

## TOWARD A GRAMMAR OF DISSENT

JOSEPH A. BRACKEN, S.J.

*Saint Mary of the Lake, Mundelein, Ill.*

THE 1960's may well be remembered as the decade of ever-growing dissent: dissent on the national scene over the conduct of the Vietnam war; dissent on the local scene over civil-rights issues; dissent on college campuses in academic matters; dissent finally in the churches over their role in the modern world. Roman Catholics too have participated in these movements of dissent on political and social issues, and it was perhaps inevitable that these same individuals, or still others in the Church, have found material for criticism and dissent within the Roman Catholic community itself. Two recent papal encyclicals, the one on priestly celibacy and the other on the morality of artificial contraception, have been severely criticized as ill-advised, inaccurate in their analysis of the situation, or simply erroneous in doctrine. To Roman Catholics who were educated to unquestioning obedience to the Holy Father and the local bishop in matters of faith and morals, this latter situation is a source of confusion and uneasiness. Not only these Catholics, however, but even "liberals" in the Church, who are eager for change in the doctrine and structures of Catholicism, are uncertain in their own mind as to the nature and limits of dissent in the Roman Catholic community.

By dissent here I mean not simply antecedent dissent, i.e., dialogue which may go on prior to an official decision by ecclesiastical authority, but also and above all consequent dissent, dissent which arises after the publication of a papal encyclical or some other ecclesiastical document. The Second Vatican Council affirmed, of course, the primacy of the individual moral conscience in matters of faith and morals, provided that the individual has taken care to form his conscience in the light of official Church teaching on the matter.<sup>1</sup> This solves the problem of

<sup>1</sup> Cf. Pastoral Constitution on the Church in the Modern World (*Gaudium et spes*) nos. 16 and 50 (Walter M. Abbott, S.J., *The Documents of Vatican II* [New York, 1966] pp. 213-14, 253-55). The first number cited enunciates the general principle of the inviolability of the individual conscience, while the second provides the specific application of this principle to the controversial issue of birth control and family planning. Cf. also the Declaration on Religious Freedom (*Dignitatis humanae*) nos. 2, 3, and 14 (*Documents*, pp. 678-81, 694-95). The Council fathers were addressing themselves in this document, of course, to the question of religious freedom in civil society, hence not to the further question of religious freedom within the Church. Nevertheless, a footnote (n. 58; actually by John Courtney Murray) to the text of no. 14 predicts that the Declaration "will be a stimulus for the articulation of a full theology of Christian freedom in its relation to the doctrinal and disciplinary authority of the Church" (*Documents*, p. 695).

dissent simply on an *ad hoc* basis for each individual case, but it clearly does not come to grips with dissent as a social phenomenon, i.e., as an issue for the community at large as well as for the individual Catholic. The question still to be considered is whether dissent, especially consequent dissent, is a legitimate factor in the life and growth of the Church as a historical institution, or whether the hierarchical structure of the Church cannot tolerate such dissent except on an individual basis and with the presumption of invincible ignorance on the part of the dissenter.<sup>2</sup>

With this problematic in mind, I intend first to raise certain questions on the philosophical level about the nature of community and the role of dissent in the historical development of a given community. Then I will inquire whether the Roman Catholic Church is a community such as I have described and whether place can be made in the Church for dissent as a factor in its growth and development without doing violence to its hierarchical principle of government. While I do not expect thus to solve any of the controversial issues which divide Catholics at present, nevertheless I may offer some stimulus to ecclesiologists to rethink the problem of authority and dissent in the Church within the framework of life in community. The paper will be divided into two parts, to correspond with the objectives listed above. In the first part I will present philosophical reflections on the nature of human community, and then in the second part I will apply these remarks to the Roman Catholic Church.

#### COMMUNITY AND DISSENT

First of all, then, we may ask ourselves, what is the nature or ontological reality of human community? Aristotle says in the *Politics* that there are three "natural" communities: the family, the village, and the state.<sup>3</sup> Of these three, the state at least is a totality which is ontologi-

<sup>2</sup> Cf., e.g., Joseph T. Mangan, S.J., "Understanding the Voice of the Vicar of Christ: A Commentary on *Humanae vitae*," *Chicago Studies* 7 (1968) 227-41, esp. pp. 234 ff. Fr. Mangan's article enables the priest in the confessional to deal sympathetically with penitents who are unable in "good faith" to fulfil the prescriptions of the Encyclical in the matter of artificial contraception. Mangan presumes throughout the article, however, that the dissenters are in objective error and that with the passage of time this error will become clear even to them. The present article is written with the opposite presupposition or hypothesis, namely, that the dissenters in the matter of birth control and in various other controversial issues of the day may be at least partially correct in their dissent, and that the further teaching of the magisterium on these issues may have to be revised to include the insights into Christian life and morality which are implicit in the protests of the dissenters.

