



Did Jesus Violate Women's Rights? The Male Priesthood and the Justice of Christ

Author(s): Mats Wahlberg

Source: *Angelicum*, 2017, Vol. 94, No. 4 (2017), pp. 799-828

Published by: Pontificia Studiorum Universitas a Sancto Thomas Aquinate in Urbe

Stable URL: <https://www.jstor.org/stable/10.2307/26506550>

REFERENCES

Linked references are available on JSTOR for this article:

https://www.jstor.org/stable/10.2307/26506550?seq=1&cid=pdf-reference#references_tab_contents

You may need to log in to JSTOR to access the linked references.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

Pontificia Studiorum Universitas a Sancto Thomas Aquinate in Urbe is collaborating with JSTOR to digitize, preserve and extend access to *Angelicum*

Did Jesus Violate Women's Rights? The Male Priesthood and the Justice of Christ

MATS WAHLBERG

ASSOCIATE PROFESSOR OF SYSTEMATIC THEOLOGY

DEPT. OF HISTORICAL, PHILOSOPHICAL AND RELIGIOUS STUDIES

Umeå University

SE-901 87 Umeå - Sweden

mats.wahlberg@umu.se

Abstract

A commonly heard claim is that the Catholic Church's non-admission of women to the priesthood is unjust. But what about the behavior of Christ, who selected only men when he constituted the group of the Twelve? Did Christ thereby violate justice? Most proponents of female ordination deny that he did. Typically, they argue that it would have been practically impossible – that is, extremely imprudent – for Christ to appoint women as religious leaders in a first century Jewish context. I argue that this defense of Christ's behavior fails. If women objectively have a right to be considered for all religious leadership positions (as advocates of female ordination typically claim), then no prudential reasons can make it morally acceptable to deny them this right. It is equally problematic to defend Christ's non-selection of women by appealing to his presumed ignorance of women's rights, or by arguing that the moral norms were objectively different in his day. After having considered and rejected a number of suggested or conceivable ways to exonerate Christ without at the same time exonerating the Church, I conclude that there is no fundamental moral difference between Christ's non-admission of women to the Twelve and the Church's non-admission of women to the priesthood. Hence, if the Church violates gender justice, then so did Christ. Since the idea that Christ violated justice is very difficult to square with the Christian faith, I conclude that Christians cannot reasonably believe that the Church's non-admission of women to the priesthood is unjust.

Introduction

According to authoritative Catholic teaching, there is no injustice in the fact that the ministerial priesthood is reserved for men. “The non-admission of women to priestly ordination cannot mean that women are of lesser dig-

nity, nor can it be construed as discrimination against them.”¹ “To consider the ministerial priesthood as a human right would be to misjudge its nature completely.”²

Such claims notwithstanding, the charge of injustice is routinely levelled against the Church whenever the question of female ordination is discussed.³ Moreover, many defenders of the traditional practice, while denying that the non-admission of women to the priesthood is unjust, concede that this practice *would* be unjust, were it not for the fact that Christ himself has mandated it. Thus Joseph Ratzinger: “If the priesthood were a possibility to be conferred and freely regulated by the Church, then there would really be a corresponding right to this possibility and the prohibition of the priestly office for women would be a clear case of prejudice ‘on account of sex,’ something which Vatican II expressly opposed.”⁴ Ratzinger,

¹ JOHN PAUL II, Apostolic Letter *Ordinatio sacerdotalis*, in AAS 86 (1994) 545-548, no. 3: https://w2.vatican.va/content/john-paul-ii/en/apost_letters/1994/documents/hf_jp-ii_apl_19940522_ordinatio-sacerdotalis.html (accessed Aug 17, 2017).

² CONGREGATION FOR THE DOCTRINE OF THE FAITH, Declaration *Inter insigniores*, in AAS 69 (1977) 98-116, no. 6, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19761015_inter-insigniores_en.html (accessed Aug 17, 2017).

³ “Barring women from ordination to the priesthood is an injustice that cannot be allowed to stand,” NATIONAL CATHOLIC REPORTER, “Editorial: Ordination of Women Would Correct an Injustice,” Dec 3, 2012. Academic critiques of a similar kind are common, see for example Margaret A. FARLEY, “Discrimination or Equality? The Old Order or the New?,” in *Women Priests: A Catholic Commentary on the Vatican Declaration*, ed. Arlene Swidler and Leonard Swidler (New York: Paulist Press, 1977). Sara Butler describes the objection from injustice as one of three “fundamental objections” against the male priesthood (Sara BUTLER, *The Catholic Priesthood and Women: A Guide to the Teaching of the Church* (Chicago: Hillenbrand Books, 2006), pp. 39-44. A powerful analysis of the justice-issue (and defense of the traditional discipline) is provided by Benedict ASHLEY, *Justice in the Church: Gender and Participation* (Washington, D.C.: Catholic University of America Press, 1996).

⁴ Joseph RATZINGER, “The Male Priesthood: A Violation of Women’s Rights?,” *L’Osservatore Romano*, May 12 (1977): 6-7. A study commission of the Catholic Theological Society of America expresses a similar view: “Injustice is done when women are excluded, unless it can be established that this matter has been settled in advance by the divine will” (Sara BUTLER, “The Findings of the Research Team of the Catholic Theological Society of America,” in *Proceedings of the Second Conference on Women’s Ordination*:

of course, takes the antecedent to be false – the Church cannot “freely regulate” the priesthood but must administer it according to the will of Christ. Advocates of women priests, on the other hand, typically argue that the existence of a dominical intention or will behind the male priesthood has not been established.⁵ Hence, prominent defenders as well as critics seem to agree that the moral status of the Church’s traditional ordination practice (its justice or lack thereof) depends on whether Christ willed the non-admission of women to priestly ordination or not.

In this article, I will question this common assumption. I will argue that the justice of the current ordination practice can be verified independently of whether Christ intended a male priesthood or not – independently, indeed, of whether Christ willed and instituted a priesthood at all.

Here is the argument:

- 1 [Moral Isomorphism]: Whatever right or principle of justice the Church may be violating by choosing only men as Catholic priests, Christ must have violated as well, in virtue of having chosen only men as members of the Twelve.
- 2 [Justice of Christ]: However, Christ did not violate any right or principle of justice by choosing only men as members of the Twelve.
- 3 Hence, the Church does not violate any right or principle of justice by choosing only men as Catholic priests.

The first premise is called “Moral Isomorphism” because it claims that the Church’s behavior (its exclusion of women from the priesthood) is *morally similar* (isomorphic) to Christ’s corresponding behavior (his exclusion of women from the Twelve) – whatever moral status the Church’s behavior may have. If the Church’s behavior violates justice, so does Christ’s.

New Women, New Church, New Priestly Ministry, ed. Maureen Dwyer (Rochester, NY: Kirkwood Press, 1980).

⁵ See, for example, CATHOLIC THEOLOGICAL SOCIETY OF AMERICA TASK FORCE, “Tradition and the Ordination of Women,” *CTSA Proceedings* 52(1997). For the contrary view, see Guy MANSINI, “On Affirming a Dominical Intention of a Male Priesthood,” *The Thomist: A Speculative Quarterly Review* 61, no. 2 (1997): 301-316.

The argument is logically valid. If it is also sound (its premises being true), there might be reasons for the Catholic Church to rethink her ordination practice, but concern for justice is not one of them. The bulk of the paper will be devoted to defending Premise 1. Before embarking on that, I will clarify the argument's presuppositions, and then say some words about the less controversial Premise 2 ["Justice of Christ"].

