

NB: In this article, Fr. Brian Harrison defends me (Robert Sungenis) against the calumny of my detractors and the actions of my bishop, Rev. Kevin C. Rhoades. In the article, Fr. Harrison quotes one part of a letter written to me by Fr. William King, the Vicar General. The original letter from Fr. King was marked “Personal and Confidential.” Up until Fr. Harrison’s decision to defend me against the bishop’s actions, as a matter of courtesy, I had kept Fr. King’s letter confidential. I was, however, under no legal obligation to do so because I had not previously agreed to keep any letter written by either Bishop Rhoades or Fr. King confidential. Moreover, since Fr. King’s letter was needed to complete Fr. Harrison’s defense of me and prove that I had not disobeyed any directive of Bishop Rhoades, I allowed Fr. Harrison to read and quote the letter as needed.

Robert Sungenis

DR. ROBERT SUNGENIS HAS DISOBEYED NO BINDING PRECEPT OF HIS BISHOP

I. “Anti-Semitism”: Real and Imagined

In the June 2008 issue of *Homiletic & Pastoral Review* a fine article appeared by Fr. Michael Orsi entitled “Calumny in the Blogosphere”. It draws attention to how this new mode of instant, reactive communication, blogging, has for whatever reasons been bringing out the worst in many of those who succumb to its lure – even among some who profess to live by Gospel teachings. These teachings of course highlight love of one’s neighbor – and even of one’s enemy. But Fr. Orsi points out how, on Internet blogs (and, we might add, certain other kinds of websites), “Calumny is blossoming. . . . It uses half-truths, innuendo, misrepresentation, disregard for context and downright lies, all in the hope that some negative bit of mud, no matter how distorted or absurd, will stick to the person or organization under attack” (p. 15).

One prominent target of this kind of Internet calumny in recent years has been Catholic apologist Dr. Robert Sungenis. Not only blogs (including, I am sorry to say, the blog operated by even such a highly respected organization as Catholics United for the Faith, which adds insult to injury by not even allowing Dr. Sungenis to post replies to the attacks on him it has published), but also entire websites are now out there dedicated exclusively to relentless, intense, unadulterated Sungenis-bashing. They’re all about tearing down, not about building up. They constantly accuse him of the kinds of faults mentioned in Fr. Orsi’s article – and other even worse faults. But when you read Robert’s

replies to these charges you find out that they themselves have been indulging in the very tactics they ascribe to him.

I find the most prominent of these websites particularly distasteful insofar as it is run by a group of zealous young Catholic men led by former associates of Dr. Sungenis who are now apparently embittered by personal as well as ideological grievances against him. They give the impression of reinforcing each other in the conviction that they are all acting out of the very loftiest motives, for the common good of the Church and society, and indeed, out of concern for Robert's own soul. (Lately, his self-appointed inquisitors have even started acting as 'thought-police': not satisfied with Dr. Sungenis' removal of many items critical of Jewish activities from his website, they piously complain that in his heart he has not yet *inwardly repented and abandoned* some of these forbidden opinions, and want to see a good deal more breast-beating before they will even begin to consider granting him absolution!)

Unfortunately, this kind of self-righteousness is only likely to be further reinforced by the instant, knee-jerk endorsement accorded by today's post-Holocaust cultural and media elites to anything that can present itself as part of the ongoing battle against "anti-Semitism". When this band of cyber-vigilantes began their Sungenis-monitoring project several years ago there may have been some intention of genuine fraternal correction of a brother whom they saw as deviating from the straight and narrow path. But (to quote Fr. Orsi again) their repeated use of "half-truths, innuendo, misrepresentation, [and] disregard for context" on their website make it clear that any real desire to convince and correct has now taken a back seat to the simple will to discredit and destroy. And for good measure – as I know from the experience of direct and indirect threats launched in my own direction – these gentlemen will not scruple to try and intimidate anyone else who refuses to ostracize Dr. Sungenis. Dark warnings are issued to the non-ostracizer about the effects this will have on *his own* personal reputation, and even on the reputation of any *causes* he may dare to espouse in Robert's company! (This of course is the nasty 'guilt-by-association' ploy which is used so effectively by leftist and militant Jewish activist groups like the Southern Poverty Law Center and the Anti-Defamation League in order to suppress honest debate and to turn Christian men into social outcasts.)

