

## LAW AND RELIGION A Feminist Biblical-Theological Critique

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### 1. Introduction

Jesus of Nazareth was teaching in a synagogue on a Sabbath day. There came a crippled woman, who was bent over for 18 years. When Jesus saw her, he called out to her, placed his hands on her and healed her saying, "Woman, you are set free from your ailment." Instantly she stood up straight and began praising God (Lk. 13:10-13). The law-abiding synagogue official was angry that Jesus had healed her on the Sabbath. He expressed his contention with all his religious fervour: "There are six days on which work ought to be done; come on those days and be cured, and not on the Sabbath day" (v. 14). Struck by his fanatic belief, the Master responded: "You hypocrites! Does not each of you on the Sabbath untie his ox or his donkey from the manger, and lead it away to give it water? And ought not his woman, a daughter of Abraham whom Satan bound for eighteen long years, be set free from this bondage on the Sabbath day?" (vv. 15-16).

This is a classical example of Jesus' violent attack on the rigid interpretation of the Law. It is also the key to comprehending the purpose of the Law: "The Sabbath was made for humankind, not humankind for the Sabbath" (Mk. 2:23-27). Any law that cripples human growth in all its dimensions or forbids doing good to others is null and void (Mk. 3:4). For Jesus, human persons are more important than mere observance of the Sabbath laws. In the words of Kappen, "There is for Jesus no dichotomy between humanism and religion."<sup>1</sup>

Another episode that illustrates Jesus' critique of religious laws is the healing of the woman with a hemorrhage (Mk. 5:25-34). This woman stepped beyond the prescribed female boundaries to claim her right to

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<sup>1</sup>Sebastian Kappen, *Jesus and Freedom*, Maryknoll, NY: Orbis Books, 1977, 124.

receive God's salvation offered in Jesus. According to Leviticus (Chs. 12, 13), women with the flow of blood were considered unclean and were not allowed to leave their homes; they could not go to any public gathering. This woman's predicament was not just an incurable illness but posed also permanent uncleanness. She was not only unclean herself, but polluted everyone and everything with which she came in contact and, hence, was barred from the congregation of the 'holy people'. "No wonder she risked financial ruin and economic destitution to become healthy and, therefore, cultically clean again."<sup>2</sup>

The attitude of Jesus in this pericope is remarkable. In spite of being polluted by the touch of an unclean woman (Lev. 15:27), Jesus makes no act of purification. Neither is there any urgency in the situation (v. 35). It is also amazing to note that Jesus does not send this woman away to purify herself as he does with the leper after having healed him (Mk. 1:44). Instead, before the whole crowd he calls her *daughter*. He does not let her go unnoticed. He wishes to highlight the faith which prompted her to seek healing and wholeness.

The affectionate expression, "daughter," in both instances (Lk. 13:16; Mk. 5:34), denotes Jesus' act of affirming these unnamed daughters in their personhood and womanhood.

Keeping these two excellent examples that illustrate Jesus' critique of law and religion as a backdrop, we shall unearth the liberative potential of religion from biblical tradition with a view to enhancing woman's empowerment and leadership, particularly in the Church.

Divided into two parts, this essay intends to scrutinize the patriarchal nature of biblical texts, on the one hand, and their liberative potential, on the other. Towards this purpose, we shall be highlighting some pertinent passages from the Old and New Testaments. The second part will focus on women in the post-Vatican II Church.

## **2. Religious Laws in Biblical Tradition: Liberating or Enslaving Women?**

The Bible, written from the socio-cultural perspective of male authors, as well as interpretations, has legitimized women's subordination in Christian tradition. Astonishingly, down the ages, women's "oppression

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<sup>2</sup>Elisabeth S. Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins*, New York: SCM Press Ltd., 1983, 124.

was rationalised as compliance with the divine will.”<sup>3</sup> Biblical texts are used to claim divine rights for all forms of exploitation of women. Elizabeth Cady Stanton cryptically sums up the use of the Bible against women’s demand for political and ecclesial equality: “From the inauguration of the movement for women’s emancipation, the Bible has been used to hold her in the ‘divinely ordained sphere’ prescribed in the Old and New Testaments. Creeds, codes, Scriptures and statutes are all based on this idea.”<sup>4</sup> The biblical notion of equality and partnership (Gen. 1:27-28; 2:18-25) is distorted by male-oriented and culture-bound interpretation of biblical texts. Some examples of discriminatory passages are cited below to make our discussion more concrete.