Presuppositions

As noted, none of the argument's premises claims or presupposes that Christ instituted the priesthood, or that there is any historical connection between Christ's choice of the Twelve and the priesthood. Hence, if the argument is successful, it is effective against Protestant as well as Catholic critics of the Church's ordination policy. Furthermore, the argument does not depend on any historical or theological speculations about the purpose of the Twelve. It is clear from the New Testament that the group are to be leaders of the renewed people of God, as well as eschatological judges.⁶ "In the age when all things are renewed, when the Son of Man sits on his glorious throne, you who have followed me will also sit on twelve thrones, judging the twelve tribes of Israel" (Mt 19:28/Lk 22:28-30). The importance of the Twelve is emphasized in Revelation 21:14: "The wall of the city had twelve foundations, and on them were the names of the twelve apostles of the Lamb" (cf. Eph. 2:20).⁷ There are exegetes who deny the historicity of the Twelve,⁸ or who deny that the quoted verses provide historical knowledge of the intended function and status of the group. However, the argument of this paper is primarily addressed to those who take the biblical witness to be normative.⁹ I will therefore presume that the Twelve existed as a distinct group,

⁶ PONTIFICAL BIBLICAL COMMISSION, "Can Women Be Priests?," *Origins* 6 (1976): 92-96, Part IV (1).

⁷ See K. BEALE, *The Book of Revelation: A Commentary on the Greek Text* (Grand Rapids, Mich.: Wm. B. Eerdmans, 1999), p. 1070.

⁸ Robert W. FUNK, *The Acts of Jesus: The Search for the Authentic Deeds of Jesus* (San Francisco: HarperSanFrancisco, 1998), p. 71.

⁹ Moreover, the historical case for the Twelve is solid. See John P. MEIER, "The Circle of the Twelve: Did It Exist During Jesus' Public Ministry?," *Journal of Biblical Literature* 116, no. 4 (1997): 635-672.

that among their functions was a symbolic function in relation to Israel as a whole (the twelve tribes), a leadership function, and an eschatological function as judges and “foundations” of the redeemed community.

An assumption behind the argument is that Jesus “selected for” maleness when he appointed the Twelve. This assumption does not entail that Jesus *consciously* or *deliberately* used gender as a criterion for membership in the Twelve. Premise 1 leaves open the possibility that he could have excluded women *unreflectively*, without thinking much about it. However, if Jesus had chosen the Twelve without *any* (conscious or subconscious) regard to their sex, it is very unlikely that all twelve would have been men, considering that Jesus was surrounded by many women disciples.¹⁰ It is of course conceivable that Jesus’ choice was governed by some gender-neutral criterion, which in his social context happened to be correlated with maleness. For example, if Jesus had chosen the Twelve based on their level of Torah-knowledge, then he could have ended up with twelve male apostles without selecting specifically for maleness.¹¹ But Jesus probably did not make his choice based on the candidates’ level of Torah-knowledge (or based on some other intellectual merit), because if he had done so, it is very unlikely that a high percentage of the Twelve would have been fishermen. The best explanation of the fact that the Twelve consisted exclusively of males, is that maleness was a feature that Jesus – perhaps unreflectively – selected for. This means that he did not give equal consideration to female candidates. All advocates of women priests who claim that Christ chose men as a result of “cultural conditioning,” or because it would have been “impossible” for him to appoint female leaders in a first century Jewish context, by these very affirmations agree that Jesus’ choice was (at least unconsciously) gender-biased.

¹⁰ ANN MARY CLEMENT, “Women Disciples,” *Focus* 17(1997): 255-260.

¹¹ HAYE VAN DER MEER argues that “no woman knew the law. How would she be able to interpret it?” (*Women Priests in the Catholic Church?* (Philadelphia: Temple University Press, 1973), pp. 10-15). This claim seems to be doubtful, however. As HANNAH SAFRAI points out, “women were present during sermons and Torah study in the synagogue, even though they were not considered to be under the same obligations as men to study” (“Women and the Ancient Synagogue,” in *Daughters of the King: Women and the Synagogue*, ed. Susan Grossman and Rivka Haut (Philadelphia/Jerusalem: The Jewish Publication Society, 1992), p. 45).

Defending the Justice of Christ (Premise 2)

What are the Christological implications of this bias? Does the fact that Christ selected the Twelve based on gender mean that he acted unjustly? For Christians to admit this would be very problematic. To act unjustly is to act sinfully, and it is a dogma of the faith that Christ was sinless. However, moral theologians standardly distinguish between the moral status of an *act*, and the moral status of the *acting person*. A certain act can be objectively immoral, and hence sinful, but if the person who performs it does not do so freely, or if he or she does not know that the act in question is sinful, then no moral guilt will attach to her. The act is immoral, but the person is not culpable. It is hence conceivable that Jesus committed an act that is objectively immoral – for example, that he violated a certain right to equal consideration that women have – but that he lacked knowledge of the fact that women have this right. If so, he was not subjectively culpable for violating it. This hypothesis entails that Christ sinned materially, but not formally.

Even to impute material sin to Christ is problematic from the perspective of the classical tradition. The idea that Christ could commit a wrongful act due to ignorance would have been regarded as impossible by the Church Fathers and all pre-modern theologians, and it can certainly be argued that the dogma of Christ's sinlessness excludes both formal and material sin. However, even those who are critical of this traditional view – and who are prepared to accept that Christ could make mistakes due to ignorance – have good reason to avoid ascribing a certain *kind* of ignorance to Christ. In order to see why, we must first make a distinction between *ignorance of empirical facts*, and *ignorance of moral principles/truths*.

All persons who are not omniscient are liable to sin materially because they are ignorant of certain empirical facts. For example, if I take a wallet, falsely believing that it is mine, I have committed theft. Still, no moral guilt attaches to me, since the wrongful act was due to an innocent factual mistake. If Christ as a human being did not have access to God's omniscient knowledge – as many modern theologians assume – such things could have happened also to him.

However, if Christ innocently violated some right that women have when he selected the Twelve, his mistake cannot have been caused by fac-

tual ignorance. He did not choose twelve men because he mistook some men for women, or something like that. Rather, his mistake must – in that case – have been the result of *moral* ignorance: ignorance of some moral principle or truth.¹²

Is it problematic to ascribe this kind of ignorance to Christ? Here we must again make a distinction. It is one thing to claim that Christ was ignorant of moral principles or truths that concern circumstances or procedures that did not exist during Christ's time – for example, the truth that in vitro fertilization is immoral. If Christ was ignorant of such moral truths, the only thing that follows is that Christ's teaching and moral example cannot be expected to provide direct answers to *all* ethical questions, which is very unsurprising. It is quite another thing to claim that Christ was ignorant of moral principles or facts that pertain to circumstances and situations that Christ himself faced during his time on earth. If Christ was possibly ignorant of such principles, it follows that Christ's moral teaching, and the moral example he provided by his actions, could possibly mislead us. Possibly, Christ taught moral errors, and it is possible that his behavior embodied false moral principles. To ascribe this kind of moral ignorance to Christ is not easily reconcilable with the Christian faith.