In short, the members of this group now make no serious attempt to be even-handed or 'dialogical' in criticizing Dr. Sungenis. Instead – perhaps spurred on by frustration at their inability to silence him after years of merciless and unrelenting effort – they are unabashedly one-sided. They act as prosecutors or district attorneys whose single-minded aim is to utterly destroy the accused's credibility in the eyes of judge and jury, so as to win a crushing courtroom victory carrying the maximum penalty. They

intently parse Robert's every word and phrase with a view to seeing how it may be used against him. As one of them put it to me privately last year, in a vain effort to get me on board with their project, "Sungenis must be totally humbled – he has to be completely isolated and brought down to absolute rock-bottom – to *nothing!*" If you, dear reader, feel spontaneously repelled by that sort of passionate animus against a fellow Catholic, then so do I. It would be hard to imagine a more counter-productive approach than this, if effective fraternal correction – an act of *charity*, according to Catholic doctrine! – is the end in view.

There is another basic problem I see with the current anti-Sungenis polemic. But before explaining it I should first point out that – as Robert well knows from our previous discussions and correspondence – I myself have by no means always been in agreement with everything he has said about Jews and Jewish issues. I think he has indeed sometimes gone too far. In fact, neither is *he* always in agreement with everything he has previously said on those issues! As was mentioned above, he has withdrawn and retracted a lot of things that were once on his website; and in my experience he has often shown himself willing, like any normal and intelligent human being, to change or reword positions he has taken up, in response to suggestions offered in the course of calm, reasoned and respectful discussion.

What, then, is my second problem with the Sungenis-baiters, over and above their one-sidedness, prejudice and misrepresentations? Simply this: even when they do *not* misrepresent him – that is, even when they have correctly identified and fairly reported certain of Robert's positions that I would agree can legitimately be criticized – they generally overrate the *gravity* of these mistakes. The very fact that they devote endless hours to constructing and maintaining whole websites – and even videos! – just to refute Dr. Sungenis (something they never do to combat *other* individuals whose views they consider wrong and dangerous) betrays their lack of balance in this regard. The anti-Sungenis zealots treat as heinous and horrendous that which is, at worst, merely exaggerated or immoderate. They excoriate as boycott-demanding, beyond-the-pale bigotry the kinds of statements that should just be calmly questioned as being unwarranted or over-suspicious. Like Claude Rains in *Casablanca*, they roll their eyes and let it be known that they are "shocked, shocked" at attitudes toward Jews and Judaism that, for Catholics, should not really *be* so "shocking". For, while indeed they may not always be fully appropriate under contemporary circumstances, these attitudes often turn out to be ones that were shared for many centuries by popes, canonized saints, and doctors of the Church.

Now, what would be the reason for this constant exaggeration of the *seriousness* of Dr. Sungenis' faults (real or imagined)? The underlying problem here, as I see it, is

that his Catholic adversaries are evaluating and judging his statements about Jews and Judaism according to the dominant cultural standards of post-World-War-II Western society. They are recoiling from, as ‘anti-Semitic’, pretty much the same kinds of attitudes and opinions that the average well-educated Westerner today recoils from as ‘anti-Semitic’. Now, that might seem like quite reasonable behavior, but in fact it is not, because the said cultural standards are themselves flagrantly skewed and unjust. They represent a pendulum which, in a sharp, intense reaction to the unspeakable barbarities of Hitlerism and the Holocaust, has now swung in the extreme opposite direction. It has swung so far that any public criticism of real or imagined Jewish influences in politics, commerce, the media, the Church, international affairs, or whatever, is immediately pounced upon by our power-wielding cultural elites as utterly unacceptable bigotry meriting the most complete, severe, and immediate social isolation and ostracism. The key smear-word – “anti-Semitic” – doesn’t always have to be explicitly used. “Anti-Jewish” or other similar expressions will often do the trick just as well. The important thing is that the rigorous socio-political norm be strictly enforced at all levels: *any explicit and critical mention of influential Jews or Jewish trends in any sphere of activity is to be immediately exposed, condemned and ruthlessly stamped out with the insinuation that it is a step along the road toward a new Auschwitz.*

Now, this simply should not be. It is a blatant injustice, because such criticism is *not* in fact a step along the road to a new Auschwitz, and should not be tarred with that brush. In effect, the specter of the Nazi Holocaust has become a gun pointed at our heads to suppress immediately any public criticism of the behavior of members of a whole important group within society. In January this year Dr. E. Michael Jones was slated to speak (along with others) at the Catholic University of America in Washington, D.C., on a subject connected minimally, if at all, with Jews or Judaism. But all it took was one last-minute phone call making the unsubstantiated and false accusation that Jones was a “raging anti-Semite” who didn’t accept the teaching of Vatican II, and the Dean of CUA immediately cancelled, with absolutely no further inquiry or due process, not only Dr. Jones’s speech, but all the others on the program as well! (So much for academic freedom!) Now, Mike Jones’ principal “crime” has been to publish extensive historical studies arguing that Jewish activists, intellectuals and financiers have again and again been major players in the various revolutionary movements of the last two millennia aimed at preventing, subverting and overthrowing the dominance in European civilization of Christian values and the Catholic and Orthodox Churches. Now, that is actually a thesis which some Jewish scholars themselves have agreed – proudly! – is historically well-founded. But suppose it had been Joseph Göbbels or the Führer himself, rather than E. Michael Jones, who had been detected approaching the CUA campus with a briefcase. Could the University’s reaction possibly have been any sharper or *more* panic-stricken than it was last January? Could the lecture-cancelling lightning have