<sup>3</sup> Aristotle, *Politica* 1252a ff. (ed. W. D. Ross, *Works of Aristotle* 10 [Oxford, 1921]).

cally prior, i.e., superior, to the individual citizen.<sup>4</sup> It is difficult to say in retrospect exactly what Aristotle meant by this apparently casual remark in the *Politics*. Was he speaking metaphorically, to the effect that the state must be analyzed *as if* it were an entity distinct from its members, even though it is, ontologically speaking, no more than an aggregate of human beings living together in the same place and under the same laws? Or did he mean in fact that the state represents a new type of being or ontological reality on the level of social rather than individual existence? If the latter is the case, how can this be reconciled with Aristotle's stipulation that substance is the first category of being?<sup>5</sup> Is the state, then, likewise a substance, and are the members of the state to be regarded as accidents on this new level of social being?

Without trying to define further the true position of Aristotle on this matter, I propose to accept provisionally the second alternative for the understanding of the state as a totality, and to work out, independently of Aristotle's philosophy, some of its possible implications for a modern ontology of community. That is, I suggest that not only the state as a political community but also every genuine community is an ontological totality which enjoys a higher level of being or existence than that exercised by the individual citizen taken in isolation. The community exists, therefore, in and through the members, but also over and above the individual members, so that one may properly speak of the life or being of a community which is more than the sum-total of the lives of its members. The Catholic Church, for example, is a historical community which has existed for two thousand years and which will presumably continue to exist long after its present members are dead. Hence one may legitimately speak of the Church and mean more than simply the aggregate of its current members and corporate assets. This does not deny, of course, that the members of a community are already totalities or distinct entities on the level of personal existence. It only signifies that on the higher level of communal or social existence the individual person (e.g., a Roman Catholic) becomes part of a new ontological totality which is the community (e.g., the Catholic Church).

Yet, even if one concedes that every true human community is, metaphysically speaking, a totality which is greater than the sum of its members, the problem of forming a rational concept of this totality still remains a barrier to philosophical understanding of life in community. Furthermore, Aristotle himself is of little help here, since his en-

<sup>4</sup> *Ibid.* 1253a.

<sup>5</sup> Aristotle, *Metaphysica* 1028a ff. (ed. W. D. Ross, *Works of Aristotle* 8 [2nd ed.; Oxford, 1928]).

ture treatment of the state in the *Politics* is directed to a classification of the ideal types of government: monarchy, aristocracy, and democracy, together with their classical perversions (tyranny, oligarchy, and anarchy).<sup>6</sup> This purely logical approach to an understanding of life in community is certainly valuable in itself, but it ignores the deeper historical dimensions of community. It is, after all, the community which accounts for the form of government at any given period of history and not vice versa. Government depends upon the radical consent of the governed. Hence an analysis of community in terms of various forms of government is superficial, since it does not come to grips with the underlying reality which is in each case a given historical community.

Fortunately, other philosophers have treated explicitly or implicitly the problem of community. I will single out two for consideration. The first is Josiah Royce, who lays out an incipient ontology of community in *The Problem of Christianity*.<sup>7</sup> Royce suggests that a community is a group of people who are bound together by the memory of a shared past and by the projection of common hopes for the future.<sup>8</sup> Further specifying this definition, Royce names five conditions for the formation of true community. First, each individual self must employ memory and imagination to extend his life into the remote past and future, i.e., to make certain events out of the past or projected future part of his life at the present moment.<sup>9</sup> Secondly, there must be a plurality of such selves able and willing to communicate with one another.<sup>10</sup> Thirdly, "the ideally extended past and future selves of the members [must] include at least some events which are, for all these selves, identical."<sup>11</sup> Fourthly, they must consciously work together to achieve common goals.<sup>12</sup> Finally, each member must maintain a special love and loyalty to the other members and to the community as a whole.<sup>13</sup>

One can only admire the precision with which Royce has spelled out the necessary psychological conditions for the formation of community. What is still lacking, however, is an emphasis on the community itself as a new ontological reality over and above the individual members

<sup>6</sup> Aristotle, *Politica* 1279a ff.

