milingo which can be found here:
<http://www.nationalcatholicreporter.org/update/bn071406.htm>

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If nothing else, Milingo provides an interesting thought exercise for canon lawyers and ecclesiologists: What, if anything, makes his ordinations different from those of the late French Archbishop Marcel Lefebvre in 1988, when Lefebvre consecrated four bishops without the pope's authority for his breakaway Society of St. Pius X?

At least from the Vatican's point of view, there seems to be a difference.

Its Sept. 27 statement curtly said Milingo's "supposed bishops" would not be recognized. Yet in the Lefebvre case, the Holy See has implicitly recognized some ecclesial status for his bishops, even though it proclaimed them excommunicated at the time. When Cardinal Dario Castrillón Hoyos, President of the Ecclesia Dei Commission, wrote to them in 1999, he addressed them as "my dear brothers." Another example is Bishop Lic'nio Rangel of Brazil, ordained in defiance of the Vatican in 1991 by three of Lefebvre's four bishops. When a deal was brokered in 2002 to bring Brazilian traditionalists back into communion with Rome, an apostolic administration was created and Rangel was made its administrator, with his 1991 ordination as bishop affirmed.

Whether this reflects a difference in canonical analysis, or merely in pastoral approach, is not entirely clear.

Underlying the question is the ancient sacramental principle of *ex opere operato*, which means that the validity of a sacrament does not depend on the worthiness of either the recipient or the minister. It's a way of underlining the gratuitousness of God's action, making clear that human beings cannot "earn" or "merit" the sacrament's grace. Yet there are conditions: proper matter, proper form, and proper intent, and each must be present. To take a trivial example, a priest cannot consecrate Twinkies and beer because they're improper matter, no matter how punctiliously he follows the ritual or how noble his intentions.

At face value, it would seem that the Milingo ordinations pass the test just as much as Lefebvre's. Canon lawyers point out that the Sept. 27 Vatican statement on the Milingo case did not say, "These men are not bishops." It said the church will not recognize their ordinations, which is not the same thing.

One could theoretically argue that Milingo was under so much stress that he lacked the use of reason and therefore could not form the proper intent, although according to the Council of Trent the lone requirement on this score is that the minister "intends to do what the church does," meaning that he wasn't consciously faking it. As one canonist put it, "the likelihood of these being invalid ordinations is so minimal that it is not worth discussing."

Why, then, is the Vatican more inclined to take the Lefebvre bishops seriously?

Most importantly, Lefebvre's movement is seen under the heading of "schism," meaning a group of faithful which has broken communion with Rome, but which has nevertheless preserved important elements of what it means to be church. Lefebvre's bishops were ordained to serve such a community; the Society of St. Pius X claims between one million and two million faithful worldwide, along with 450 priests.

Milingo, on the other hand, is more of a "lone ranger."

Given this background, some canonists suggest the best parallel to the Milingo case is not Lefebvre, but the late Bishop Pierre Martin Ngo Dinh Thuc of Vietnam, brother of the Vietnamese President Ngo Dinh Diem.

Thuc, himself a Catholic traditionalist, was excommunicated twice for ordaining bishops without the pope's approval, first in 1976 and again in 1983. (Thuc reportedly made peace with the church before he died in 1984). One of the eleven men Thuc ordained, a Spaniard named Clemente Dominguez Gomez, went on to proclaim himself Pope Gregory XVII, leading a tiny group of followers on a farm outside Seville where the Virgin Mary was allegedly appearing. In those instances, the Vatican took a position similar to its line with Milingo.

Politically, some analysts might say that the basic difference between Lefebvre and Milingo is that the Vatican has more sympathy for traditionalist dissent, though that's hard to square with its reaction to Thuc.

The real difference seems to be the schism factor; the Vatican takes Lefebvre's bishops seriously because it wants them to bring their faithful home. While there are certainly lots of Catholics who might agree with Milingo on a married priesthood, there's little evidence that a substantial body of people is prepared to follow him into or out of the church.

We might thus tentatively formulate the Vatican attitude towards illicitly ordained bishops this way: No faithful, no service.

For his part, Milingo insists the ordinations are for real.

In a Sept. 27 news conference, he said: "I was consecrated by Pope Paul VI and, equipped with that sacramental power from him, consecrated four married men in valid apostolic succession. These men are validly ordained Roman Catholic bishops today, and remain so in spite of Rome's posture of denial of recognition."

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