struck any *more* swiftly and surely against the most ruthless Nazi tyrants than it did against Jones? *That* is the social injustice I am talking about – the lack of all reasonable sense of proportion here. And it seems to me that Catholics, instead of taking the easy and comfortable – not to say cowardly – route of going along with, and even pandering to, this unjust contemporary norm, should be the first to adopt a more bold and counter-cultural norm for evaluating Jewish issues – one derived from our own Christian and Catholic sources.

Please don't misunderstand me. I am by no means suggesting that real and dangerous anti-Semitism is now extinct in today's world. It is, unfortunately, very much alive and well. There *are* steps being taken with the potential for something akin to new Auschwitzes and new Belsens. What I am saying, however, is that these truly dangerous, hate-inspired and violence-provoking steps are not to be found at websites such as Robert Sungeis' *Bellarmino Theological Forum* or in magazines such as E. Michael Jones' *Culture Wars*. Rather, they are to be found above all in the world of radical (and sometimes even not-so-radical) Islam, where children are routinely indoctrinated with text-books portraying Jews as "brothers of pigs and apes", where Jewish cemeteries are desecrated, where Jewish "conspiracies" are popularly blamed for just about every ill afflicting mankind, and where incitements to massacre Jews and to bomb Israel and its inhabitants off the face of the earth are the staple fare in mosques, media and madrassas.

(Meanwhile, the double standard within our own society cries out for rectification. A couple of years ago the Jewish comedian Sacha Baron Cohen starred in *Borat*, a movie which heaped similar gross insults upon the people of Kazakhstan. Casting himself as a Kazakh, Cohen portrayed that people as a bunch of barely human barbarians: stupid and crass racists, morons who shamelessly show strangers photos of their children's genitals and masturbate in the presence of others, primitives ignorant of basic toilet-training, totally lacking in basic civility and manners, practitioners of "marriage" by abduction, and proud presenters of trophies to their daughters and sisters for their 'prowess' as prostitutes. This disgusting movie did well at the box office and was generally praised by the critics. So where was the outrage that would have rightly exploded everywhere if the roles had been reversed – that is, if a Kazakh comedian had made a movie portraying Jews that way? To answer that question I guess we only need to count the number of Kazakhs holding powerful positions in Western movie and television studios, commerce, magazines, education, newspapers, etc.)

In short, it is a crying injustice in our society that any and every criticism of influential Jewish currents in public affairs is castigated with the same immediate and absolute social intolerance that should be reserved for true anti-Semitism, that is, for the kind of dangerous contempt and incitement to anti-Jewish hatred and violence that is

typically manifested by neo-Nazis and Islamic fundamentalists. Instead of riding along on the back of this institutionalized injustice, as do the self-appointed prosecutors – or rather, persecutors – of Robert Sungenis, Catholics should be boldly standing up to it on the basis of norms derived from their own tradition. For this tradition, which of course includes the teaching of Vatican Council II in *Nostra Aetate* – but understood conservatively through a ‘hermeneutic of continuity’ with previous Church teachings – ultimately derives from the New Testament. And it should be unnecessary to add that the N.T. documents, inspired by the Holy Spirit, embody a far from uncritical stance toward the attitudes and activities of those Jews who reject the claims of Jesus of Nazareth to be the promised Messiah.

II. Should Robert Sungenis be Treated “as a Heathen and a Publican”?

This year Dr. Sungenis’ enemies have had a field day denouncing him for an article he published recently, entitled “The Old Covenant: Revoked or Not Revoked” (in *Culture Wars*, January 2008, pp. 12-39). Their denunciation has been based not mainly on its theological content (which many readers, including myself, found very good on the whole, as well as very timely), but rather, on the mere fact that it was published *at all*.¹ For they discovered in the text a statement that would enable them to portray Dr. Sungenis’ very act of publishing that article as an act of open rebellion against lawful church authority! On pp. 17-18 we read that his bishop, the Most Rev. Kevin C. Rhoades of Harrisburg, after previously requesting only a significant change in “tone” in Robert’s writing about Jewish issues, subsequently “took back his previous offer , , , and forthwith ordered me to stop writing about the Jews and Judaism altogether”.

