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Ladislav Örsy: A Reflection and Dialogue

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Reaching a century is always a milestone, one that few of us reach and fewer still with the same energy and vibrancy as Father Ladislav Örsy, the American-based Hungarian Jesuit and canonist who turned 100 on 30th July. His decades of work are well worthy of a tribute. This essay is both a reflection on some of his key ideas and a dialogue from two virtual discussions; one I had with Fr Örsy¹ and the other with Professor Rik Torfs, Dean of the Faculty of Canon Law at Leuven University, where Fr Örsy was a theology student.² Our starting point was the controversies currently faced by the church. Fr Örsy notes, “there are many crises, which may at times seem insurmountable, surrounding the church today.” Discussing Pope Francis, Fr Örsy observes “There is a lot of talk about his pontificate and substantial issues,” but he believes there are deeper questions in search of answers, “How far do we respect the permanent tradition? What belongs to the core? Ought that not to be sorted out? The foundational issues have not changed. We need to examine every issue separately.”

Current controversies and the tradition, or the core, are questions of *horizons*, a significant metaphor explored by Fr Örsy in his book *Theology and Canon Law: New Horizons for Legislation and Interpretation*. The controversies are well-documented and publicized and dominate media coverage and dinner party talk about the church. However, the focus on such controversies is one horizon, and currently obscures the tradition or core of the church. Seeing these as different horizons can help the church through the examination of current and historical events dominating the headlines and discern the best ways forward. This is not to ignore or trivialize some of these events, largely in the area of sexual and child abuse and of shocking proportions, because they do need to be sorted out. There are other events that have given much attention to

1 Monday, 8th February, 2021

2 Friday, 26th March, 2021. Being a young man in his 60s, I should note that Professor Torfs was not at Leuven during Fr Örsy's time.

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canon law. Such as the marriage of British of Prime Minister Boris Johnson to Carrie Symonds, the debate over whether President Joe Biden should be given communion, and the rumbling controversy over baptism stoked by former Irish president Mary McAleese since she became a doctor of canon law.³ As a result, it seems one is never far away from a barrack-room canon lawyer. Yet, the times when canon law rises to the level of public debate are also times when the *connection* between canon law and theology can become most clear, and it is at the intersection of the two that Fr Örsy has been a pioneer.

ACADEMIC CAREER

Fr Örsy says he got into canon law because he was asked. He was already undertaking legal studies in Hungary, and the Jesuits needed to train lawyers and people to teach so they asked him if he would take on the job. He was born in Egres but raised in Szekesfehervar, Hungary's original capital. He entered the Society of Jesus in 1943 and was ordained in Leuven, Belgium, in 1951. He earned his doctorate in canon law at the Gregorian University, a degree in civil law at Oxford University and did his graduate theological studies at Leuven University. He taught at the Greg, before arriving in the United States in 1966 to teach at Fordham University, the Catholic University of America and – since 1994 – Georgetown University, where he remains a visiting professor of law. Fr Örsy went on to build a body of work that comprises nine books and hundreds of articles on theology and canon law. Aside from the *Theology and Canon Law*, other titles include *The Church: Learning and Teaching, Marriage in Canon Law*⁴ and most recently *Discernment: Theology and Practice, Communal and Personal*. Fr Örsy has also written for *The Furrow*, including an extensive review of McAleese's book *Quo Vadis? Collegiality in the Code of Canon Law*.⁵

HUMAN FRAILITY

Fr Örsy reminds us that the church has had crisis and scandal from the beginning, “the cock crowed three times as Peter denied his Lord, who was also sold for profit by Judas. Human problems are

3 Dr McAleese was awarded the Alfons Auer Ethics Award 2019 for her doctoral thesis on *Children's Rights and Obligations in Canon Law*, which she completed at the Gregorian University Rome in 2018.

4 Ladislav Örsy *Marriage In Canon Law: Texts and Comments Reflections and Questions* (Delaware: Michael Glazier 1986).

5 Ladislav Örsy, ‘Where Is Our Church Going? – Searching for a Response,’ *The Furrow* 63 (2012): 591–595; Ladislav Örsy, ‘Preventing Future Crises: Collegiality in Action,’ *The Furrow* 54 (2003): 396–398.

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what they are. The history of the church, you will find, is about ordinary people. There is no point where we did not have scandals, they were there in the beginning.” Which explains why Fr Örsy remains *optimistic*, because “behind all the declines and scandals, there is always something that is alive.” Explaining this pattern, “we have this dialectic all the time, we should never have a perfect church. I believe human imperfection will always be present in the church. We are the church of sinners. The church is very human. Structural change is helpful to a point, but only up to a point. We should, listen to the Gospel and remember we are also a church of saints.” Citing Mother Theresa, he highlights the “many sacrifices made by simple, Christian people.” Visiting Africa, Fr Örsy recalls “watching the Sisters helping the sick, it seems we have quite a few Mother Therasas.” We can select many points of history and see the same pattern, for instance “in the 13th century, Christians were totally given to greed, accumulating wealth, and suddenly there is Francis of Assisi.”