The tension is most obvious in relation to traditional views of Christ's moral significance. According to thinkers like Aquinas and Bonaventure, "Jesus is *the* model for authentic human behavior, showing what is possible for those who are in correct relationship to God and how they might act as they move toward God as their end."¹³ Many modern theologians share a similar understanding, and embrace a radically Christocentric conception of ethics. For Stanley Hauerwas, "Christian ethics [...] demands we attend to the life of a particular individual – Jesus of

¹² Perhaps it could be argued that Christ believed the erroneous factual proposition that women are much less intelligent than men, and that this was the reason why he chose only men. However, if Jesus displayed this kind of ignorance of human nature, it is doubtful that his judgment in any ethical matters could be trusted.

¹³ Joseph WAVRYKOW, "Aquinas and Bonaventure on Christ and Human Flourishing," in *Christ and Human Flourishing* (Yale Center for Faith & Culture 2014), 3.

Nazareth.”¹⁴ According to John Howard Yoder, “what [Jesus] did is the primordial definition of the human obedience which God desires. There are issues concerning which his example gives us no guidance and for which other kinds of wisdom will be indispensable, but at those points where his example is relevant it is also revelatory and is not to be set aside in favor of other criteria.”¹⁵ Taking seriously the Second Vatican Council’s call for a renewal of moral theology,¹⁶ Pope Saint John Paul II claims that “*following Christ is [...] the essential and primordial foundation of Christian morality.*” “Jesus’ way of acting and his words, his deeds and his precepts constitute the moral rule of Christian life.”¹⁷

In contrast to such perspectives, many modern thinkers – influenced by Enlightenment ideas – have taught that all moral truths are fully knowable by reason alone, independently of divine revelation and the teachings and actions of Christ. Christ is no more than a “perfect example”, whose life illustrates norms that reason can know without his help. However, not even this kind of view is compatible with the assumption that Christ actually violated some objective moral norm. If Christ’s behavior embodied a false understanding of morality in some respect (ignorance of an objective right or norm), he is not a *perfect* moral example. Instead he is – in some respect – a *bad* example.

If Christ violated some right or true moral principle when he failed to give equal consideration to women for membership in the Twelve, then

¹⁴ Stanley HAUERWAS, *The Peaceable Kingdom: A Primer in Christian Ethics* (Notre Dame, IN.: University of Notre Dame Press, 1983), pp. 75-76.

¹⁵ John Howard YODER, *The Priestly Kingdom: Social Ethics as Gospel* (Notre Dame, IN.: University of Notre Dame Press, 1984), p. 116.

¹⁶ SECOND VATICAN COUNCIL, Decree on Priestly Training *Optatam Totius*, in AAS 58 (1966) 713-727, no. 16. Translation from *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner (Washington D.C.: Sheep & Ward and Georgetown University Press, 1990). See also Servais PINCKAERS, “Scripture and the Renewal of Moral Theology,” in *The Pinckaers Reader: Renewing Thomistic Moral Theology*, ed. John Berkman and Craig Steven Titus (Washington D.C.: The Catholic University of America Press, 2005).

¹⁷ JOHN PAUL II, Encyclical Letter *Veritatis splendor*, in AAS 85 (1993) 1134-1228, no. 19, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html (accessed Aug 17 2017).

it is possible that his behavior and teaching embody further moral errors. For all we know, his ideas about marriage, or about the desirability of loving one's enemies, could be erroneous and the result of moral unawareness or naïveté. If we take this to be a possibility, we should not accept any of Christ's teachings unless we can confirm their truth by independent reasoning. In practice, this means that "Christ is [...] firmly placed under human authority, denied any role of challenging and overturning accepted human ideas and values."¹⁸ Such an attitude to Christ is difficult to reconcile with the doctrine of the Incarnation, which tells us that God sent his Son to the world in order to restore God's image in us – a process which the Christian Church has always understood to include moral enlightenment and transformation. As Alister McGrath writes, "latent within the very idea of incarnation [...] is the suggestion that the history of Jesus Christ may shape and transform our understanding of the moral order in a qualitatively distinct manner that demands and deserves attention."¹⁹

In short, to accept the moral fallibility of Christ – that is, to reject Premise 2 – comes with a very high price, and it can be asked whether a Jesus who acts immorally (even if inculpably) is a suitable object of worship. Towards the end of the paper, I will further underscore this point by means of a thought-experiment.

Defending Moral Isomorphism (Premise 1)

Critics of the present argument will probably focus their attention on the first premise, *Moral Isomorphism*. Premise 1 claims that Jesus' behavior – his choosing only men as members of the Twelve – is, in moral respects, essentially similar to the contemporary Catholic Church's behavior when she chooses only men as Catholic priests. Note that Premise 1 does not say that the behaviors are morally *identical* or *wholly equivalent*. The premise is compatible with the possibility that Christ's behavior could be a *bit* better (objectively speaking) than the Church's corresponding behavior, due to

¹⁸ Alister E. McGRATH, "In What Way Can Jesus Be a Moral Example for Christians?," *Journal of the Evangelical Theological Society* 34, no. 3 (1991), 290.

¹⁹ Alister E. McGRATH, "In What Way Can Jesus Be a Moral Example," 295.

extenuating factors pertaining to Christ's social and cultural context. However, even though there might be such extenuating factors, Christ's behavior will still necessarily count as a violation of justice (although perhaps a less serious one) *if* the Church's behavior counts as a violation of justice. This is what Premise 1 claims.

This premise is fully compatible with the possibility that Christ violated a right or moral principle unknowingly and hence innocently, while the contemporary Church knows – or at least should know – the relevant right or principle. The premise, in other words, claims only that Christ's and the Church's behaviors are *objectively* morally isomorphic.

The claim about moral isomorphism is *prima facie* plausible. The Twelve is a distinct group of people who have a public religious mission, as is the group of Roman Catholic priests. Members of the Twelve are, according to the New Testament, called to be leaders and judges, and hence to enjoy a position of authority in the community. This is true also of priests in the Catholic Church. Those who believe that women cannot be excluded from any position of authority because of their gender should see the exclusion of women from either group as *prima facie* equally problematic. It is not easy to think of a reason why some right or principle of justice would apply *only* to membership in one group (Catholic priests), and not to membership in the other group (the Twelve). Presumably, there are no *special* rights or moral principles that regulate only the selection of Catholic priests, or only the selection of the Twelve. If there is some special right or principle of this kind, it must have been divinely revealed, and as far as I know, no advocates of women priests appeal to such a right. They appeal to universal rights or principles of justice that can be known by natural reason. *Moral Isomorphism*, therefore, should be regarded as the default-position. Those who reject it have the burden of proof. They must explain why Christ's exclusion of women and the Church's corresponding exclusion are morally different.

There are four conceivable maneuvers that those who want to deny *Moral Isomorphism* (Premise 1) can make. They can argue that what Christ did (when selecting the Twelve) and what the Church does (when selecting priests) are *not* morally similar behaviors

- 1 because the group of the Twelve and the set of all Catholic priests are too different to be compared,
and/or
- 2 because Christ is God, and has the right to do things that the Church does not have a right to do,
and/or
- 3 because certain moral norms that are binding today did not apply during Christ's time on earth, so that some actions that are unjust today were not unjust back then,
and/or
- 4 because Christ's social and cultural context gave him a morally legitimate reason for choosing only men – a reason that the Church cannot appeal to when it selects priests, because the social and cultural context has changed.

These four objections against Premise 1 exhaust the logical possibilities. Either there is a morally relevant difference between Christ's and the Church's behaviors because *the Twelve and the set of all Catholic priests are different* in some crucial respect, or because *the norms of justice were objectively different during Christ's time*, or because *Christ is different from the Church* in some relevant respect, or because *Christ's context was different from the present context* in some relevant way, providing Christ with a morally legitimate reason for excluding women. I will discuss these alternatives in turn.