It’s not hard to imagine the gleeful sense of triumph that must have raced through the enemy camp on reading that! For here he was, the man they had come to loathe so intensely, finally ‘condemned out of his own mouth’! Sungenis admitted being under an “order” from his bishop not to write anything at all about Jews. And – Halleluia! – here

¹ Actually, they have also criticized the article (and one or two subsequent postings on Dr. Sungenis’ website) for its author’s allegations against the doctrinal orthodoxy of Bishop Rhoades himself – allegations which they and the bishop claim are “slandering”. I will not enter into that controversy here, because it is more theological than canonical. My purpose in this study is only to absolve Dr. Sungenis of the charge of *disobeying* the bishop, not that of “slandering” him. Suffice it to say that, with due respect to Bishop Rhoades, who in February answered some unfairly ‘loaded’ questions submitted by a leading enemy of Dr. Sungenis, I find quite unconvincing His Excellency’s attempt to interpret ‘charitably’ and in an orthodox sense the following statement on p. 131 of the 2006 *US Catechism*: “Thus the covenant that God made with the Jewish people *through Moses* remains eternally valid for them” (emphasis added). I think Dr. Sungenis has been quite correct to denounce this statement as scandalous, unorthodox and indefensible. For it is only the covenant made through Abraham, not the covenant made through Moses, that remains “eternally valid”.

he was now, doing precisely that in *Culture Wars!* Never mind the bigger picture – that Dr. Sungenis was here performing the valuable task for the Church of rebutting a dangerous doctrinal error about Judaism that had made its way even into a catechism issued in the name of the U.S. bishops. No, peering out from between their blinkers, the man’s foes rated his perceived offense against church discipline as being far more important than his timely and much-needed defense of church doctrine. They could now seize the opportunity to trumpet Dr. Sungenis’ ‘rebellion’ and ‘defiance’ of church authority to the four winds, in an effort to destroy his credibility once and for all.

You may be thinking, dear reader, that it is perhaps a rather rash judgment on my part to suggest that sentiments of glee would have outweighed those of sorrow in the hearts of these Catholic gentlemen, on discovering their enemy’s “disobedience” to his bishop. If so, I would reply that they themselves soon made their vengeful prejudice against him abundantly clear on their website. With unseemly alacrity they put the worst possible interpretation on Dr. Sungenis’ “disobedience” to his bishop. In their February 2008 posting they told their readers all about this latest affair in an entry headed up by a very pointed and prominent quotation from the Gospel: **“If he refuses to listen even to the Church, treat him as a heathen and a publican”** (Matthew 18: 17). At around the same time, one of the group e-mailed me personally making the same point. He even declared that since I was still refusing to ostracize Dr. Sungenis even after his manifest disobedience to Bishop Rhoades, I myself was guilty of “disobedience to our Lord’s command” to treat Sungenis “as a heathen and a publican”.

Now this is an unpardonable misuse of the Gospel. In the first place, Jesus is talking here about the extreme ecclesial penalty that consists in being placed ‘outside the Church’ (as are “heathens and publicans”). That is, in post-biblical terminology, the penalty of being *excommunicated!* So in publicly headlining Mt 18: 17 against Dr. Sungenis, his enemies were inciting their readers to view him and treat him as one who had incurred the church’s extreme penalty, while they knew full well that neither Bishop Rhoades nor any other church authority had declared any penalty whatsoever against him. Dr. Sungenis was not even under an interdict or any similar lesser penalty, much less excommunication!

And that is not all. The Gospel gives as the *reason* for imposing this penalty the offender’s “refus[al] to listen to the Church”. Now since, as we saw, Jesus was talking there about the *extreme* ecclesial penalty – exclusion from the community of the faithful – the offense for which he was prescribing this penalty was, logically, only an *extreme* “refus[al] to listen to the Church”. That is, the kind of refusal for which the modern Church prescribes excommunication in her canonical legislation against heresy and schism (cf. *Code of Canon Law*, cc. 751, 1364, §1). Now, Dr. Sungenis’ critics were not

accusing him of heresy, so that leaves schism. But did they have any evidence that his “disobedience” to the Church had reached this radical level of *schism*? Absolutely none. On the contrary, they read on p. 18 of Robert’s article, immediately after his mention of Bishop Rhoades’ “order” to stop writing about the Jews, his expressed intention of continuing to “listen to the Church” by making use of the Church’s canonical channels. He planned to use lawful means to resist what he considered an unjust imposition by his Ordinary. Dr. Sungenis wrote:

I subsequently wrote the bishop a letter saying that . . . if he wanted to reverse his position once again and censor me, he would have to do so under the aegis of a canonical trial, at which time I would appeal to the Vatican in order to have the matter fully adjudicated. . . . After three months , there has been no response from the chancery.