THE LEGACY OF VATICAN II

Vatican II was a defining event for Fr Örsy, demonstrating to him the vibrancy of the church and its capacity to listen to the Gospel. He was hugely influenced by the Council, at which he served as a bishops’ expert adviser and worked on the preparation of the new Code of Canon Law, adopted in 1983. Fr Örsy has devoted a lifetime to the examination of the integral relationship between canon law and theology without losing sight of their unique roles. He puts much emphasis in his work on the new attitude of mind that came out of Vatican II and urges canon lawyers and others to do likewise by raising new questions with “the courage to accept fresh answers.” This he sees as a balanced requirement, in that we ought to understand the dialectic between tradition and change. As he explains in *Theology and Canon Law*, the good canon lawyer “should do the same as the Council did: move beyond the familiar into a higher view point., then raise new questions and have the courage to accept fresh answers”.⁶ He concludes, those who acquire the new attitude of mind, this inquiring spirit, “can never again be mere lawyers.”⁷ Optimistically, as he wrote a decade ago, he believes we can “search for better balances without damaging vital forces.”⁸

In his 1985 published Père Marquette Lecture, *From Vision to Legislation: From the Council to a Code of Laws*, Fr Örsy

6 Ladislav Örsy, *Theology and Canon Law: New Horizons for Legislation and Interpretation* (Minnesota: The Liturgical Press, 1992), p.16.

7 *Ibid.*, p.17.

8 Ladislav Örsy *Receiving the Council* (Minnesota: The Liturgical Press, 2009), p.12.

suggested the new code “provides a genuine bill of rights for the members of the church.”⁹ However, there is a serious omission, “The declaration of rights is not followed up by robust provisions to protect them.”¹⁰ He explained the pivotal role of Vatican II, explaining that the Council “seemingly broke new ground, where it reached down to the very bedrock of our traditions and found unused sources of energy.”¹¹ This is an energy that should infuse the church everywhere, and God’s people need “to remain faithful to the spirit of the Council. Its spirit was that of intelligent and responsible enquiry into the Christian mysteries; *fides quaerens intellectum*, faith seeking understanding. Such enquiry must not cease.”¹² This is not a question of revolutionising structures but looking within the structures to reach all the people and allowing them to be listened to and to listen. Fr Örsy tells me “The church is very human. Structural change is helpful up to a point, but only up to a point. We all need to listen to the Gospel.”

As Fr Örsy explains, “Faith helps us to understand better, it is a gift, that is Roman Catholic, Christian teaching. You see, you are a believer, but how to act? There is a gap there. God can only help you along.” Elaborating further, he says “we are living in a puzzling age. If you believe, not much explanation is necessary. If you don’t believe, no explanation is possible. This is the turning point.” The current church controversies, as well as changes in our contemporary Western culture he explains makes this a puzzling age, yet while “there have been many puzzling periods in human history, there has always been the perception in every human being that we came from somewhere. We try to say how God should be, where God is from. In reality there are some signs, extraordinary witness, for example ending slavery or pioneering education or creating beautiful art; where does this come from?” In trying to make sense of the puzzle, he happily explains that the world is “a mixed band of God’s creatures. God created a jungle, if people today had created the world they would have created geometric squares.”

In his work Fr Örsy delights in dialectics, inviting his reader to look at the interplay of concepts and action, with contrasts such as frustration and joy, episcopate and laity, church order and people of faith. Dealing with the puzzle today we can see the legacy of Fr Örsy’s work as a reminder, and a line of enquiry, that bids us to discern the distance between vagueness and answers or, as he puts it more bluntly, between the jungle and orderliness. At one

9 Ladislav Örsy, *From Vision to Legislation: From the Council to a Code of Laws* (Wisconsin: Marquette University Press, 1985), p.16.

10 Ibid, p.16.

11 Ibid, p.49.

12 Ibid, p.51.

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time this seemed less of a distance, as he writes in *The Church: Learning and Teaching*, the scholastics reared generations on the twin expectations of orderliness and clarity, “The apparent vagueness and slowness can be disappointing all the more now that we have become used to clarity and to speedy solutions. Scholastic philosophy and theology taught us about a well ordered universe, natural and supernatural, where all things and all beings can be defined by genus and species; it taught us order and clarity.”¹³