### 2.1. Woman Treated as Man’s Property

The Ten Commandments include woman among the objects owned by man: “You shall not covet your neighbour’s house, you shall not covet your neighbour’s wife, or his manservant, or his maid servant, or his ox, or his ass, or anything that is your neighbour’s” (Ex. 20:17; see also Deut. 5:17-21). The man could treat her in the same way a master treated his slave or a king his subject.

### 2.2. Woman Deprived of Inheritance Right

A daughter could have access to her father’s property only if there were no male heirs: “If a man dies and has no son, then you shall cause his inheritance to pass to his daughter” (Num. 27:8). In this context, the courage of the five daughters of Zelophehad is admirable (Num. 27:1-11). They stood before Moses and the entire congregation (v. 2), challenging the Mosaic law of inheritance (vv. 3-4). A parallel can be drawn between the Mosaic law of inheritance and the law of Manu.<sup>5</sup> Both have strong patriarchal roots that make women dependent on the dominant males in their families.

<sup>3</sup>J. C. Pallares, *A Poor Man Called Jesus: Reflections on the Gospel of Mark*, Indore: Satprakashan Sanchar Kendra, 1986, 51.

<sup>4</sup>Elizabeth Cady Stanton, ed., *The Original Feminist Attack on the Bible: The Women’s Bible*, New York: Arno Press, 1974, 7.

<sup>5</sup>See the scholarly article of Ravi Tiwari, “Women in Manu,” in Prasanna Kumari, ed., *Feminist Theology: Perspectives and Praxis*, Chennai: Gurukul, 1999, 118-119.

K. G. Gabriel has highlighted this aspect in his case study on Property Rights.<sup>6</sup> He observes that in the graded hierarchical structure of the family, the female members are below the males: father on top of the hierarchical ladder, followed by his son. In his critique of the Syrian Christian practices with regard to landed property, Gabriel maintains that these practices, to a great extent, have their roots in the Old Testament laws. His sharp criticism is worth contemplating:

Their traditions show that their social and cultural practices dominate over the gospel message. Thus their practices are culturally determined rather than being biblically rooted or theologically and ethically justified. We see that, after the victory of Mary Roy's case, the Supreme Court's judgement was furiously debated and opposed. It is very sad to see that even when the judiciary stood for the fundamental rights of women, the Church establishment stood for the oppressive and patriarchal values...<sup>7</sup>

### 2.3. Laws of Ritual Purity

Laws concerning purification of women stigmatized them as unclean during their periods of menstruation (Lev. 15:19f.) and child birth (Lev. 12:1-5). A rigid purification was also prescribed for everything touched by the woman and everyone who touched her (see Lev. 15:19-31, 20-18). To add insult to injury, the sin offering was required of her both after the menstrual period and child birth (Lev. 15:30). This concept, that menstruation and childbirth cause 'uncleaness', persisted into the patristic and later Church to the detriment of women's ministry and leadership roles.<sup>8</sup> In fact, all ancient cultures share similar ideas on purity and pollution. As Gnana Robinson points out, "The principle of purity and impurity pervades the Indian culture and it partly explains the hierarchy of castes in India..."<sup>9</sup> In brief, the woman was culturally, socially and physically ostracized.

### 2.4. Women Denied of Education

A study by J. Jeremias<sup>10</sup> reveals that schools were only meant for boys. A woman was educated merely in household tasks that would enable her to serve man's needs. Describing the situation, Pallares says: "It was commonly held that women were incapable of observing the

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<sup>6</sup>K. J. Gabriel, "Property Rights: Women's Rights Too!" in Elizabeth Joy, ed., *Lived Realities: Faith Reflections on Gender Justice*, Bangalore: CISRS, 1999, 65-76.

commandments, in as much as they were considered to lack the capacity for schooling (Babylonian Talmud, Shabbat 33b)...<sup>11</sup>

The injunction prohibiting women to study Torah creates the paradoxical result that “on the one hand, since the study of Torah is always meritorious, women are rewarded for its study (though to a lesser degree than men since they are not divinely commanded to do so) and, on the other, they are in practice discouraged from such study.”<sup>12</sup> It represents an ideology that marriage and child rearing are women’s appropriate sphere of activity. Once again, we notice a striking similarity between Jewish law and *Manu Smriti*.<sup>13</sup>