<sup>7</sup> Cf. Josiah Royce, *The Problem of Christianity* (Chicago, 1968).

<sup>8</sup> *Ibid.*, p. 248. <sup>9</sup> *Ibid.*, p. 253. <sup>10</sup> *Ibid.*, p. 255. <sup>11</sup> *Ibid.*, p. 256.

<sup>12</sup> *Ibid.*, pp. 261-66. Cf. also Frank M. Oppenheim, S.J., "A Roycean Road to Community," in *Proceedings of the Thirty-first Annual Convention of the Jesuit Philosophical Association* (1969) pp. 55-58. Oppenheim elaborates much more than is possible here on Royce's conditions for true community.

<sup>13</sup> Royce, *op. cit.*, pp. 266-71.

here and now. This insight into the reality of community as a totality distinct from its members is to be gained, in my opinion, only from history. Royce himself gives us the clue to the genuinely ontological understanding of community in the following excerpt from *The Problem of Christianity*: "a true community is essentially a product of a time-process. A community has a past and will have a future. Its more or less conscious history, real or ideal, is a part of its very essence. A community requires for its existence a history and is greatly aided in its consciousness by a memory."<sup>14</sup> Royce is clearly talking here of a community as if it were a supra-individual being with a consciousness of its own. This is, of course, only a manner of speaking; yet the reality which is signified in this way is not itself a metaphor. A community such as the Catholic Church has a history which is distinct from the histories of its individual members taken in isolation.

Furthermore, if we compare the relation of the community to its members in the light of history with the relation which Aristotle postulated between substance and accident in his philosophy, a certain parallel or analogy in structure becomes apparent. History informs us, for example, that the community normally outlasts its original members, i.e., it lasts through several generations, perhaps even for centuries. In this respect the community has the same characteristic of permanence in time which Aristotle attributes to substance.<sup>15</sup> Furthermore, the individual's place in history is normally established through reference to a community. Napoleon is known to historians as the leader of the French nation at the beginning of the nineteenth century, and the same could be said of other great men of history with respect to the various communities in which and for which they were leaders. Hence the community is the radical source of historical intelligibility for the individual person, even though the community itself is identifiable in history only through the activity of its individual members. Here too there is a parallel with the substance-accident relation in Aristotle's philosophy. According to the Stagirite, accidents are defined in terms of their common substance, although on the other hand the substance itself is intelligibly grasped only in and through the accidents.<sup>16</sup> It would seem, therefore, that there is a basic heuristic principle at work here, which we may call the principle of totality. In virtue of this principle man invariably seeks and finds in the manifold of sensible experience those higher unities which are properly identified as the source of being and intelligibility for the particulars, whether these particulars be the sen-

<sup>14</sup> *Ibid.*, p. 243.

<sup>15</sup> Aristotle, *Metaphysica* 1028a.

<sup>16</sup> *Ibid.* 1028b.

sible accidents of a physical substance or the individual members of a human community. A study of history in the light of this heuristic principle of totality thus confirms in a striking way the "transcendence" of the community to its membership here and now.

Yet, even if we grant the close connection between history in general and the reality of human communities, there still remains the problem of forming an objective concept of individual communities. We are faced, in other words, with the inability of traditional metaphysics, or even of common sense, to describe or otherwise define human communities except in analogous terms, namely, as a superthing or as a super-self. Royce, for example, lists five conditions for the formation of community on the part of the individual members. But then he speaks of the community thus established as if it were somehow a supraindividual Self or Mind with a consciousness of its own.<sup>17</sup> A community, however, is neither a mere aggregate of individuals nor a supraindividual Self, but rather a nonpersonal, specifically social totality which can be known only in and through the study of history. It would seem, then, that the only way to form an objective concept of a given community is to study its institutional history and from this empirical investigation to conclude that the specific being or "nature" of this community is in large part its history or, put in other terms, that the community is "defined" by its history.<sup>18</sup> If this is the case, then the being of a given community is in the fullest sense historical. That is, on the one hand, the definitive concept or full rational understanding of the community will be incomplete until the end of (its) history. But, on the other hand, the entire development of the community throughout history must be consistent with its historical origin. The being of the community is, in other words, an ontological totality which must present a continuity of historical development from beginning to end. Hence at any given moment of "world history" the community will be best defined by its own past history.