Clearly, then, there was no excuse for Dr. Sungenis’ enemies in publicly branding him as one who was “refusing to listen to the Church” and therefore meriting the ostracism due to “heathens and publicans”. The appropriate name for this kind of thing is defamation. Or, if you like, calumny.

(As an example of what has just been officially judged as *real* schism, we have the very different case of the rebel parish of St. Stanislaus Kostka in St. Louis, where the lay board of directors has completely thrown off the authority of Archbishop Raymond Burke. After the archbishop suppressed the parish and reassigned its priest, the board defied him by hiring another priest to come in from a different diocese – disobedient to his own bishop as well as to Burke. That in effect turned the ex-parish into a whole little “independent” religious structure answerable to no outside authority. Archbishop Burke then declared this priest and the board excommunicated for schism, and his decision has just been upheld by the Vatican.)

III. Robert Sungenis’ True Standing in the Church

There is still more to be said in Dr. Sungenis’ defense. A lot more. For he is not merely innocent of the kind of total, schismatic, withdrawal of submission to church authority that alone would merit ostracism “as a heathen and a publican”. The truth, surprising as it may seem, is that he is innocent of *any kind* of disobedience known to the Church’s official disciplinary norms. With hindsight, we can say that it was a pity Robert did not think to seek expert canonical advice before writing his January 2008 *Culture Wars* article. Had he done so, he would have learned that he was *not* in fact under any “order”, command, or obligation from his bishop to cease writing about Jewish issues and Judaism. So his article would not then have described Bishop Rhoades’ intervention as an

“order” – a little word that needlessly handed to his enemies on a platter a seemingly powerful, but in fact phony, piece of ammunition.

I myself am not a specialist in Canon Law, but I have taken some basic courses in that discipline, and have gained further canonical experience acting as an official in Puerto Rico’s marriage tribunals. In any case, I have run what follows past a priest colleague, Fr. Edward Kelty, O.S., J.C.D., whose doctorate in Canon Law is from the Pontifical Lateran University in Rome. Fr. Kelty has told me he considers my canonical argumentation here perfectly sound. It is based on photographic reproductions of the relevant documents emanating from the diocesan chancery which Robert has made available to me.

1. On June 29, 2007 Dr. Sungenis’ ordinary, the Most Rev. Kevin C. Rhoades, Bishop of Harrisburg, wrote him a letter containing the following directive that would be classed canonically as a *singular precept* (cf. c. 49). It reads as follows:

I hereby direct you immediately to desist from commenting on the Jewish people and Judaism both online and in all other publications. I ask that you further remove all commentary presently contained on the website *Catholic Apologetics International* pertaining to Judaism and the Jewish people by July 20, 2007. If you do not comply with these directives I will publicly advise the faithful of my directives and further declare that *Catholic Apologetics International* lacks the appropriate ecclesiastical consent for the use of the name *Catholic* and I will direct that the name ‘Catholic’ should not be used due to the above-mentioned concerns about your writings.

2. The above precept, however, actually involves a violation of church law and constitutes an act of injustice on the part of the bishop. Why? Because the bishop manifestly failed to comply adequately with c. 50 before he issued it. This canon states: “Before issuing a singular decree [a term which here includes singular precepts, cf. the wording of c. 49], an authority is to seek out the necessary information and proofs, *and, insofar as possible, to hear those whose rights can be injured*” (emphasis added). Bishop Rhoades’ letter indicates he had indeed looked at material critical of Jewish positions and activity on Dr. Sungenis’ website, and received complaints about it. But the italicized words above indicate that canonically – and indeed, this is also a plain matter of natural justice – that is by no means enough. It is illicit for a church authority to impose a penalty or restriction without first listening to those persons whose rights are at stake, wherever possible. Now, the first of such persons, obviously, is the one for whom the penalty or restriction is being contemplated. But in this case, even though it would have been not only possible, but quite easy, to hear Dr. Sungenis’ point of view prior to formally

commanding him to be silent on Jewish issues, the bishop made no attempt to do so, either by writing to him or by summoning him to the chancery for a discussion of the problem. The command therefore fell like the proverbial ‘bolt from the blue’. Dr. Sungenis has assured me in writing of the total lack of prior consultation, and indeed, this omission is virtually evident from the wording of Bishop Rhoades’ letter itself: it treats the whole matter ‘from the ground up’ and does not mention any previous admonitions or discussions as background to the new prohibition – as it surely would have if such had ever taken place.

The bishop’s signal failure to observe due process seems all the more striking when we note that, in the view of some of the country’s best canonists, such an omission violates not just the Church’s law, but even “commonsense reasonableness”. In the Canon Law Society of America’s *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000), we read:

At first glance, canon 50 may appear so obvious as to make one wonder why it would be included in the law. Yet despite its commonsense reasonableness, it makes an important statement about the use of authority. Acts of governance are not acts of whimsy or caprice but actions intended to realize the common good and the salvation of souls. Thus, the legitimate use of authority requires information *and consultation* (p. 110, emphasis added).