Objection 1: The Groups Are Different

While there are all sorts of differences between the Twelve and the group of all Catholic priests, most of them are wholly irrelevant. For example, the fact that the Twelve is a much smaller entity than the set of all priests has no moral significance. The group of Supreme Justices in the US Supreme Court consists of no more than nine persons, but nobody would appeal to its limited size in order to argue that excluding women from it would be just, or morally

neutral. Unjust discrimination can take place in groups of any size. The fact that the Twelve, unlike priests, are not employed and their office not regulated by canon law or any other law, is also irrelevant. Rights can be violated in private, informal and “charismatic” contexts as well as in legally recognized organizations and other formal contexts. The fact that candidates for the priesthood may actively apply to become priests, whereas there was no corresponding possibility to apply for membership in the Twelve, has no moral significance. Nobody can apply for the Nobel Prize, but the Nobel Committee would act unjustly if it failed to consider women candidates. The fact that no new members can be added to the Twelve, while new priests are ordained every year, cannot be appealed to by those who want to exonerate Christ and convict the Church. In fact, this circumstance gives members of the Twelve an importance that far exceeds that of any Catholic priest. If it is morally problematic to exclude women from the group of priests, then it seems to be at least equally immoral (*ceteris paribus*) – or perhaps even more immoral – to exclude them from being members of the Twelve.²⁰ Objection 1, therefore, has no viability, and can quickly be dismissed.

Objection 2: The Agents Are Different

Another possibility is to appeal to the different properties of the two agents. What is morally right for one kind of agent (Christ) to do, might be morally wrong for another kind of agent (the Church).

However, most of the differences between Christ and the Church are clearly irrelevant, for example the fact that Christ is a person and the Church is an institution. Both persons and institutions can practice unjust discrimination. The fact that the Church is a *global* institution whose policy can potentially affect *all* women, while Christ’s behavior only affected

²⁰ It could be argued that (unjustly) excluding women from a *larger* group (such as the group of Catholic priests) is worse, *ceteris paribus*, than to exclude them from a smaller group (such as the Twelve), since more women will have their rights violated. This might be true, but it does not entail that a person who merely has the power to exclude women from a small group acts more justly than a person (or institution) who has the power to exclude women from a larger group.

women in his vicinity (directly), is likewise of no relevance. An agent with local influence can act as unjustly – or more unjustly – than an agent with global influence. The only difference between Christ and the Church that could potentially be of moral interest, is that Christ – but not the Church – has the property of being God.

It could be argued that Christ, as God, can act in ways that would be morally unacceptable for humans. God is “free to be arbitrary,” and does not need to justify his decision to choose only men as members of the Twelve.²¹ The Church, on the other hand, is a human institution that does not have divine prerogatives. It is therefore appropriate to ask for a justification of the Church’s behavior, but not for Christ’s.

Joseph Ratzinger seems to presume something like this view in the passage quoted above: “If the priesthood were a possibility to be conferred and freely regulated by the Church, then there would be a corresponding right to this possibility and the prohibition of the priestly office for women would be a clear case of prejudice ‘on account of sex’, something which Vatican II expressly opposed.”²² So the reason why it is *not* unjust (sexist) for the Church to exclude women from the priesthood, is – according to Ratzinger – that the sacrament of the priesthood is instituted by God. This means that it “does not belong to the sector of her institution that the Church can change at will. Rather, it sets a limit on her free disposal of herself, a limit in which her fundamental task must be faithfulness to her mandate.”

The fundamental question, according to this perspective, is whether the Church has correctly understood the divine intention behind the priesthood. If she has, then she cannot be morally blamed for excluding women, since she is only carrying out God’s will. However, if it would turn out that the Church has excluded women on her *own* initiative, then – no matter

²¹ John Hilary MARTIN, “The Injustice of Not Ordaining Women: A Problem for Medieval Theologians,” *Theological Studies* 48, no. 2 (1987): 303-316.

²² Joseph RATZINGER, “The Male Priesthood: A Violation of Women’s Rights?”, 6. Duns Scotus, Durandus of St-Pourcain, and other theologians of the late middle ages also held similar views. See John Hilary MARTIN, “The Injustice of Not Ordaining Women.”

what her reason might be – she has violated women’s right to equal consideration. So *God* has the right to exclude women from the priesthood. The Church only has this right, if it is acting on a divine mandate.

This view is problematic. It admits that the Church’s behavior *would* be sexist unless it were commanded by God – an admission that reflects very badly on God. God, according to this perspective, acts in a way that would be sexist if the agent were a mere human being, or a human institution. But why would God want to act in such a way? Or – to turn the question around – what is so wrong with sexism if it reflects how God acts? Unless strong evidence to the contrary surfaces, we should assume that God does not act in a way that for humans would be sexist. *Pace* Ratzinger, only a theological voluntarist could be satisfied with a brute appeal to divine right in this context.²³

There is also another reason why critics of *Moral Isomorphism* should be very reluctant to say that Christ – as God – could morally do what would be immoral for the Church to do. Christ, as the second Adam, is supposed to be our moral role-model – modelling what perfect human behavior looks like. However, if Christ as God can morally do things that would be immoral for us mere humans to do, then it would be very ill advised to take Christ as our moral role model. Doing so would sometimes prompt us to do immoral things.

Luckily, there is no risk that imitating Christ will lead us astray. The Bible is clear that Christ was “born under the law” (Gal 4:4), which means that he was “under obligation to God’s Torah, so fulfilling the requirements of the law in his life” – including, of course, the requirements of the moral law.²⁴ If women have a right to be considered for any office of authority, then Christ – as a morally perfect human being – would have to respect that right. Consequently, the fact that Christ is God cannot be appealed to in sup-

²³ Indeed, the late medieval theologians who held this view seem to have been influenced by voluntarism. See Simon Francis GAINÉ, “Ordination to the Priesthood: ‘That the One Who Acts in the Person of Christ the Head Must Needs Be Male but Need Not Be a Jew’,” *New Blackfriars* 83, no. 975 (2002), 218.

²⁴ Richard N. LONGENECKER, *Galatians, Word Biblical Commentary*, vol. 41 (Dallas, TX.: Word Books, 1990), p. 171.

port of the conclusion that Christ, but not the Church, has the right to exclude women from a position of authority – if women indeed have a right to be considered for this kind of position.

Objection 3: The Norms of Justice Are Different

A third possibility for critics of *Moral Isomorphism* is to argue that the objective moral norms have changed since Christ's time. As far as I know, no Catholic theologian defends thoroughgoing metaethical moral relativism – the view that the truth or falsity of all moral judgments are relative to social or historical contexts.²⁵ However, there are theologians who defend the view that the truth or falsity of *some* moral judgments are relative to social or historical contexts.

In his paper *Women and the Priesthood*, Karl Rahner argues that Jesus' and Paul's exclusion of women from leadership positions "is sufficiently explained by the cultural and sociological milieu in which they acted," and that their behavior, therefore, "did not need to have a normative significance for all times."²⁶ Since the argument of the present article does not presuppose (or try to establish) that Jesus' behavior had any "normative significance for all times," I need not address this claim by Rahner. However, when he argues that Jesus' choice of twelve men was (or may have been) "culturally conditioned," the Jesuit theologian seems to presume a soft form of moral relativism.

