

MICHAEL KELLY

Rites and wrongs

Bishop Bill Morris of Toowoomba was popular with his flock, but not so popular with Rome over his support for church reforms. He was finally removed for supposed defective pastoral leadership. The case reveals the disturbing way in which the Vatican deals with those with whom it disagrees

Last year, at this time an area the size of Germany and France was under flood waters in Queensland, Australia's north-eastern state. It happens every decade or so. A part of that area includes the Diocese of Toowoomba – 500,000 square kilometres, or more than half the size of France. Queensland is, as Kevin Rudd, the former Australian Prime Minister, once told George W. Bush, “bigger than Texas”.

In May last year, the Bishop of Toowoomba, Bill Morris, was involuntarily removed from his office by Pope Benedict XVI on the grounds of “defective pastoral leadership”. The dismissal is now the subject of legal

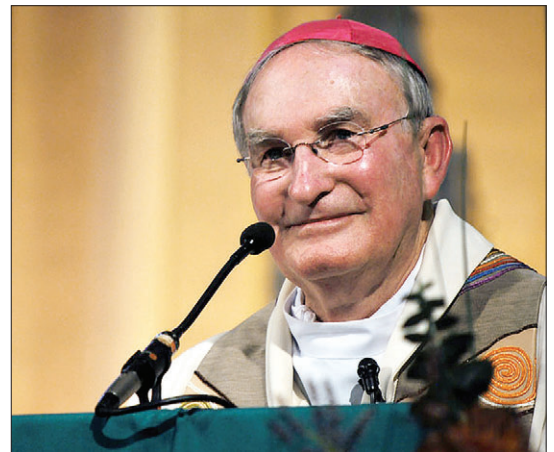
review; QC's opinion and a canon lawyer's analysis were released last week. But the process that led to the bishop's sacking began more than seven years ago.

Bishop Morris is from Brisbane but by temperament and style he is very much a “bush priest”. The climate of the Australian outback makes few concessions and if you survive, it breeds wiry and resilient types. Affectionately regarded for his pastoral style, he is a man of the people who had a successful racehorse, Bishop Bill, named after him. Perhaps the racing connection nurtured the attitude he has needed since 2004 – ever alert to surprises and upsets, and trained to live with disappointments.

Bishop Morris' first upset occurred when he arrived at the Vatican in late 2004 for what he later described as an ambush. He was invited by Cardinal Francis Arinze, then the Prefect of the Congregation for Worship and Sacraments, to discuss the continuing use in his diocese of the Third Rite of Reconciliation, which offers participants general absolution but whose use had become limited following John Paul II's 2002 apostolic letter *Misericordia Dei*. Bishop Morris was surprised when he arrived alone for the meeting to find the cardinal flanked by an archbishop and two monsignors, apparently canon lawyers. He felt ambushed because the “discussion” was based on claims, which he had not seen, from unnamed accusers about his pastoral practices and permission for the Third Rite to be held under certain conditions in his diocese.

The Diocese of Toowoomba is vast; priests are few and ageing; there are 66,000 Catholics; 36 parishes are served by 28 active priests. In the circumstances, pastoral visitation and celebration of the sacraments are rare in many places. The bishop explained that in these conditions, some flexibility was needed if the sacraments were to be available. The cardinal and his companions said the practice was forbidden and should end. Bishop Morris complied and from that date Third Rite celebrations ceased in Toowoomba.

But apparently Rome was not satisfied. Two years later, in December 2006, Cardinal Arinze demanded that Bishop Morris be in



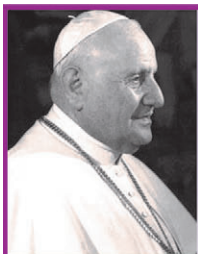
Bishop William Morris during a Mass in August 2011 marking his departure from the Diocese of Toowoomba.

Photo: CNS

Rome on either of two dates the following February to discuss matters the nature of which he did not specify. Bishop Morris explained that for pastoral and administrative reasons the dates did not work for him, adding that he would be in Rome in May. He sought an agenda for the meeting to prepare himself. An order that he must attend in Rome in February was the response and the information that Cardinal Arinze would also have the Prefects of the Congregation for Bishops (Cardinal Giovanni Battista Re) and the Doctrine of the Faith (Cardinal William Levada) attending.

Bishop Morris replied that he was unavailable in February, but would be in Rome in May. Without delay, Cardinal Re announced the appointment of an apostolic visitor to the diocese – Archbishop Charles Chaput, then of Denver, Colorado, and recently translated to the more significant See of Philadelphia. He was booked to be in Toowoomba in April 2007. Cardinal Re made no reference to the Third Rite, which seemed to be a settled affair. Rather he alleged to Bishop Morris: “The doctrinal and disciplinary line you are following seems not in accordance with the Magisterium of the Church.”