#### 2.4. Women Discouraged from Public Activities

Activities of women were confined primarily to the home. As in Greece and early Rome, women were expected to remain within the house: “Your wife will be a fruitful vine within your house” (Ps. 128:3). They were to be faithful wives and sacrificing mothers even at the cost of their own personhood. Home-loving women were highly praised by the family and community (Gen. 24:14; Prov. 31:10-31; Job. 4:3-5). Female leadership, whether political or religious, was generally considered unnatural and undesirable. In such a situation, where kings, judges, prophets, scribes, elders, and members of the Sanhedrin were almost exclusively male, the leadership of exceptional women in Israel’s history is remarkable (eg., Ex. 15:20-21; Judg. 4 & 5; Neh. 6:14; 2 Kings 22:15,18).

#### 2.5. Unravelling Religion’s Liberative Message

Religion and culture are inextricably woven together. Scriptures reflect the socio-cultural assumptions of the then society. As all theological

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<sup>7</sup>Gabriel, “Property Rights: Women’s Rights Too!” 76.

<sup>8</sup>See for example the attitude of Church Fathers and Reformers in R. B. Edwards, *The Case for Women’s Ministry*, London: SPCK, 1989.

<sup>9</sup>Gnana Robinson, “Purity and Pollution: A Theological Perspective,” in Prasanna Kumari, ed., *Feminist Theology: Perspectives and Praxis*, 316-330.

<sup>10</sup>J. Jeremias, *Jerusalem in the Time of Jesus*, translated by F. H. & C. H. Cave, Philadelphia: Fortress Press, 1969, 374/384.

<sup>11</sup>Pallares, *A Poor Man Called Jesus*, 53.

<sup>12</sup>E. Wyschogrod, “Women in Judaism...,” in Regina Coll, ed., *Women and Religion*, New York: Paulist Press, 1982, 84.

<sup>13</sup>For a brief discussion on this, see my book, Chakkalalal, *Discipleship: A Space for Women’s Leadership?* Mumbai: Pauline Publications, 2004, 246-247.

Creator. Rhetorical critic Phyllis Trible points out the striking features in the creation of humankind (v. 27). She asserts that sexuality is designated as male and female only for human beings and this pertains not to procreation but to the image of God. Procreation is shared by humankind with the animal species (Gen. 1:22, 28), but sexuality is not. Therefore, she argues that the 'male and female' connotes a distinctive meaning, giving a clue in the Scripture for referring God. Male and female correspond structurally to the image of God and this formal parallelism indicates a semantic correspondence.<sup>21</sup> By using the expression '*ishshah me'ish*', the narrator seems to emphasize the identity of the *nature* and *equality* of man and woman.<sup>22</sup> Undoubtedly, this concept excludes all forms of domination-subordination attitudes.

In brief, an unbiased exegesis of the creation accounts unfolds the inherent dignity and equality of man and woman. The 'rib story' (Gen. 2), in spite of its patriarchal tone, does not advocate male superiority and female inferiority. On the contrary, the text alludes to a relationship of equality and mutuality between the first human couple, which is derived from the fact of their being created in the *imago dei*.<sup>23</sup> Likewise, man and woman have a common mission (Gen. 1:28). They are partners with God in God's creative work and stewards of creation. The commission to "be fruitful and multiply" and to "have dominion" (*radhah*) over creation<sup>24</sup> is given "to them" jointly. Therefore, neither man nor woman can monopolize responsibility and leadership. The Hebrew imperatives are second person plural, as male and female are addressed.<sup>25</sup>

In the New Testament too we find discriminatory passages which witness or contribute to women's marginalization and subjugation (e.g., 1 Cor. 11:2-16; 1 Cor. 14:26-40; 1 Tim. 2:8-15; Eph. 5:22-33; Col. 3:18; 1 Pet. 3:7). The misinterpretation of these texts, particularly 1 Cor. 11:2-16

<sup>21</sup>Phyllis Trible, *God and the Rhetoric of Sexuality*, Philadelphia: SCM, 1978.

<sup>22</sup>N. P. Bratsiotis, "Ish" in *Theological Dictionary of the Old Testament*, 1:226-227.

<sup>23</sup>For a discussion on the community dimension of the *imago dei*, see Pobee, "In His own Image... Male and Female He Created Them," 134-136.