A practical rule of action [such as the rule of excluding women from leadership positions] can be culturally and sociologically conditioned and open to change and actually changed as a result of a changed cultural and sociological situation and yet at an earlier stage may not only have existed and been sociologically recognized, but may even have been *morally binding*.²⁷

²⁵ Chris GOWANS, "Moral Relativism," *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/win2016/entries/moral-relativism/> (accessed Aug 17, 2017), section 2.

²⁶ Karl RAHNER, "Women and the Priesthood," in *Theological Investigations*, vol. 20 (London: Darton, Longman & Todd, 1981), pp. 44–45.

²⁷ Karl RAHNER, "Women and the Priesthood," 42 (my emphasis).

Rahner claims that a “practical rule of action” of this kind can coexist with and be “objectively opposed” to more fundamental moral principles (such as the equal dignity of men and women). In such a situation, people will be unable to perceive the contradiction between the fundamental moral norm and the practical rule of action, or at least they will have difficulties doing so. This means that it will take time for the situation and the rule to change. However, in the meantime, the practical rule may be “morally permitted or even binding, since it [is] impossible or only possible by immoral violence to change the sociological situation from which it had emerged.”²⁸

It is one thing to say that people in certain historical contexts may have been unable to perceive the immorality of certain practices. It is a quite different thing to say that what we now correctly see as an immoral practice may actually have been *moral* (“morally permitted,” “morally binding”) at an earlier time. Rahner endorses the latter claim (in addition to the former). He takes the institution of slavery during the first Christian centuries as an example. This practice is now morally unacceptable, but it may have been morally acceptable and even “required” during the time of Christ.²⁹ Rahner motivates this judgment by reference to the fact (supposing it is a fact) that the societal situation that underpinned slavery in ancient societies could not have been changed without “immoral violence”.

If this claim is granted, it can certainly be argued that people who lived in Jesus’ time did not have a moral obligation to work for abolition. This would explain why Jesus did not explicitly condemn slavery.³⁰ However, refusing to *participate* in the practice of slavery would not have implicated a person who lived at the time of Jesus in immoral violence. All one

²⁸ Ibid.

²⁹ “This particular rule of action [the practice of slavery] could be permitted, *rebus sic stantibus*, and even be required” (Ibid.).

³⁰ However, Jesus presented himself as a slave by (e.g.) washing the feet of the disciples (Jn 13:3-16), as well as in some *logia*: “the Son of Man did not come to be served but to serve” (Mk 10:45). The New Testament in general presents slavery as a model for Christian life, thereby giving an “implicit dignity” to the slave (John T. NOONAN, *A Church That Can and Cannot Change : The Development of Catholic Moral Teaching* (Notre Dame, Ind.: University of Notre Dame Press, 2005), p. 30).

had to do was to abstain from buying, selling and owning slaves. This was how Jesus acted. Even though he (and others who did not own slaves) can be said to have been involved in the practice of slavery *indirectly* – for example, by buying goods manufactured by slaves, or by benefitting from the economic prosperity made possible by slave labor – it is clear that this indirect relation to the practice is of a very different moral order than direct involvement (owning slaves).

Given the existence of the option of non-participation, it cannot be said that it was *objectively* morally acceptable to buy, sell and own slaves during the first century.³¹ Even though society at large was economically dependent on slave labor, it would certainly have been a good thing if many persons had extracted themselves – as far as was possible – from involvement in the slave trade, thereby precipitating abolition. Rather than saying that slavery was morally acceptable, we should therefore say that while those who bought, sold and owned slaves during this time may not have been morally culpable, or not fully so, what they did was still objectively wrong.

However, even if we would grant that the slave-system was in some sense “necessary” in earlier historical epochs,³² and that even active participation in the practice therefore may have been morally acceptable at the time, this concession would have little relevance for our present topic. The question that is of relevance here is whether the practice of *reserving religious leadership-positions to men* was necessary (in the same sense) in Jesus’ historical context. Only if this can be shown to be the case would we have reason to believe that Jesus’ active participation in that practice – his exclusion of women from the Twelve – may have been morally acceptable, even though the same behavior (as the critics allege) would be morally wrong today.

³¹ The question of whether slavery is “intrinsically evil” is not relevant in the present context. Even if slavery is not intrinsically evil – so that the practice could, in some forms, and under some circumstances, be morally legitimate – it is of course possible, and very likely, that the practice was sinful in most of the forms it took in Palestine during Jesus’ time.

³² As Jacques MARITAIN seems to hold (*The Rights of Man and the Natural Law* (London: The Centenary Press, 1945), pp. 56-59).

Clearly, it was not necessary for the survival or flourishing of ancient societies to reserve religious leadership positions to men. This is demonstrated by the fact that female religious leaders, unlike slaveless societies, existed. The woman priest of the patron goddess of Athens “was important and influential in the political life of the city in the classical and Hellenistic periods,” and “women were able to exercise a leadership role in the mystery religions.”³³ In ancient Egypt, “rule by a woman was an acceptable political option,”³⁴ and priestesses ruled Thebes between 850 to 525 BC.³⁵ Hebrew society did not collapse when Deborah became a Judge, or when queen Athalia ruled the southern kingdom. Admittedly, overturning the patriarchal system that prevailed in Jewish society during Jesus’ time might have required “immoral violence”. Jesus, however, did not have to *overturn* that system in order to refuse to participate in one of its practices (that of reserving leadership positions to men). If Jesus had chosen some women as members of the Twelve, very few people in positions of authority would have cared. His action in this regard would probably have caused much less social unrest than his cleansing of the Temple did.

On all accounts, the exclusion of women from leadership-positions was a far less “necessary” practice – for society at large – than slavery was during the first century. Hence, we have no reason to believe that people were morally permitted to exclude women from leadership positions back then, *if* the same behavior (as the critics allege) is always morally wrong today. Any objectively valid moral norm that binds us in this respect, was also binding for Jesus.

Objection 4: The Contexts Are Different

Even if we reject moral relativism – as we should – it can still be argued that Christ’s cultural and social milieu made it morally legitimate for him

³³ Elisabeth M. TETLOW, “The Status of Women in Greek, Roman and Jewish Society,” in *Women and Ministry in the New Testament* (New York: Paulist Press, 1980), 5-29 (quotes from <http://www.womenpriests.org/classic/tetlow1.asp> (accessed 17 Aug 2017)).

³⁴ Lana TROY, “She for Whom All That Is Said Is done: The Ancient Egyptian Queen,” in *Ancient Queens: Archaeological Explorations*, ed. Sarah Milledge Nelson (Walnut Creek: Altamira Press, 2003), p. 94.

³⁵ Lana TROY, “She for Whom All That Is Said Is done,” p. 103.

to act in a way that would be immoral for the present Church. Changing the context of an action can change its moral status (its rightness or wrongness), even though the moral norms remain the same. For example, in circumstances where no advanced medical knowledge and equipment are available, it can be morally right to amputate a wounded person's leg, even though the same action would be morally wrong in a context where the leg could possibly be saved.

When theologians say that it was "impossible"³⁶ for Christ, given his social and cultural context, to include women in the Twelve, or that Christ was "bound by both the religious and the social limitations"³⁷ of his historical situation, they can mean one of two different things, either

- 1 that Jesus' cultural and social environment made him *think* in a certain way, so that he was mentally incapable of including women in the Twelve,³⁸

or

- 2 that his cultural and social environment did not prevent him from considering the inclusion of women in the Twelve, but that he correctly saw that including them would be very imprudent, given the prevailing customs/prejudice of the day.³⁹

³⁶ "In the Jewish world of Jesus' day it was simply impossible for a woman to play a leading role in the area of religious office" (Haye VAN DER MEER, *Women Priests in the Catholic Church?*, chap. 8).