Canon 50 neither affirms nor denies that failure to comply with all its requirements would render *invalid*, as well as *illicit*, some or all decrees or precepts vitiated by such lack of due process. But although this point is left unclear in the Code, it would certainly seem difficult to prove that Dr. Sungenis was obliged before God to obey his bishop’s illicit precept, especially if there was, in his own concrete case, a real danger that the bishop’s over-hasty prohibition could injure one or more of his other canonical rights. He thought that this was indeed the case, but the reasons for this apprehension, being more theological than canonical, lie outside the scope of this present study.

3. In any case, whether Bishop Rhoades’ illicit command of June 29, 2007 was nevertheless valid, and therefore, in that event, carrying with it a moral obligation of obedience on the part of Dr. Sungenis, became irrelevant – a moot point – on July 27, 2007. For on that day, at a meeting he had with the bishop’s Vicar General, Fr. William King, JCD, and Fr. James Massa, from the Secretariat for Interreligious Affairs of the United States Conference of Catholic Bishops, it was made clear to him that the bishop himself had, during the intervening month, decided to substantially mitigate his command to Dr. Sungenis so as not to require total silence on Jewish issues after all. This new decision was motivated largely, it seems, by Dr. Sungenis’ prompt and humble

compliance with the original command. (He had already removed all the Jewish material from his website.) To attest in writing this verbally communicated change of heart on the part of the bishop, Dr. Sungenis wrote to him several days later (on July 31) with an account of the meeting with Frs. King and Massa. His letter contains the following passage:

Fr. King told me that, after extensive consultation with you, your intention was not to forbid all writing about the Jewish people, but to make certain that if and when I wrote about them I abided by all the stipulations you had mentioned in your letter for proper and respectful communication. Fr. King said that you and he had agreed to this resolution and that one of the reasons for the meeting we had on July 27 was for the purpose of making that modification clear to me. I told Fr. King that I would have no problem abiding by that directive, since I fully acknowledged to him and Fr. Massa that I am often guilty of not saying things in the most appropriate manner.

To confirm my understanding, Fr. King reiterated the same resolution two other times in the meeting, assuring me that your intention was not to censor me but to direct me to employ a human and Christian spirit in all my communications. Fr. King and Fr. Massa said they had extensive conversations with you and were “deputized” by you and thus they could speak freely of what your actual intentions were in this matter.

The Vicar General, Fr. King, subsequently confirmed this understanding of what transpired at the meeting in his letter of August 23, 2007, which contains the following comment about it:

His Excellency agreed to allow you to continue publishing and speaking on those matters of Catholic doctrine which pertain to the Jewish covenant and the role of Israel in salvation history, provided that you take an approach quite different in tone and content from the one presented in the past.

4. After the July 27 meeting at the chancery, Dr. Sungenis left on his website a letter to his readers that included a 7-point statement of the “qualified opinion” of Catholic Apologetics International on theological and biblical aspects of the relations between the Catholic Church and Judaism (not on Jewishness as an ethnic, political or cultural reality). Among other things, this ‘official’ position of CAI includes in the last of these seven points the affirmation that “All forms of hatred against the Jews are to be condemned [and] Christian love should be shown to Jews at all times”. He also told readers that from that moment on he would cease commenting on Jewish political and social issues, and would be confining his writings in this area to theological and biblical comments on Judaism as a religion, since that is his area of professional expertise.

5. When Dr. Sungenis communicated to the Diocese the information just mentioned, sending a copy of the aforesaid letter to his website readers, the Vicar General, Fr. King, replied with a long letter, dated August 23, 2007, stating that in the judgment of Bishop Rhoades, the 7-point statement on Judaism contained in the letter was not fully satisfactory because of the tone and content of some passages. Fr. King's letter passed on the following message to Dr. Sungenis from Bishop Rhoades:

He *asks* that you remove the recently posted letter, and that you refrain from publishing on all topics directly or tangentially related to Judaism or the Jewish people. The Bishop issues this directive because some of your views do not adhere to explicit Church teaching and are not imbued with the living voice of the Magisterium, which includes charity and respect for the Jewish people and for Judaism itself. . . . It is Bishop Rhoades' *hope and prayer* that you . . . refrain from further commenting on matters related to Judaism or the Jewish people. [emphasis added]

6. Now, although Fr. King and the bishop gave Dr. Sungenis no opportunity to correct the expressions they found objectionable in his 7-point CAI statement, it would be difficult to argue that, as in the case of the original directive (cf. 1-2 above), due process was not observed in this new effort to silence Dr. Sungenis on Jewish issues. For this was after the meeting of July 27 in which he was indeed enabled to present his viewpoint to the bishop's representatives at some length. Nevertheless, this missive of August 23 is unquestionably *invalid* as an attempt to impose an obligation on Dr. Sungenis, for two reasons:

6a. First, there is no proof here that the bishop himself even *intends* to impose any such obligation. Even though Fr. King uses the word "directive" in referring back to the principal message he is passing on from Bishop Rhoades, there is in fact no "directive" here in the sense of a precept, command, order, or instruction. All we see is a reported *request*, accompanied by a reported aspiration. For, as the italicized words in the above quotation make clear, the only thing the letter actually ascribes to the bishop is that he "asks", "prays", and "hopes" that Dr. Sungenis will refrain from publishing on the topic in question. But in the Catholic Church a bishop's requests, hopes and prayers by no means constitute his command.² Not even when the bishop in question is the Bishop of

² In many cases, no doubt, bishops find in practice that such milder and less 'authoritarian' forms of telling their subjects what they want done are sufficient in their governance of the diocese. But it must be remembered that the whole purpose of this examination of Dr. Sungenis' canonical status is to defend him from public charges by long-standing and deeply prejudiced enemies that by publishing his January *Culture Wars* article he has so gravely "disobeyed" (even "defied") his bishop that he is in the position of "refusing to hear the Church" – the biblical term (as we have seen) for a crime meriting the supreme ecclesiastical penalty of excommunication. And they are using this alleged disobedience as a pretext for continuing to harass and isolate him, trying to reduce him to the status of a pariah by intimidating others

Rome, the Supreme Pontiff! (When the Tridentine Mass ‘Indult’ was in force, for instance, many, maybe most, bishops throughout the world decided *not* to comply with Pope John Paul’s urgent *request* that they “generously” allow the celebration of the Traditional Latin Mass with the 1962 Missal to their faithful who asked for it. And indeed, the wording of the 1988 Motu Proprio *Ecclesia Dei* left each bishop quite entitled to make that decision.)

6b. Secondly, the very form in which the bishop’s request has been made renders it unquestionably *invalid* as an attempt to impose any obligation on Dr. Sungenis. For it manifestly fails to fulfill the definition of a precept that could have that kind of effect. Canon 49 states: “A singular precept is a decree which *directly* and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law” (emphasis added). The word “directly” means that the command (even if there *was* one) has to come from the competent ecclesiastical authority (in this case the diocesan bishop) *in person*. As the *New Commentary on the Code of Canon Law* makes clear in explaining this canon, a precept “is imposed directly, *not through the mediation of another*” (p. 110, emphasis added). And since the August 23 letter to Dr. Sungenis communicates the bishop’s new decision only through the mediation of Fr. King, it could not constitute a canonical precept even if it had contained a genuine command, and not merely a request.

In the light of 6a and 6b above there can be no possible doubt that the August 23 letter contains no valid command to Dr. Sungenis to cease writing and speaking about Jewish issues and Judaism. He is therefore under no obligation whatsoever to do so.

7. In order to establish the truth of the title of this study – to wit, that Dr. Sungenis has not disobeyed any binding precept of his bishop – what has already been said so far is amply sufficient. However, the following consideration is also worth mentioning by way of an after-thought.

There is good reason to suppose that Bishop Rhoades himself, while he would no doubt *prefer* that Dr. Sungenis keep silent in public about Jewish issues, no longer even has the *intention* or *will* to prohibit him from doing so, even if we were to suppose for the sake of argument (without any evidence whatever) that Fr. King’s letter of August 23 had actually misrepresented and downplayed the bishop’s intention at that time by presenting to Dr. Sungenis as a *request* what Bishop Rhoades actually wanted him to present as a

into excluding him from all decent Catholic company. Under those circumstances he of course has every right to make full use of the Church’s law in his own defense. That is precisely one of the reasons why Canon Law exists.

command. There are several reasons for thinking that the bishop *at present* (June 2008) does not now even intend any such prohibition – if, indeed, he ever *has* intended it in the last year since Dr. Sungenis impressed him favorably by promptly complying with his letter of June 29 and taking down from his website all material relating to Jews and Judaism.

7a. The main reason arises from the bishop’s only direct communication so far with Dr. Sungenis, namely, the letter just mentioned of June 29, 2007. Although, as we saw in sections **1** and **2** above, the prohibition imposed in this letter was illicit, unjust, and possibly even invalid, and even though it was in any case subsequently withdrawn by the bishop himself just prior to the cordial meeting of July 27, 2007 (see section **3** above), the letter remains relevant for present purposes because of the penalty – the *only* penalty – threatened by Bishop Rhoades in the event that Dr. Sungenis should fail to comply with the bishop’s directive. As we saw (cf. section **1** above), the bishop’s exact words were:

If you do not comply with these directives I will publicly advise the faithful of my directives and further declare that *Catholic Apologetics International* lacks the appropriate ecclesiastical consent for the use of the name *Catholic* and I will direct that the name ‘Catholic’ should not be used due to the above-mentioned concerns about your writings.