<sup>24</sup>The biblical understanding of 'subdue and dominate' rules out appropriation and destruction of creation. The power to dominate is to be exercised in a spirit of stewardship with kindness, justice and compassion like the Shepherd Kings of Israel (Ps. 72:12; 99:41; 116:12; Is. 11:6-9).

<sup>25</sup>Evelyn and Frank Stagg, *Woman in the World of Jesus*, Philadelphia: The Westminster Press, 1978, 20.

and 1 Cor. 14:26-40 (believed to be authentically Pauline), from the patristic era even to this day, has helped in the downgrading of women. It is, however, beyond the scope of this paper to engage in an exegetical analysis of these texts.<sup>26</sup>

All too often Pauline texts on women have been locked out of their contexts, and applied to totally different situations, or to issues, which lie beyond their concern. It is amazing to note how Pauline authority has been invoked in favour of female domestication in the Churches through the centuries. This has not only deteriorated women's position but also contributed to the development of patriarchal theology as exemplified in the teachings of the prominent Christian thinkers in the patristic era.<sup>27</sup>

Far from being an antifeminist or male chauvinist, Paul acknowledged and appreciated women's partnership in his ministry. This is obvious in his writings, especially Romans 16 that mentions Phoebe (vv. 1-2), Priscilla (v.3), Mary (v.6) and Junia (v. 7) – to name a few. In contrast to the Lukan conception of the early Church history in Acts, where leadership of Christian mission was in the hands of men, Pauline Letters depict women as apostles, missionaries, patrons, co-workers, prophets and leaders (e.g., Rom. 16:1-15; Phlm. 2; Phil. 4:2-3; 1 Cor. 11:5).

### 3. Women in Post-Vatican II Church

The Second Vatican Council (1962-1965), a landmark in the history of the Catholic Church, has given an impetus for a new awakening among the people of God with regard to the dignity and equality of women. We have no intention to delve into all the Council documents and subsequent official teachings by Popes and Bishops' Conferences.<sup>28</sup>

Though the general trend of the Vatican II teaching is, on the whole, progressive in affirming the dignity and vocation of women, in reality the Council's position seems to be riddled with ambiguities which need critiquing (for example, the view regarding the participation of women in the decision-making process of the Church that is presently controlled by the male hierarchy, the exclusion of women in formulating Canon law and

<sup>26</sup>For a brief analysis, see Chakkalal, *Discipleship*, 55-60.

<sup>27</sup>For a good grasp of their thoughts, see "Fathers and Doctors of the Church" in Chakkalal, *Discipleship*, 60-72.

<sup>28</sup>For a comprehensive view, see Chakkalal, *Discipleship*, Introduction.



in officially accepted theological and moral articulations, the androcentric and misogynist language and interpretations of biblical texts).

In her comprehensive work, *The Second Sex* (2 volumes), Simone de Beauvoir, a French existentialist philosopher, criticizes the Catholic ideology and practice that exclude women from leadership structures. She analyses the role of an all-male hierarchy in inculcating inferiority complex and psychological confusion in women. Her vigorous criticism may sometimes shock the sensibilities of the 'pious' Catholic. Yet, those seriously concerned about the problem cannot afford to ignore her critique:

God's representative on earth: the Pope, the bishop, the priest who says Mass, he who preaches, he before whom one kneels in the secrecy of the confessional – all these are men... The Catholic religion among others exerts a most confused influence upon the young girl.<sup>29</sup>

*Ordination* is where this patriarchal mindset is most evident. Although ordination is not the central question for most women, *exclusion is*. Roman Catholic Canon Law is unequivocal on the subject of the ordination of women to the priesthood. The 1917 Code, canon 968:1 and the 1983 Code, canon 1024<sup>30</sup> state: "Only a baptized man can validly receive Ordination" even though the antecedents for the original canon have been challenged.<sup>31</sup> The Church's official belief was reiterated by Popes Paul VI<sup>32</sup> and John Paul II<sup>33</sup> through their Apostolic Letters.

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<sup>29</sup>Simone de Beauvoir, *The Second Sex*, trans. H. M. Parshley, New York: A. A. Knopf, Inc., 1953, 290.

<sup>30</sup>See *The Code of Canon Law in English Translation*, London: Collins, 1983. Unlike most of the churches arising directly or indirectly from the Reformation of the 16<sup>th</sup> century, Orthodox churches like the Roman Catholic Church, do not ordain women. See *The San Antonio Report*, Frederick R. Wilson, ed., Geneva: WCC, 1990, 185-186.