³⁷ Madeleine I. BOUCHER, "Women and the Apostolic Community," in *Women Priests: A Catholic Commentary on the Vatican Declaration*, ed. Arlene Swidler and Leonard Swidler (New York: Paulist Press, 1977), p. 152.

³⁸ "Cultural conditioning [...] is primarily a matter of the limitation of decision at a level which is at least partially prior to reflection and decision, affecting decision less by causing one to choose between options than by limiting the options," Marey Rose D'ANGELO, "Women and the Earliest Church: Reflecting on the Problematic of Christ and Culture," in *Women Priests: A Catholic Commentary on the Vatican Declaration*, ed. Arlene Swidler and Leonard Swidler (New York: Paulist Press, 1977), p. 191.

³⁹ "At the time of Jesus [...] there would have been considerable resistance (if nothing more) to the appointment of women as leaders in the congregations," Karl RAHNER, "Women and the Priesthood", 42.

These two meanings are often not clearly distinguished.⁴⁰ The first possibility has already been addressed: If cultural conditioning prevented Christ from even entertaining the idea that women could be part of the Twelve, then he would have been subjectively innocent of any injustice that flowed from this mental limitation. However, the objective wrongness of his action would remain (if the act indeed is unjust), and this would be a problem from the perspective of orthodox Christian faith.

On the other hand, Christ's social and cultural environment could have presented external obstacles that would have made it very costly for Jesus to include women in the Twelve (point 2 above). External constraints of this kind (widespread prejudice, customs, explicit prohibitions) could not have made it *impossible* for Christ to include women, since he could always have chosen to accept the social consequences, whatever they were. It is conceivable, however, that the consequences of including women in the Twelve could have been so severe, that it would have been *objectively morally right* for Christ to exclude women in order to avoid the consequences. This is the possibility I will investigate in the present section. If the "external" obstacles (customs, prejudice, etc.) can morally justify Christ's exclusion of women (assuming that this exclusion would otherwise be morally problematic), then Christ will be exonerated not only subjectively, but also objectively. His exclusion of women was *right*, although the same act – the exclusion of women from the Twelve – would have been wrong under other circumstances, for example in today's Western cultural context.

Would it have been morally justified, objectively speaking, for Christ to exclude women from the Twelve with reference to prudential considerations (avoiding costly consequences)? Not if women have an inherent right to equal consideration with respect to leadership-positions of the kind that membership in the Twelve (or the Catholic priesthood) represent. "Rights," as Nicholas Wolterstorff points out, "are boundary-markers for our pursuit of life-goods. I am never to enhance the good in someone's life, my own or another's, or that of many others, at the cost of wronging some-

⁴⁰ Rahner's essay is a case in point (Karl RAHNER, "Women and the Priesthood").

one or other, depriving her of that to which she has a *right*.”⁴¹ Those who believe that women have a right to equal consideration with respect to any leadership position therefore cannot admit that Christ was morally justified to violate that right for prudential reasons. It is *never* justifiable to violate somebody's right for *any* reason.⁴² Rights, as Wolterstorff says, are moral “trumps”.

However, perhaps some critics of the Catholic ordination-policy have a different conception of justice.⁴³ They might believe that there are no such things as inherent rights, but that there are moral laws or principles, such as a principle that prescribes “equality of opportunity” for women.⁴⁴ They might further believe that this moral principle is not absolute, but can be set aside in some contexts, given sufficiently strong prudential reasons.

We must ask, then, what those sufficiently strong reasons could possibly be in the case of Christ and his exclusion of women from the Twelve. It could perhaps be argued that risk for one's own life, or the life of other people, would be a legitimate reason for making exceptions to an important moral principle concerning gender equality. However, setting aside the fact that Christ does not seem to have been overly concerned to avoid these kinds of risks, we have no reason to believe that Christ's life, or the lives of his disciples, would have been threatened in any way by the inclusion of women among the Twelve. The worst thing that could have happened as a result of such inclusion, is that Jesus' movement would have failed disastrously.⁴⁵ And it is hard to argue that fear of failure (even failure accompa-

⁴¹ Nicholas WOLTERSTORFF, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008), p. 5 (my emphasis).

⁴² There is, of course, the possibility of conflicting rights, but this is not relevant in the present context.

⁴³ Wolterstorff distinguishes between two different conceptions of justice: *Justice as inherent rights*, and *justice as right order* (natural law). In order to accommodate both conceptions, I speak of justice both in terms of “rights” and in terms of “principles” (moral laws). See Nicholas WOLTERSTORFF, *Justice*, pp. 10-11, and chap. 1.

⁴⁴ Benedict ASHLEY, *Justice in the Church*, pP. 17-18.

⁴⁵ “Thus, if [Jesus] called women to be apostles in this misogynist environment, *he would have crossed what we called the threshold of intolerability*” ... “he could not welcome

nied by ridicule, ostracization, etc.) can justify exceptions to important moral principles. Or do we want to say that churches in the contemporary world can justifiably discriminate against women, or against certain races, provided that they work in prejudicial contexts and will otherwise fail in their mission?

This, of course, is not merely a theoretical question. In 1857, the Synod of the Dutch Reformed Church (DRC) in South Africa decided to sanction the already widespread practice of separate ministration for whites and non-whites. The non-whites “should enjoy their Christian privileges in a separate building or institution.”⁴⁶ This decision was “the first of many concessions to white colour prejudice.” The church justified it by appeal to “the weakness of some”. “Failure to respect white sentiment might alienate many Church members.”⁴⁷ Much later, during the apartheid era, religious segregation was made national law in South Africa through the Native Laws Amendment Act of 1957, which mandated segregated worship in churches.⁴⁸

In this situation, the churches of South Africa could appeal to strong prudential reasons in favor of practicing racial segregation. Not only was it the law of the land. The fact that the largest church – the DRC – had of-

women either: *his work with the Jews would have stopped before it started*” (Jean-Marie AUBERT, “Women Priests?,” in *La Femme: Antiféminisme Et Christianisme* (Paris: Cerf-Desclée, 1975), translated for www.womenpriests.org from the French by Joanna Waller). Aubert’s conclusions are, of course, mere conjectures. Nobody would have believed, prior to the fact, that a crucified man could possibly come to be regarded as the Messiah by Jews in a first century Palestinian context, yet this is exactly what happened (see N. T. WRIGHT, *The Resurrection of the Son of God* (London: SPCK, 2003), p. 700). If Jesus did not cross “the threshold of intolerability” by letting himself be crucified as a criminal, it is hardly obvious that he would have done so by appointing some women leaders.

⁴⁶ Mary-Ann PLAATJIES-VAN HUFFEL, “Reading the Belhar Confession as a Historical Text,” in *Reformed Churches in South Africa and the Struggle for Justice: Remembering 1960-1990*, ed. Mary-Ann Plaatjies-van Huffel and Robert Vosloo (Stellenbosch: Sun Press, 2013), p. 334.

⁴⁷ Susan Rennie RITNER, “The Dutch Reformed Church and Apartheid,” *Journal of Contemporary History* 2, no. 4 (1967), 19.