Such a serious claim was based on documents, letters and representations made to Rome by parties hostile to Bishop Morris, which he has not seen to this day and was never asked to respond to. According to



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Two Council fathers feature prominently: Abbot, later Bishop Christopher Butler OSB; and Franz, Cardinal König, Archbishop emeritus of Vienna. Both had great regard for *The Tablet*. In 1968 Butler called it “that great journal”. In 2005 König dedicated his final book to *The Tablet*.

Morris, they came from a small, unrepresentative group within the lay and clerical leadership of the diocese.

The apostolic visitation – of four and a half days to such an immense area – followed a now well-established pattern. Bishop Morris was never told the nature of the visit, its reasons or terms of reference. He never saw any documents in the possession of the visitor. He never learned who had accused him of what. He was never asked to answer any accusations.

Even now, he has never seen the visitor's report. Fr Jesus Minanbres Fernandez, a canon lawyer from the Rome University of Opus Dei, says non-disclosure is "for the good of the Church" whose interests would not be served by the revelation of who supplied information to the Vatican and what that information was. The visit was followed in mid-2007 by an unsigned document on the letterhead of the Congregation for Bishops detailing why it believed Morris was a "defective" leader in Toowoomba and had to go.

Released this week, independent civil and canon law reviews of the removal of Bishop Morris in May 2011 have concluded that there was a denial of "procedural fairness and natural justice" in the sacking. A retired Queensland Supreme Court judge, William Carter QC, found it "an unfair process and in breach of the principles of natural justice, [which was] offensive not only to the requirements of civil law but also to those of canon law". Carter found that the breaches were regularly exercised by three Roman dicasteries and reached as far as Pope Benedict XVI between 2006 and 2011.

The eminent canonist and head of the matrimonial tribunal in the Archdiocese of Melbourne, Fr Ian Waters, concurred, saying that "the Holy See, departing from the earlier precedents for the removal of Australian bishops, could have designed a process similar to that used for the removal of a parish priest, thereby according procedural fairness and natural justice consistent with the Code of Canon Law. This was not done."

Carter found that the unsigned 2007 Congregation for Bishops document, which came to Bishop Morris from the nuncio, was pivotal to his removal and displayed "an appalling lack of evidence and particularity", "demonstrable errors of fact" and reflected a "process of decision-making by high-ranking church officials more likely based on gossip and hearsay" than on factual evidence.

Carter nominated 14 points at which Bishop Morris was denied natural justice from mid 2006 to late 2009. He found that Cardinal Re had made up his mind that the bishop had to go as early as June 2007 (when the unsigned document from the Congregation for Bishops materialised and following the Visitation of April 2007) and no later than October 2007, when he demanded Bishop Morris' resignation.

Morris has never seen the evidence or testimony on which that demand was made, and told Cardinal Re that in conscience he could not comply. Ian Waters has said that a forced resignation of a bishop, in the absence

of grave cause or illness, is an invalid exercise of authority in the Church.

Carter and Waters are at one in their conclusion that "Bishop Morris was denied procedural fairness and natural justice" by key Vatican officials, including Pope Benedict, who wrote, "Canon law does not make provision for a process regarding Bishops whom the Successor of Peter names and may remove from office."

At their recent *ad limina* visit to Rome, the Australian bishops had up to five meetings with the Prefects of the Congregations for Bishops and the Doctrine of the Faith. According to one of the bishops present, "Bill Morris says one thing and the Prefects say another." However, Morris is the only party to surrender his documentation to independent scrutiny.

Responses in Australia to Bishop Morris' forced resignation have been varied. Leadership – clerical and lay – in the Church in Toowoomba wrote to the Vatican following both the apostolic visitor and Morris' involuntary removal. The correspondence has not been acknowledged. Fallout in the diocese and across the country has been considerable. The Australian bishops have published a joint letter that recognised the dismay of many, promised that the matters would be addressed at their *ad limina* visit and, significantly, endorsed the effective and sustained leadership Bishop Morris had shown – in contrast

to the Vatican's judgement of his "defective leadership".


This endorsement notwithstanding, the letter was from the president of the Conference, Archbishop Philip Wilson of Adelaide, who had accompanied Bishop Morris on some of his visits to Vatican dicasteries. The letter gave as the reason for his removal what amounted to that used in divorce proceedings: irreconcilable differences.

The bishops' letter promised they would take up their own and many others' concerns with the Rome authorities. What resulted was a statement that one member of the Conference described as a "lowest common denominator outcome" – it pledged loyalty to the Pope and offered fraternal affection for Bishop Morris. It reported no progress on the outstanding issues addressed by Carter and Waters: due process and respect for Bishop Morris's natural rights. As Carter observed in his report: "The principles of natural justice and fairness lie at the heart of the maxim 'Not only must justice be done, it must manifestly be seen to be done'". If the Morris affair is anything to go by, the light of natural justice and due process is yet to penetrate the dark corridors of the Vatican.

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