<sup>31</sup>Ida Raming argues that the law limiting ordination to men was based on forgeries, mistaken identities and suppressions as well as on the assumption that women were inferior beings. See Ida Raming, *The Exclusion of Women from the Priesthood: Divine Law or Sex Discrimination?* Trans. Norman R. Adams, Metuchen, NJ: Scarecrow Press, 1976. See also Jacqueline Field-Bibb, *Women towards Priesthood: Ministerial Politics and Feminist Praxis*, Cambridge: Cambridge University Press, 1991.

<sup>32</sup>In response to the Letter of Archbishop of Canterbury concerning Women's Ordination, Paul VI directed the Congregation for the Doctrine of the Faith to expound the teaching of the Church on this matter. See Paul VI, *Response to the Letter of His Grace and Most Reverend Dr. F. D. Coggan Archbishop of Canterbury*.



Male predominance in the Roman Curia has a long history with its own justification. The simplest reason seems to be the affirmation of the hierarchical nature of the Church in *Lumen Gentium* of Vatican II. Hierarchy, however, does not mean gradation or pyramidal structure, a meaning developed when the Church fell for imperial and feudal ways of inequalities. As Samuel Rayan describes,

The Church is hierarchic means that it has a sacred beginning (*hieraarche*) in God's will, in Jesus' ministry and the presence of the Spirit; it is sacred in its origins and foundations, and in the evolutionary dynamism the Spirit imparts to it. It also means that the Church is a well-ordered fellowship endowed with diverse gifts and tasks co-ordinated in love for service and growth of the whole. Jesus thought of his Church as a circle of friends (Jn. 15:12-16).<sup>34</sup>

Closely linked is the notion of 'magisterium' or teaching authority in/of the Church. Interpreting Jesus' view, Rayan argues that Jesus rejected grading, forbade elitist claims, and banned titles of honour (Mt. 23:2-10). He adds that the Spirit of truth will teach us everything (Jn. 14:26; 15:26; 16:13; see also 1 Jn. 2:27; Jer. 31:34). That, however, "does not exclude mutual witnessing within and among believing communities. Such sharing of faith-experience constitutes the Church's universal *magisterium*, which the Spirit makes effective through internal witnessing of Her own (Jn. 15:26-27). This authoritative witnessing-teaching begins beautifully with our mothers."<sup>35</sup>

Evidently, the present Church structure is far from the ideal proposed above. The hierarchy in the Catholic Church is made up exclusively of ordained men, whose role in the hierarchy is to govern the Church. Hence, it is only natural that the members of the hierarchy should occupy most of the positions at the Church's administrative centre.<sup>36</sup> Such a patriarchal

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*Concerning the Ordination of Women to the Priesthood* (30 November 1975): AAS 68 (1976), 599.

<sup>33</sup>John Paul II, *Ordinatio Sacerdotalis* on "Reserving Priestly Ordination to Men Alone" (22 May 1994). See also *Mulieris Dignitatem*, n. 26: AAS 80 (1988), 1715.

<sup>34</sup>S. Rayan, "Hierarchy-Religious Relationship in the Context," in *It Shall Not Be So Among You*, Hyderabad: A Forum Publication, 1999, 90.

<sup>35</sup>Rayan, "Hierarchy-Religious Relationship in the Context," 90. For similar views on Jesus' concept and exercise of authority, see Constantine Manalel, "Jesus Movement and Asian Renaissance," *Jeevadhara*, 27,158 (March 1997), 133-153.

<sup>36</sup>Rayan, "Hierarchy-Religious Relationship in the Context," 325.

framework betrays the very gospel principles of equality and fellowship, and reinforces women's subordinate role. It also supports the official Church's teachings in favour of "the male ascendancy over the female."<sup>37</sup> In fact, in his apostolic constitution on the reorganization of the Roman Curia, *Pastor bonus* (1988), Pope John Paul II reiterated that "matters requiring the exercise of power of governance be reserved to those in holy orders."