<sup>17</sup> Cf. J. Royce, "Mind," in James Hastings, ed., *Encyclopedia of Religion and Ethics* 8 (New York, 1916) 649-57, esp. 655a, 656b-57. Cf. also Oppenheim, *art. cit.*, pp. 39 ff. Since Royce conceives community primarily in terms of a "community of interpretation," the ontological principle of unity for the community is naturally a supraindividual Mind. Within the Christian community, which serves as a model community for Royce, this Mind can be further identified as the Holy Spirit. Cf. Royce, *The Problem of Christianity*, pp. 234-35, 401 ff.

<sup>18</sup> A community is, of course, likewise "defined" by its goals for the future. As Royce noted, a community is a group of people who are bound together not only by the memory of a shared past but by the projection of common hopes for the future. Nevertheless, history alone will tell whether and to what extent these goals can be realized. Hence, even though a newly formed community has as yet no history, its being and intelligibility are historical, i.e., only in and through history will it emerge as what it really is.

If we accept, therefore, Royce's definition of community as a group of people who are bound together by the memory of a shared past and by the projection of common hopes for the future, emphasis should be laid upon the strictly ontological nature of the new social entity which is thus created. The community is a distinct entity in space and time, as reflection upon its history makes clear. Within this ontological framework the psychological conditions for the formation of community which were laid out by Josiah Royce can be properly evaluated. In particular, I would call attention to the fifth and last condition named by Royce, namely, that the members of the community maintain a special love for one another and loyalty to the community as such. It seems to me that this affective bond of unity between the members is directly proportionate to their historical consciousness. To the degree that they are aware of a community heritage, they will be anxious to safeguard this sense of community from gradual deterioration in their own generation and transmit it intact to their successors. The underlying reason for this is that the self-identity of the individual is inextricably bound up with the "destiny" or historical self-consciousness of the community.<sup>19</sup> The loss of community identity for the individual is in large part identical with the loss of self-identity. Hence, even when an individual seeks to reform a community, to change its basic orientation in some way, he will act out of loyalty to the "true" community, as he himself conceives it. As we shall shortly see more in detail, genuinely constructive dissent is motivated by loyalty to the community, even though its initial effects may seem to disrupt, rather than build, community.

Still another condition (if a given group of people is to constitute a community) is, according to Royce, that they plan for a common future and work together to achieve well-defined goals. Royce, however, does not take up the practical problem of how to achieve unanimity among the members in the matter of community goals. He presumes, in other words, that a consensus as to these goals has already been reached or can speedily be established. In actual community life, however, there is often considerable debate over these same issues and, in those cases where one group has succeeded in imposing its will upon all the others, dissent from the will of the ruling party will inevitably emerge to threaten the necessary unity of community life and activity. To handle this other aspect of an ontology of community, I turn to a second philosopher, Jean Jacques Rousseau, who advanced a celebrated position on the true basis of sovereignty in the state as a political community.

Rousseau's doctrine on political sovereignty can perhaps best be in-

<sup>19</sup> Cf. Martin Heidegger, *Being and Time*, tr. John Macquarrie and Edward Robinson (New York, 1962) p. 436.

troduced by brief reference to two of his predecessors in the field of political theory, Thomas Hobbes and John Locke. Hobbes proposed in *Leviathan* that civil society is formed by men in the "state of nature" who covenant with one another to be governed by one individual, or a group of individuals, who shall possess absolute sovereign power over all the others for securing the common good.<sup>20</sup> Sovereignty, therefore, resides exclusively with the ruler, whether this be an individual or a ruling party. John Locke in his second *Treatise of Government* reacted to this theory of Hobbes with his own proposal that the community as a whole, hence not merely the ruling party, is sovereign.<sup>21</sup> This, however, raised the further question, how a community as such can exercise its sovereign power, to which Locke replied that the community acts as one body "through the will and determination of the majority. For that which acts, any community being only the consent of the individuals of it, and it being one body must move one way, it is necessary that the body should move that way whither the greater force carries it, which is the consent of the majority."<sup>22</sup>