⁴⁸ J. F. MACLEAR, *Church and State in the Modern Age: A Documentary History* (New York: Oxford University Press, 1995), p. 444.

ficially recognized the need for segregation already hundred years earlier as a response to popular pressure indicates that failing to practice segregation was likely to upset and alienate white people on a grand scale.

Was it, despite of this, morally wrong for the DRC – or any church in that context – to practice racial segregation? Arguably, that depends on the legal consequences of refusing. If disobedient church leaders would have faced execution, torture or long prison sentences, then it could have been discussed whether complying with segregation was sometimes morally acceptable. However, the juridical consequences were much less severe, and in practice the law was seldom enforced.⁴⁹ In light of this, it is clear that civil disobedience was a moral duty. Today the DRC declares apartheid to be a sin,⁵⁰ and few people would argue that those churches that obeyed the state's unjust segregation laws were morally justified to do so. Perhaps many who complied with segregation were subjectively innocent, due to cultural conditioning into the apartheid mentality, or due to fear. However, the objectively moral thing to do for religious leaders in that context was to refuse to segregate, come what may (as indeed many did).⁵¹

The prudential reasons that Jesus could have appealed to for excluding women from the Twelve were no more compelling, or even less so, than the prudential reasons for practicing segregation that existed for churches in the South African context. In South Africa, it was *illegal* to include blacks in white services. In Palestine at the time of Jesus, it was not illegal to have women priests (Palestine was a part of the Roman Empire). Jewish law did not forbid the inclusion of women in the Twelve, since the Twelve was not an institution regulated by Jewish law. At worst, Jesus and his movement

⁴⁹ John W. DE GRUCHY, "Grappling with a Colonial Heritage: The English-speaking Churches under Imperialism and Apartheid," in *Christianity in South Africa: A Political, Social, and Cultural History*, eds. Richard Elphick and Rodney Davenport (Berkeley/Los Angeles: University of California Press, 1997): 155-172, 162.

⁵⁰ Isabel Apawo PHIRI, "Reformed Theology in Africa," in *The Cambridge Companion to Reformed Theology*, ed. Paul T. Nimmo and David A.S. Fergusson (Cambridge: Cambridge University Press, 2016), p. 292.

⁵¹ See, for example, Philippe DENIS, O.P., *The Dominican Friars in Southern Africa: A Social History (1577-1990)* (Leiden-Boston-Köln: Brill, 1998), chap. 6.

would have suffered social consequences such as suspicion, ridicule, insults and ostracization for appointing women leaders (certainly not execution, torture or long prison sentences). It is clearly *not* morally justified to make exceptions to important moral principles to avoid consequences of this nature. If Jesus would have excluded women to avoid social shaming and missionary failure, he would have been a less morally upstanding person than those South African pastors and priests who refused to segregate come what may.⁵²

It could be argued that excluding women from the Twelve was justified by the fact that women were not regarded as reliable witnesses in Jewish society at the time, and therefore could not function properly as witnesses to the gospel.⁵³ It could also be argued that the symbolic meaning of the Twelve would have been lost if women had been included. The Twelve represented the tribes of Israel, and only men ranked as progenitive, according to prevalent belief.⁵⁴

⁵² I have presumed, naturally, that racial segregation is gravely immoral. However, could not a practice of excluding *non-whites* from the priesthood be defended by reference to Jesus' behavior, in a similar way as I in this article defend the Catholic Church's practice of non-admission of women to the priesthood? This is clearly not the case. Certainly, Jesus excluded non-Jews from the Twelve for theological reasons, so Christians cannot say that it is intrinsically unjust to select people for a religious office based on their biological descent. The selection of Jewish Kohanim are an example of such a practice that continues today. However, the fact that it is not *intrinsically* unjust to select religious functionaries based on their biological descent does not entail that all instances of this practice are just. There might be good theological reasons to require that Jewish Kohanim be of Aronitic descent, and no good reasons (or bad and immoral reasons, see J. A. LOUBSER, *The Apartheid Bible: A Critical Review of Racial Theology in South Africa* (Cape Town: Maskew-Miller Longman, 1987)) to require that pastors in the Dutch Reformed Church be of European descent. Nothing in Jesus' behavior, of course, indicates that selecting religious leaders based on European descent or skin-color would be just. If the Church had decided to reserve priestly ordination for ethnic *Jews*, however, it would have been difficult to criticize this decision as unjust, in light of the behavior of Jesus.

⁵³ Haye VAN DER MEER, *Women Priests in the Catholic Church?*, pp. 10-15.

⁵⁴ Ida RAMING, "'Die Zwölf Apostel Waren Männer...': Stereotype Einwände Gegen Die Frauenordination Und Ihren Tieferen Ursachen," *Orientierung* 56 (1992); Hermann Joseph POTTMEYER, "Refining the Question About Women's Ordination," *America Magazine* Oct 26 (1996), 17.

These objections appeal to certain purposes or functions that the Twelve were supposed to fulfil (witnessing, symbolizing). It is claimed that these purposes would have been defeated – in a first century Jewish context – if women had been included in the group.

If women had been incapable of witnessing to the gospel, it would indeed have been morally justified to exclude them from the Twelve – even if women have a right to equal consideration with respect to any leadership role. To be eligible to occupy a certain office or role, one must have the proper qualifications, which means that one must be capable of doing what the role prescribes one to do. However, the fact that women's testimony would not have been *accepted* by many people in Jewish communities during Jesus' time does not entail that women lacked any of the qualifications necessary for being witnesses. Black pastors would not have gained much of a hearing in many white communities during the apartheid era, and they would have had to struggle much harder than white pastors in order to make converts in those contexts. This does not mean that they were not qualified to be pastors, or that it was right to accommodate white prejudice by excluding them from ordination. If it is held that women could be *justly* excluded from the Twelve because the social environment was strongly prejudicial to women, then it must also be admitted that blacks could be *justly* excluded from ministry or priesthood in certain contexts because the social environment is strongly prejudicial to blacks. This is a conclusion we do not want to draw.⁵⁵

The second objection assumes that Jesus, without injustice, could have excluded women from membership in the Twelve on the ground that women were incapable of fulfilling a certain *symbolic* function, namely that of representing the twelve patriarchs of Israel. I believe that this assumption is correct. It would indeed have been morally justified for Jesus to exclude women from the Twelve, if the purpose of the Twelve was to represent the

⁵⁵ Moreover, it would not have been a disaster for the budding Jesus-movement if the testimony of all female members of the Twelve had been rejected and despised. If six of the Twelve had been men, *they* could have spread the gospel until the movement had reached beyond the Jewish sphere, to areas where the testimony of women counted.

Twelve patriarchs, and if the maleness of the members of the Twelve made this symbolism much clearer than it would otherwise have been. However, those who claim that the Catholic Church's exclusion of women from the priesthood is unjust cannot appeal to this assumption, because the Church motivates its exclusion of women from the priesthood in the same way. One central function of Catholic priests is to represent Christ in his capacity of bridegroom, and the maleness of priests makes this symbolism much clearer than it would otherwise be. If it was morally justified for Jesus to exclude women on symbolic grounds, why is it not so for the Church? I do not see how this objection can be used by critics of the male priesthood.⁵⁶

What if none of the women surrounding Jesus were *interested* in becoming a member of the Twelve? Could it then have been morally justified for Jesus to select only men, even if women have a right to equal consideration with respect to this kind of position? This is a highly speculative suggestion, and given the Gospels' portraits of devoted women, it seems very unlikely that none of them would have agreed if Jesus had asked them to be among the Twelve. But suppose he did not even ask, since he knew that women – at the time – had no desire for leadership positions. Would this behavior have violated women's right to equal consideration (if there is such a right)? I think it would, for the same reason that it would have been unjust for churches in South Africa to presume that black people – due to their oppressed status – were uninterested in leadership positions. Even if the presumption had been correct, the morally right thing to do would have been to ask and encourage black people to assume leadership positions.