CONTEMPORARY CHALLENGES

Today we live in a world where technology promises us greater clarity and order, while at the same time we are being overwhelmed with information and change, which makes following faith even more challenging. Previous ages have had more defined notions of authority, a canon of books and an education about the range of views exchanged. Professor Torfs notes, “in the past finding information was the issue, today it is about *avoiding* information, which is also an art.” In these times of changing identity, recognizing diversity and great cultural change, leavened by social media, a big part of the puzzle Fr Örsy believes is the paucity of conversation. He tells me, “Very few people are dialoguing. They are busy with everyday life, working and shopping. Dialogue in a beautiful world means conversation. They are not so interested in these questions like me or you are. There are people like you and I, but the rest are just trying to make a living. When the time comes they try to solve the puzzle; we are surrounded by the puzzle.” Scandals and declines emphasize the cultural dysfunction between persons, institutions and histories, making our culture today more puzzling. To discern our way forward we are the much richer for Fr Örsy’s rigour and creativity, and his greatest legacy could well be the agenda he has set out in his work for canon law, which is deserving of close reading in our broken age focused on new undercurrents in contemporary culture that are tapping into the perceived historical wrongs of the church.

Professor Torfs agrees, calling the problem one of “*postponed sorrow*.” He elaborates, “people are angry with the church over sexual abuse scandals or for their grandmother not being free to do as they may have wished in the church sixty or seventy years ago. This is very true in strong catholic cultures like Flanders, where I am from, and Ireland where you are, but it is difficult to engage in a true conversation about what really is important in the message of the church in these circumstances, and this comes close to what Fr

13 Ladislav Örsy, *The Church: Learning and Teaching* (Dublin: Dominican Publications, 1987), p.24.

Örsy is saying.” Paying tribute his legacy, Professor Torfs told me that Fr Örsy “knows what the difficult points are and understands it is not just the beauty of the canon law text but also the reality of its implementation. He shows himself to be a true canon lawyer. A true canon lawyer can live with the dark side of the church, if not you have to resign right away. If you cannot live with negative points, scandals, mistakes, errors and crimes then it is better to do something else. This is basic. There is an anthropological point as well that people can’t be perfect, and you have to assume that.”

In our increasingly digitalized world, inevitably the distance between the jungle and orderliness will only become more challenging. As our discussion turned to technology, Fr Örsy highlighted our increasing expectations of *speedy* solutions; to which we should add the expectations of novelty. He explained, “Technology is very ambivalent. Take the example of atomic energy, we can get free energy, but we can also use it in the wrong way. Technology in itself must somehow be boxed in, maybe that is the wrong word, it should be regulated by some form of morality.” He is not overly optimistic on this point, expressing a concern with technology that “We are on a very slippery slope.” This is an area that clearly concerns Örsy, and while the general horizon of technology offers room for a broad discussion, there is much scope for delving deeper into the novel problems offered by new technologies and the digital economy. One insight that Fr Örsy offers up could be of particular help in this latter respect is the notion of technological ambivalence, which takes on a new tone when one looks at a world of increasing rules, mass of data and uncharted cyberspace. Technology creates many problems, often overwhelming, and yet also appear to offer the tools to solve them or at least to manage our expectations.

CONCLUSION

Whether it is family and security, or rapid change in the digital economy, the church is always discerning the way in contingent contexts while keeping the connection with the tradition, the core. His book *Marriage in Canon Law* ends with the observation that “Many times in history the church has taken positions relying on its grace-filled instinct; the explanations arrived later, sometimes centuries later. This is a sound enough position.”¹⁴ Though, as he puts in a footnote, this should not stop us from seeking explanations. In his most recent volume *Discernment: Theology and Practice, Communal and Personal*, he explores the interplay between theology and practice, communal and personal. Fr Örsy

¹⁴ Ibid, p.294

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writes “Community discernment is a way of asking, seeking, and knowing,”¹⁵ and unfolds five specific enquiries into such discernment: theological foundations, legitimate expectations, misplaced expectations, authority and community, and finally practical guidelines, all of which produce thirty-one propositions. He states that, while this is very much an Ignatian reflection, the small work is his contribution to 21st century “wisdom literature.”¹⁶ The volume finished with a last chapter entitled ‘In Place of Conclusion.’ Looking through his work it is apparent Fr Örsy does not like conclusions and always seems to offer something other than a conclusion. I interpret this as a preference for keeping the *conversation* going rather than thinking he has the last word, and therein he invites the reader, hearer or learner to take up his work. Our conversation did finish though with Fr Örsy noting “it is God’s church, He will take care of it.”

15 Ladislav Örsy, *Discernment: Theology and Practice, Communal and Personal* (Minnesota: Liturgical Press, 2020), p.6.

16 Ibid, p.6.

Vanity. The sense of injury and the perception of slights come trickling out of the leaking cistern of vanity that admiration keeps topped up. The whole thing is a mirage.

– PAULINE MATARASSO, *Clothed in Language*, (Minnesota: Liturgical Press) p. 104.