Rousseau in *The Social Contract* accepted the hypothesis of Locke that only the community as a whole can exercise sovereign power, but he questioned Locke's further conclusion that the numerical majority have in each case the right to speak for the entire community. Rousseau himself distinguished between the general will (*volonté générale*) and the will of all (*volonté de tous*).<sup>23</sup> The latter is, according to Rousseau, simply the sum of the particular wills in a community, as manifested in a majority, or even in a unanimous, vote. The former, on the other hand, is to be understood as the genuine will of the community as a whole, which represents the "true will" of the individual citizen, even though it may militate occasionally against his own particular will or self-interest. This distinction is unintelligible unless one presupposes with Rousseau that the community as such is a social entity which has a purpose and direction peculiar to itself.<sup>24</sup> Civil society originated as a remedy for

<sup>20</sup> Cf. Thomas Hobbes, *Leviathan*, Part 2, chap. 17 (ed. Edwin A. Burt, *The English Philosophers from Bacon to Mill* [Modern Library; New York, 1939] pp. 174-77).

<sup>21</sup> Cf. John Locke, *An Essay concerning the True Original Extent and End of Civil Government*, chap. 8, nos. 95 ff. (ed. Burt, *op. cit.*, pp. 441 ff.).

<sup>22</sup> *Ibid.*, no. 96 (ed. Burt, p. 441).

<sup>23</sup> Cf. Jean Jacques Rousseau, *The Social Contract*, Book 2, chap. 3 (tr. G. D. H. Cole, *The Social Contract and Discourses* [Everyman's Library; London, 1923] p. 25).

<sup>24</sup> *Ibid.*, chap. 4 (tr. Cole, p. 26). Rousseau describes the state here as a "moral person," a term that clearly indicates the autonomy of the state with respect to its citizens. Yet Rousseau thereby personifies the state in much the same way that Royce describes the community as a supraindividual "Mind" (cf. n. 17 above). According to my hypothe-



the clash of particular interests; hence it will continue to exist only if the citizens can agree among themselves as to the nature of the common good and the means to be employed in attaining it.<sup>25</sup> The community, therefore, exists only in virtue of the good will of the members. Yet, once constituted, it enjoys a reality and moral purpose which is distinct from the whim of any individual member or group of members.

The general will of the community is, in Rousseau's opinion, infallible, provided that it is not being exploited by any particular group within the community to further its own interests. This does not imply that there will not be differences of opinion among the citizens as to the requirements of the common good in any given case. But it is Rousseau's firm conviction that these differences of opinion will eventually cancel one another out and produce a consensus as to the common good, provided that the individual citizens are impartially seeking the common good and not the satisfaction of their own self-centered desires.<sup>26</sup> For this reason he opposed the existence of "factions," i.e., subsidiary organizations such as the Church, within the state, since these subordinate communities could constitute pressure groups which would unduly influence the deliberations of the citizens as to the general will of the community. On the other hand, if such "partial societies" must exist within the community, then "it is best to have as many as possible and to prevent them from being unequal."<sup>27</sup>

Subsequent writers have criticized Rousseau for the obscurity of the doctrine of the general will on at least two counts. First, Rousseau provides no criterion whereby a given decision of a legislative body can be evaluated as the general will of the community or simply as the particular will of a self-seeking majority.<sup>28</sup> Motives for a decision are notoriously difficult to assign when a large number of people are involved in the decision-making process. Secondly, an individual citizen, according to Rousseau, can be constrained to obey the general will of the community on the grounds that the general will expresses his own real will.<sup>29</sup> He is, so to speak, "forced to be free."<sup>30</sup> Rousseau has therefore been accused of conceding to the state totalitarian power over its subjects.

---

sis, the state (or any other true community) is an ontological totality on the level of social existence, which, however, may be said to have a "general will" or, more properly, a *raison d'être* which is distinct from the will and purposes of its individual members at any given moment of its history.

<sup>25</sup> *Ibid.*, chap. 1 (tr. Cole, p. 22).   <sup>26</sup> *Ibid.*, chap. 3 (tr. Cole, pp. 25-26).

<sup>27</sup> *Ibid.*, chap. 3 (tr. Cole, p. 26).

<sup>28</sup> Cf., e.g., Cole's Introduction to the Everyman edition of *The Social Contract*, cited above, pp. xxxiii-xxxiv.