This measure – a possible future order to remove the word “Catholic” from the title of the website – was again threatened indirectly in Fr. King’s letter of August 23, 2007. But since the bishop never at any stage warned Dr. Sungenis of any *further and more severe* penalty in the event of the latter’s non-compliance with his expressed wishes – for instance, interdict or excommunication – it is reasonable to suppose that the prohibition itself, according to the mind and intention of Bishop Rhoades, was *conditional* upon the fact that Dr. Sungenis’ website was presenting itself formally as “Catholic”.

7b. This consideration is reinforced when we reflect that – as Bishop Rhoades was of course well aware – Dr. Sungenis is a layman who as such enjoys more liberty in expressing his religious and other opinions than the clergy of the diocese. This greater liberty arises firstly from the fact that he, unlike the priests and deacons of the Diocese of Harrisburg, has never made any promise of obedience to the bishop, and secondly, from the fact that he, unlike them, does not by his very vocation and profession officially represent the bishop and the Roman Catholic Church before the faithful and the world.

7c. In the light of the above, it is very relevant that, after Fr. King, in his letter of August 23, 2007, reiterated the bishop’s earlier admonition about possibly ordering Dr.

Sungenis to remove the word “Catholic” from his website, the latter soon did so anyway, on his own initiative. For at least eight months now the site has been entitled the “Bellarmine Theological Forum”. Now, as we saw in **7a** above, it cannot be presumed that the bishop would ever have issued any prohibition such as that of June 29 if the word “Catholic” had *not* been included in the website’s title. Thus, given the fact that this word has now been eliminated, and in the absence of any new disciplinary initiative on the part of the bishop, it cannot be presumed that he himself now retains any continuing or standing *will or intention of prohibiting* Dr. Sungenis from speaking and writing on Jewish issues and Judaism, only (probably) a wish or desire that he voluntarily cease doing so.

7d. This conclusion is further reinforced when we note that, in the ten months that have now passed since Fr. King’s letter of August 23, 2007, Dr. Sungenis has received absolutely no further communication from any representative of the Diocese of Harrisburg. After receiving Fr. King’s letter of August 23, he wrote a long reply to it directly to Bishop Rhoades. He never received any answer to this. Also, very significantly, even now, nearly six months after the publication of the January *Culture Wars* article that Dr. Sungenis’ lay adversaries have waved about triumphantly as proof of his alleged disobedience, rebellion, defiance, etc., neither Bishop Rhoades nor any of his representatives has contacted Dr. Sungenis with any kind of reproof, warning, or repetition of some previous directive in connection with his writings on Jewish issues.

Taken together, the above four considerations present strong presumptive evidence that in fact even the Bishop of Harrisburg himself does not consider Dr. Sungenis to be bound *now* – that is, ever since he voluntarily removed the word “Catholic” from the title of his website last year – by any obligation to remain publicly silent on Judaism and the Jewish people.

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We can now conclude this canonical study of Dr. Robert Sungenis’ present standing in the Church. Again, the admittedly speculative character of section **7**, which ends only with a reasonable presumption, not a proof, should not cause the reader to forget that the principal conclusion of our study does not depend in any way upon the correctness of that presumption. In other words, even if the truth happens to be that Bishop Rhoades, at the present moment, *does* in fact consider Dr. Sungenis to be still bound by an obligation of silence on the aforesaid issues, what we have brought to light in sections **1** to **6** above shows conclusively that in fact Dr. Sungenis is under no such

obligation. For we have demonstrated the following with regard to the two disciplinary measures issued by the Diocese of Harrisburg, namely, those expressed respectively in the bishop's own letter of June 29, 2007 and that of his Vicar General dated August 23, 2007:

1. The first was *illicit*, unjust, and possibly invalid because of failure to observe due process as specified in canon 50, and was in any case revoked by the bishop after less than a month in a decision communicated to Dr. Sungenis on July 27, 2007;

2. The second was *invalid* as a putative act of imposing silence on Dr. Sungenis in regard to Judaism and Jewish issues, because both its content (expressing a mere request) and the form of its promulgation (a merely indirect communication of the bishop's decision through a third party) rendered it an act that fell very short of being a singular precept as defined in canon 49.

In short, Dr. Robert Sungenis has never disobeyed any lawful and binding precept of either the local or universal Church. He is thus a Catholic in good standing with the Church, and is entitled to be treated by all as such.

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