But let me try to present the strongest possible prudential case against *Moral Isomorphism*. Suppose a white congregation in apartheid South Africa is led by a good parish council that violates the segregation

⁵⁶ It might be argued that the symbolism of the Twelve would have been *totally* lost in a first century Jewish context if the Twelve had not all been men. This is certainly not true. The number twelve, by itself, had a strong symbolic status. Moses set up an altar with twelve *pillars* “for the twelve tribes of Israel” (Exod 24:4), and Ezra offered twelve *goats* to purify the whole of Israel “according to the number of the tribes of Israel” (Ezra 6:17).

laws by allowing and encouraging non-whites to become members. The council also wants to employ non-white ministers. However, its members believe that doing so would be very imprudent at the present time, since the authorities would not tolerate further provocations. So they decide to ask all non-white parishioners for patience: the chair of the council tells them that the current whites-only policy is merely strategic, and that non-white ministers will be appointed as soon as possible. The non-white parishioners all accept and support the strategy, and agree to wait. Moreover, none of them is particularly interested in becoming a minister at the present.

Would this behavior on the part of the parish council be morally acceptable? Let us say that it would. If Jesus had behaved in a similar way towards his women disciples – supposing that the women disciples had a right to equal consideration for membership in the Twelve – then Jesus would, like the parish council, perhaps have acted in a morally acceptable way when he excluded women from the Twelve. However, the putative moral rightness of Jesus' behavior is contingent on two things in this situation. First, that Jesus makes clear that he would *want* to have women in the Twelve. Second, that the women accept to be excluded for strategic reasons.

We have, of course, no reason to believe that Jesus expressed any wish to have women in the Twelve, or that his women disciples accepted to be excluded for strategic reasons, and historically speaking this hypothesis has a very low probability. If this hypothetical scenario is the most plausible one in which *Moral Isomorphism* does not hold true, then we must conclude that *Moral Isomorphism* very probably holds true.

Conclusion

To act unjustly means to violate somebody's right or some principle of justice. The Catholic Church denies that she violates anybody's right or any principle of justice when she excludes women from priestly ordination. In this article, I have argued that the Church is right in denying this, or at least that anybody who believes that Christ never committed an act of injustice must concede that the Church's non-admission of women to priestly ordination is not unjust.

The argument's central premise is Premise 1 [*Moral Isomorphism*]: *Whatever right or principle of justice the Church may be violating by choosing only men as Catholic priests, Christ must have violated as well, in virtue of having chosen only men as members of the Twelve.*

I have argued inductively for the truth of this claim, by examining the four ways in which the behaviors of Christ and the Church, respectively, could possibly be morally distinguished. None of these ways is at all promising. It cannot be argued that the differences between the two groups of selected persons (the Twelve and the set of Catholic priests) are relevant, or that the difference between Christ and the Church allows Christ to do what would be immoral for the Church to do, or that the moral norms were objectively different when Christ lived on earth, or that the differences between Christ's and the Church's social and cultural contexts can make the former's behavior just even though the latter's is unjust.

There is one possible objection against Premise 1 that I have left unaddressed in the survey above. This is because that objection (unlike the ones examined) rests on a misunderstanding of *why* the Church excludes women from ordination. However, in order to preempt criticism based on this misunderstanding, I will briefly discuss the objection.

The justice of Christ's behavior presumably depends on whether he had a good *reason* for excluding women from the Twelve. Suppose he had a good reason, so that his behavior counts as just. Suppose, furthermore, that the Church does *not* have a good reason for excluding women from the priesthood. In that case, the Church's behavior would be unjust, even though Christ's corresponding behavior was just. This means that *Moral Isomorphism* (Premise 1) is false.

The problem with this objection is that the Church can appeal to whatever reason Jesus appealed to, provided that Jesus' reason for excluding women was not a prudential concession to the oppressive customs of his time. Above I have shown that no reason of the latter kind would be morally legitimate. Consequently, if Jesus had a morally legitimate reason for excluding women, it must have been a reason that is valid beyond his oppressive social context.

The Church, in fact, indirectly appeals to whatever reason Jesus had. The Church excludes women from priestly ordination *because* Jesus excluded women from the Twelve.⁵⁷ This act of imitation expresses trust in Jesus, and thereby trust in the soundness of the reason/reasons that motivated his behavior. The only case in which such trust would be misplaced, is if Jesus' reason for excluding women had to do with circumstances specific to his first century Palestinian context.⁵⁸ However, this possibility entails, as we have seen, that Jesus made morally illegitimate concessions to prejudice—a consequence that those who want to exonerate Jesus and convict the Church cannot accept. The objection, therefore, fails.

If Premise 1 [*Moral Isomorphism*] cannot be successfully attacked, the option of denying Premise 2 remains. This premise [*Justice of Christ*] says that *Christ did not violate any right or principle of justice by choosing only men as members of the Twelve*. It could be argued that Christ in fact violated justice by choosing only men, but that he – as a child of his time – was subjectively innocent.

In order to deepen the response I previously gave to this suggestion, let us toy with the idea that God had been incarnated in South Africa in the 1950s. The South African Jesus grows up in a family of white supremacists, and his moral world-view is deeply shaped by the apartheid system. Even though he eventually transcends some of the prejudices against blacks that characterize his culture, he upholds the principle of separate ministration for whites and non-whites, and when he selects the Twelve, he does not even consider the inclusion of colored or black people.

Would this Jesus be worthy of worship? I do not think so, and I expect most Christians to agree. Those who do not agree, and who are prepared to

⁵⁷ JOHN PAUL II, *Ordinatio sacerdotalis*, no. 1.

⁵⁸ Or if some of the other objections discussed in this article were valid, which I have shown is not the case. Strictly speaking, the Church cannot “make its own” Jesus' reason for excluding women if Jesus excluded women because the Twelve were supposed to represent the twelve (male) patriarchs of Israel. Priests do not represent those patriarchs. However, the Church can – as I argued above – appeal to an analogous symbolic reason: Since priests are supposed to represent (the male) Jesus, they too must be male.

accept a subjectively innocent white supremacist Jesus as their savior, should feel free to reject Premise 2. However, they should also feel obliged to explain why they would not – I presume – worship a subjectively innocent Jesus who made his living by buying and selling slaves, in accordance with the customs of his time. How many objective immoralities can a morally unaware savior commit before he becomes unworthy of worship? The traditional answer is zero, and it is not easy to motivate any other figure.⁵⁹

Premise 2, therefore – *the Justice of Christ* – should be accepted by all Christians. Since I have found no good reason to reject Premise 1 – *Moral Isomorphism* – I conclude that the argument here presented is sound. Jesus' all-male group of Twelve did not violate justice, and neither does the Catholic priesthood.

⁵⁹ I fully concede that Jesus' social and cultural context contains factors that would have made his "violation of justice" (supposing that his exclusion of women was unjust) less serious than the Church's corresponding "violation". However, the present article has shown that these potentially extenuating factors (prejudicial customs etc.) cannot transform a violation of justice on the part of Jesus into a non-violation. At most, these factors can make a violation of justice more understandable (from a prudential standpoint) and less grave.