<sup>29</sup> Rousseau, *The Social Contract*, Book 1, chap. 7 (tr. Cole, p. 18).   <sup>30</sup> *Ibid.*

He no doubt would reply to these critics that, according to his hypothesis, the sovereign power in the state ultimately lies with the citizens themselves. Hence, as long as sovereignty is exercised impartially in the interests of the common good, it is, strictly speaking, impossible that any individual be treated unjustly.<sup>31</sup> Furthermore, if the government as the executive power of the state discriminates against certain individuals to the advantage of others in the community, then it ceases to enforce the general will of the community and the individual is no longer bound to civil obedience.<sup>32</sup> At the same time, it is clear that Rousseau's theory of the general will is sufficiently obscure to allow unscrupulous individuals to interpret it to their own advantage. In particular, there should be some legal guarantee (e.g., a bill of rights) that the basic human rights of the individual citizen will never be violated, quite independent of the sovereign will of the people at any given moment.<sup>33</sup>

Despite these obvious defects, Rousseau's understanding of the interrelation between the individual and the community at large is superior to that of his two predecessors, Hobbes and Locke. Far better than they, he saw that the community is in each case more than the aggregate of its members, that it is a separate entity with goals proper to itself which are somehow embodied in the general will of the community as a whole. Difficult as it may be to determine here and now whether a given proposal genuinely corresponds to the general will, it remains nevertheless true that a community cannot long survive without a general consensus among its members as to their group-identity and group-purpose. Dissent on specific issues must, in other words, presuppose a deeper, more radical consent to live together in community, to work together for the achievement of common goals, etc. Seen from this perspective, dissent should operate to preserve rather than to threaten the basic unity of the community. Vigorous dissent on the part of some members to a given issue forces the community as a whole to reassess its basic self-understanding in the light of this new problem. Without such dissent a periodic self-evaluation by community members, particularly by those who habitually set policy within the community, would never be carried out with any degree of thoroughness. As Rousseau saw very well, even the community as a whole can be deceived occasionally as to the general will, if it proceeds hastily and out of self-interest.<sup>34</sup> What is needed in

<sup>31</sup> *Ibid.*, chap. 6 (tr. Cole, p. 15).      <sup>32</sup> *Ibid.*, Book 2, chap. 4 (tr. Cole, p. 29).

<sup>33</sup> *Ibid.*, chap. 4 (tr. Cole, p. 27): "Each man alienates . . . only such part of his powers, goods and liberty as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important." Thus the private citizen is powerless before the collective judgment of the community.

<sup>34</sup> *Ibid.*, chap. 3 (tr. Cole, pp. 25-26).

each case is a rational discussion of issues, so that in the end there will no longer be any radical disagreement among the members as to the general will of the community and its application to a particular situation here and now. Certainly one cannot expect unanimous approval for every community policy. But what can reasonably be expected is that all members of the community will concur in the ultimate decision, even though it does not represent in every case their own personal preference.

From the foregoing it should be clear, however, that various channels within the community must be made available for the expression of dissent. In larger communities this presents a serious problem, since many individuals and even entire minority groups lack either the initiative or the resources to make their dissent effective within the community at large. Rousseau himself admitted that the ideal political community should be very small, like his native city-state, Geneva, for example, in order that the citizens could deal directly with one another in the popular assembly.<sup>35</sup> Since in our modern age pure democracy is impossible in any but the smallest communities, different ways and means must be explored to allow individuals and minority groups to express their views on issues which affect the whole community. The setting up of such institutional structures for dissent should, moreover, not be regarded as paternalism on the part of those in authority, but rather as a necessary safeguard for the authorities themselves against self-delusion in community decisions.<sup>36</sup>

I will conclude this first half of the paper with a brief summary of the points which were made in the matter of an ontology of community. From Aristotle's *Politics* I derived the hypothesis that a community is an ontological totality which is more than the simple aggregate of its members. It has a type of being, a level of existence, which is superior to the being or act of existence of the members taken singly. Hence it is a separate entity, even though it depends for its continued existence from moment to moment upon the co-operation of its individual members. To form a rational concept of this new ontological totality, I turned to Josiah Royce, who lays down in *The Problem of Christianity* various conditions for the formation of community. My interpretation of these conditions led me to the further hypothesis that the specific

<sup>35</sup> *Ibid.*, Book 3, chap. 4 (tr. Cole, p. 58). See also Frederick Copleston, S.J., *A History of Philosophy* 6 (London, 1960) 95-96.

