

More on Burke's move to Vatican court

John L. Allen Jr. | Jul. 3, 2008 All Things Catholic

Since news of St. Louis Archbishop Raymond Burke's appointment as prefect of the Apostolic Signatura was announced June 27, I've received numerous telephone calls and e-mails, from both sides of the Atlantic, posing some version of the following question: Was this a case of what the Italians call *promuovere per rimuovere* ? promoting someone in order to get rid of him?

It's a reasonable question, given Burke's profile as a lightning rod in St. Louis. Not only is he the American bishop most identified with the push to deny Communion to pro-choice Catholic politicians, but he also engaged in very public spats involving rock star Sheryl Crow and basketball coach Rick Majerus. Basically his last act as archbishop was to issue canonical penalties for Sister of Charity Louise Lears for her support of women's ordination. While most of Burke's fellow bishops, and certainly the Vatican, would share the substance of his positions, not everyone applauds his pugnacious way of advancing them.

So, was this a face-saving way of easing Burke out?

To be completely frank, my wife and I are in the middle of a move to Denver, so over the last few days my time has been more occupied with programming our garage door opener and selecting patio furniture rather than the machinations of ecclesiastical appointments. (Someday I'll try to sort out which I find more puzzling.)

The following, therefore, is not based on any insider insight. Nonetheless, my hunch is that this is not a case of *promuovere per rimuovere*, but what one might call "promotion for multiple motives." In no particular order, I suspect that at least the following four considerations were at work:

Fond memories of Burke in Rome: Burke spent three periods in Rome: from 1971 to 1975, studying at the Gregorian University; from 1981 to 1984, again at the Gregorian, completing his licentiate and doctorate in canon law; and then from 1989 to 1994, as the first American to serve as Defender of the Bond in the Apostolic Signatura. By all accounts, Burke was well known and highly regarded.

When I arrived in Rome in 1999, perhaps the most common question I got from Italians was whether I knew Burke. At the time he was still the bishop of La Crosse, Wisconsin, so the curiosity wasn't driven by his prominence in the United States. Instead, the Italians had come to know Burke in Rome, especially through his work at the Signatura, and almost to a person they had fond memories of him. They told me they found Burke hard-working and competent, but those are things they'd say about most Americans in the Curia. Beyond that, Burke struck them as gregarious, kind on a personal level, and comfortable with the rhythms of Italian culture. While that alone would not justify placing Burke in charge of the Signatura, the fact that he's seen as someone who can work well in the small world of the Vatican, in which personal relationships are crucially important, certainly doesn't hurt.

Burke's reputation as a canonist: Burke has long been considered perhaps the sharpest canon lawyer among the American bishops. By a near-universal consensus, Burke knows the canons and the case law that has grown up around them exceedingly well.

To be sure, that's not to say everyone shares the particular conclusions he draws. In October 2007, for example, I interviewed Cardinal Francis George of Chicago, president of the U.S. bishops' conference, and asked him about an article Burke had recently published in the canon law journal *De Re Canonica*, arguing that with regard to communion for pro-choice politicians, the church has sometimes emphasized canon 916, about the duty of the individual communicant, at the expense of canon 915, about the duty of the minister of the sacrament. The clear thrust was to suggest that if a pro-choice politician comes forward for communion, he or she should be turned away.

Here was George's answer: "I think it's a good canonical argument. But pastorally, you still have to decide what this means in the concrete cases we're talking about? The question is, do you risk politicizing the sacrament? That's my biggest concern. The very sacrament that speaks about our unity becomes the occasion for this kind of fracas and disunity. I think we should think long and hard before we allow the Eucharist to become that."

A sign that Burke's position on the communion issue does not command a majority among American bishops came at the fall 2007 meeting of the USCCB, where Burke was defeated in a race to become chair of the Committee on Canonical Affairs by Auxiliary Bishop Thomas J. Paprocki of Chicago. Burke drew just 40 percent of the vote.

One doesn't have to share the legal philosophy of Antonin Scalia or Anthony Kennedy to recognize their judicial chops, however, and the same goes for Burke.

Moreover, Burke also knows the inner workings of the Rome tribunal system. In 2006 Pope Benedict XVI appointed Burke as a bishop-member of the Signatura, a move widely seen in Rome as grooming him to eventually take over the court's top job.

A strong Catholic identity appointment: Benedict XVI is notoriously immune to the normal sort of political calculus that goes into making appointments -- whose back is being scratched, which lines of patronage are being reinforced, and so on. At a big picture level, however, any pope has to be sensitive to ensuring that the various points of view and sensibilities in the church are represented at the level of senior management, and Burke's nomination certainly represents a strong voice for traditional Catholic identity.

In a sense, Burke may fill the void left by the death of Colombian Cardinal Alfonso Lopez Trujillo, former president of the Pontifical Council for the Family. Lopez Trujillo was widely seen as the most ardent "cultural warrior" in the Vatican, while his successor, Italian Cardinal Ennio Antonelli, is perceived as a much more "soft" and pastoral figure.

Appreciation for the United States: With Burke's appointment, three important Vatican offices are now led by Americans: the Congregation for the Doctrine of the Faith, headed by Cardinal William Levada; the Apostolic Penitentiary, led by Cardinal Francis Stafford; and the Signatura, with Burke as the new prefect. That's a clear sign of appreciation for the American church, a sentiment especially strong in Rome these days in the wake of what was considered a remarkably successful visit to America by Benedict XVI in April.

Broadly speaking, many senior Vatican officials are deeply pessimistic about the direction of the European Union, which they see as in the grip of a radical form of secularism. In that context, Vatican officials increasingly see the United States as their most natural conversation partner in global affairs -- a major world

power shaped by the Christian heritage, home to the fourth largest Catholic community in the world, with a civil society in which churches are taken seriously and faith is afforded a vibrant public voice. The appointment of another American is confirmation of a tendency to look across the Atlantic for leadership.

More narrowly, Burke's appointment is also an expression of respect for the canonical expertise of the American church. Traditionally, American canonists have been a bit suspect in Rome, seen as overly lax in granting annulments. (Notoriously, the United States has 6 percent of the world's Catholics but generates 80 percent of the annulments granted each year, usually around 60,000.) That perception still endures in some quarters, but there's also recognition that the Americans have made greater investments in training canonists and developing tribunals than any other local church in the world. Further, the sexual abuse crisis has forced Americans to develop greater familiarity with the penal sections of the Code of Canon Law. It's no accident that two of the three Vatican courts are now led by Americans.

Does all this mean that Burke's reputation as a divisive figure in St. Louis played no role in the decision to send him to Rome?

Not necessarily. When Lopez Trujillo was appointed to the Council for the Family in 1990, it was widely understood that the move was motivated, in part, by controversies surrounding his role as the archbishop of Medellin. There is a bit of old Roman wisdom that you want sticklers for the rules, and for the teachings of the church, setting policy at a level beyond the limits of time and place, while more pastoral figures will decide how to apply those positions to the concrete situations posed by various cultures and historical moments.

The real test of whether there is a desire to place such a pastoral figure in St. Louis, of course, will come with the nomination of his replacement. For that reason, the selection will be keenly anticipated -- not only because of the historical importance of St. Louis as a center of Catholic culture, but also because of broader indications it may offer about the tone Benedict XVI and his nuncio, Archbishop Pietro Sambi, want to set for the American church.

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