This position is detrimental to women. For, as long as the priesthood remains the only qualification to one's entry into the ministerial government of the Church, and as long as women are barred from ordination, women have no access to the decision-making bodies in the Church, such as Ecumenical Councils (Can. 339/1), Synod of Bishops (Can. 342), and Episcopal Conferences (Can. 450/1). This unjust exclusion of women from key positions of authority deprives them of their specific contribution to the life and ministry of the Church. Women do not even have a voice in defining their role (the same could be said of the laity as a whole) as they have been given their 'appropriate role'. While women constitute "the large majority of active church members and are the sustaining force..., they have virtually no power within its structure."<sup>38</sup>

### 3.1. Crux of the Problem

The traditional belief of an exclusively male presence at the Last Supper is crucial to Catholic teaching. It is the foundation on which an all-male Catholic priesthood is solidly built. Critiquing this mindset, S. Anand holds that the basic text is: "Jesus took bread, and blessed, and broke it, and gave it to his disciples..." (Mt. 26:26).<sup>39</sup> He finds an illuminating parallel between the usage of verbs in Matthew 26:26 – *lambanô* (take), *eu-logeô* (bless/thank), *klaô* (break), *didômi* (give) and in the accounts of the multiplication of loaves (Mt. 14:19; 15:36; Mk. 6:41; 8:6; Lk. 9:16; Jn.

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<sup>37</sup>Pearl Drego, "The Place and Role of Women in Church and Society in the Light of Vatican II," in K. Kunnumparam and L. Fernando, eds., *Quest for an Indian Church*, Anand: Gujarath Sahithya Prakash, 1993, 208.

<sup>38</sup>Davida Foy Crabtree, "Women's Liberation and the Church," in Sarah B. Doely, ed., *Women's Liberation and the Church: The New Demand for Freedom in the Life of the Christian Church*, New York: Association Press, 1970, 19.

<sup>39</sup>Subhash Anand, "The Inculturation of the Eucharistic Liturgy," *VJTR*, 57,5 (1993), 274.

6:11). A similar pattern is found again in the accounts of the meal Jesus had with his disciples after his resurrection (Lk. 24:30; Jn. 21:13).<sup>40</sup>

A feminist reading of the basic text (Mt. 26:26) reveals that it was *bread* and *wine* that Jesus chose to represent him, not Peter or John.<sup>41</sup> Hence, it is absurd to cling on to the 'Last Supper' episode as an exercise in barring women from presiding at the Eucharist. Basing on a profoundly Catholic notion that the Word became flesh (Jn. 1:14) in the womb of a woman, the logical conclusion would be that if at all anyone is worthy of representing Christ, it is only his Mother, Mary (Lk. 2:7). Moreover, it was she who stood along with other women disciples (John being an exception) at the foot of the cross and joined her son in his self-offering to God for the redemption of humanity (Jn. 19:25-26). Furthermore, if the Church truly believes that having been 'baptized into Christ' and 'put on Christ', we have become one in Christ (Gal. 3:26-29) and share the one bread, it follows that "men and women cannot have different Eucharistic identities."<sup>42</sup>

Feminists have consistently upheld that women "must be acknowledged as human and *ekklesial* subjects with equal rights and dignity rather than remain objects of *kyriarchal* theology and clerical governance."<sup>43</sup> At the same time, the feminist position has generally been met with "outright rejection or subtle co-optation."<sup>44</sup> Nonetheless, women have to continue to denounce the structural sin of sexism and clericalism that justifies women's exclusion from Church leadership. This resistance is crucial to the feminist agenda. For, as Schillebeeckx observes, "as long as

<sup>40</sup>Anand, "The Inculturation of the Eucharistic Liturgy," 274-275. In a highly thought-provoking manner, the author has dealt with the Eucharist (see also 269-293).

<sup>41</sup>I was delighted to find a like-minded view in the work of Lavinia Byrne, *Woman at the Altar: The Ordination of Women in the Roman Catholic Church*, London: Mowbray, 1994, 104.

<sup>42</sup>Byrne, *Woman at the Altar*, 107.

<sup>43</sup>E. Schüssler Fiorenza, "The Emperor Has No Clothes: Democratic Ekklesial Self-Understanding and Kyriocratic Roman Authority," *Concilium* (1999/3), 61. See also Angela Berlis, "The Ordination of Women: A Test Case for Conciliarity," *Concilium* (1999/1), 77-84.

<sup>44</sup>Fiorenza, "The Emperor Has No Clothes," 61.

women are left completely outside all decision-making authorities in the church, there can be no question of real women's liberation."<sup>45</sup>

The criterion for ministry is not the biological factor of being male or female, or the social construction of gender roles. The deciding factor should be the charisma of the individual for a particular ministry/service (see Heb. 4:14-16; 5:1-10).

### 3.2. Return to Jesus: Key to Liberation

The foregoing reflections reveal an ambiguity, characterized by conflict between the biblical notion of human dignity (Gen. 1:26-27; Gal. 3:26-28) and "the oppressive misogynistic ideas as arising from cultural conditioning. There is a tension between the pseudo-glorification of 'woman' and the degrading teachings and practices concerning the real woman."<sup>46</sup>

Nevertheless, Christian religion can become a force of liberation when we perceive the prophet and liberator in Jesus and recapture the original vision of the Master, who envisaged the Church as a community of "discipleship of equals." That Jesus refused to be a conformist is beyond doubt. He was not bound by the stereotyped norms and regulations of institutionalized religion (e.g., Mk. 2:23-28; 3:1-6; Lk. 13:10-17; 14:1-6; Jn. Chs. 4, 5 & 9). Because of the charismatic nature of his authority, Jesus becomes an "authorized transgressor,"<sup>47</sup> and a radical critique of the Law and cult (Mk. 2:23-28). As Soares-Prabhu observes, such an attitude "inevitably attracts the hostility of the institution."<sup>48</sup>

Against the background of the first century patriarchal culture, Jesus' behaviour towards women was so extraordinary that New Testament scholar Moule cites it as an evidence of scriptural authenticity.<sup>49</sup> He

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<sup>45</sup>Edward Schillebeeckx, *Schillebeeckx Reader*, Robert Schreiter, ed., Edinburgh: T&T Clark, 1986, 238. Field-Bibb in *Women towards Priesthood* offers a feminist analysis of the resistance to women's Ordination and patriarchalisation of ecclesial structures.

<sup>46</sup>C. Arockiasamy, "Women in Christianity," in Sebastia L. Raj, ed., *Quest for Gender Justice: A Critique of the Status of Women in India*, Madras: Satya Nilayam Publications, 1991, 174.

<sup>47</sup>G. Soares-Prabhu, "The Liberative Pedagogy of Jesus: Lessons for an Indian Theology of Liberation," in F. Wilfred, ed., *Leave the Temple: Indian Paths to Human Liberation*, Maryknoll, NY: Orbis Books, 108.

<sup>48</sup>Soares-Prabhu, "The Liberative Pedagogy of Jesus," 105-106.

<sup>49</sup>C. F. D. Moule, *The Phenomenon of the New Testament*, Naperville, Ill: Alice R. Allenson, Co., 1967, 65.

accepted and encouraged women's discipleship and leadership in his mission. Though culturally women's testimony had no legal standing, Jesus acted counter-culturally when he made women's witness as the bedrock of Christian faith (Jn. 20:1; Mt. 28:1-6; Mk. 16:1-6; Lk. 24:1-10). The risen Jesus entrusted to them the resurrection *kerygma* upon which the Church was founded: "Go, tell" (Jn. 20:11-18; see also Mk. 16:7; Mt. 28:9-10; Lk. 24:9). But today women are deprived of their rightful place in the Church, based on the myth of Jesus' institution of an all-male priesthood.

#### 4. Conclusion

Drawing inspiration from Jesus' attitude to law and religion, we discussed briefly the twofold nature of religious laws. A feminist hermeneutical reading of the creation narrative in Genesis 1 & 2 has served to cull out the liberative message of biblical religion. Our study has unearthed the androcentric and misogynist character of Canon Law governing women's exclusion from the Church's leadership structures. Failing to realize that Christian Scriptures and their interpretations, generally, reflect the socio-cultural assumptions of the then society, the authoritative position of the Bible has been exploited by the *magisterium* to give male chauvinism a theological and quasi-divine legitimization. This has encouraged the conservatives in the Church to blindly adhere to irrelevant traditions, unjust laws and customs even in this post-Vatican II era.

Religion can become a liberative force when its followers rise above rigidity and legalism that stifles human spirit and growth. The Church too can become a credible sign of liberation by following the footsteps of Jesus the great liberator (Lk. 4:18-19) whose prophetic nature not only denounced the unjust systems and structures but also announced the good news of the Reign of God, which ultimately fosters a community of 'discipleship of equals'.

The teaching Church that claims to be a champion of human liberty, equality and justice ought to liberate itself from its ideological fetters. Its organizational structure and institutional power should undergo a process of conversion that brings about individual and structural transformation. By its ability to imbibe the spirit of Jesus, the 'authorized transgressor', the Church can become an authentic interpreter of law and religion.