<sup>36</sup> Cf. Robert F. Drinan, S.J., *Democracy, Dissent and Disorder* (New York, 1969). Fr. Drinan's thesis is that government in the United States has become separated from the knowledge, advice, and consent of the governed, hence that conditions are ripe for the use of violence, even armed revolution, on the part of dissenters as a redress of grievances. What is urgently needed, therefore, is a new consensus among the American people as to the aims and methods of government and the rights of citizens.

character or "nature" of any given community is to be found in its history. The history of a community is its being as already in act. Furthermore, through the historical consciousness of its members, their loyalty to the group in virtue of a common heritage, the community continues to exist as a moral entity in basic continuity with its past. Finally, to solve the problem of how a community moves ahead through unified activity, I consulted Jean Jacques Rousseau on his doctrine of the "general will." The general will, according to Rousseau, represents the true will of each member and hence of the community as a whole. When and if the will of the ruler or ruling party (e.g., the numerical majority) differs from the general will, then the other members of the community are justified in expressing dissent in order to adjust community policy to the genuine common good. In the practical order, this means that institutional structures for the expression of dissent should be set up to allow the members of the community to give their opinion on current issues. Provided that this dissent is directed to a rational discussion of issues, the net result should be a much broader consensus as to the general will or true common good of the community. The underlying presumption here is that a given community cannot long survive unless there is a broadly based consensus as to its *raison d'être*. Otherwise the community as a whole will dissolve into splinter groups, each of which conceives the general will differently. Hence dissent, when it is exercised prudently, should prove to be a bond of unity within the community rather than a source of unrest and dissension.

#### THE CHURCH AS COMMUNITY

In this second part I will apply the above general remarks on the nature of community to a specific institution, the Roman Catholic Church. First, however, an objection should be answered. Should the Church be subject to analysis as a human community or does its character as the Mystical Body of Christ elude rational analysis? Admittedly, the full reality of the Church is a mystery of grace which is known to the triune God alone; but, as Schillebeeckx notes in a recent article, the Church as we know it today is, in part at least, the result of a sociological process of growth which can be analyzed objectively.<sup>37</sup> Hence it seems reasonable and proper to undertake an analysis of the Church in terms of the community structures which I proposed in the first part of the article, provided that one respects the limits of rational analysis in the face of divine mystery. It is, moreover, my purpose in this part of the article merely to offer some preliminary reflections on the communi-

<sup>37</sup> Cf. E. Schillebeeckx, "The Catholic Understanding of Office in the Church," *THEOLOGICAL STUDIES* 30 (1969) 568-69.

tarian basis of the Church and then leave to ecclesiologists the judgment whether these reflections are consistent with the nature of the Church as revealed in Scripture and Church history.

I will presume, then, that the Catholic Church is in fact a community such as I described in the first part of the article. What are the consequences for our understanding of the Church which follow from the adoption of this position? First, it would seem that further theological reflection is needed on the article of faith that the papacy (and, by implication, the hierarchical structure of government in the Church) exists *de jure divino*.<sup>38</sup> Can this unchanging hierarchical structure of authority in the Church be adequately reconciled with the thesis that the Church is a historically grounded community of believers who are themselves in each new generation responsible for the continuation of the Church as a corporate entity? Secondly, it would seem that the phenomenon of dissent within the Church should be further studied for its long-range effect on the evolving self-understanding of Catholics as a community of believers; for if the Church is a community in process of development, rational or nonviolent dissent may well be an indispensable factor in keeping Catholics loyal to one another and to the Church as a historical institution, even as they argue over the proper solution to various controversial issues. Let us now analyze first the one consequence, then the other.

Schillebeeckx, in the article noted above, has the following statement about the relation between the priestly office and the Church understood as a community of believers:

The offices of the Church, which certainly emerged from the community of the Church according to sociological laws, nonetheless owe their emergence to the community of the Church as set in order by the apostles—in other words, to the community of the Church as authoritatively guided by the apostles from the very origin of that community. What, then, is at the origin of the sociological process of growth (in which the Spirit of God is active) is not a community that was initially without authority, but the apostolic community itself.<sup>39</sup>

This statement can now be further analyzed in terms of the definition of community which I gave in the first part of the article. The Church as a historical community has had a continuous existence from the first century A.D. to the present day. Unquestionably, part of the heritage of this community which has been transmitted from one generation to another is the readiness of the faithful at large to accept a hierarchical structure of government. As Schillebeeckx noted, the primitive commu-

<sup>38</sup> Cf. *DB* 3058 (1825).   <sup>39</sup> Schillebeeckx, *art. cit.*, p. 568.

nity was authoritatively guided by the apostles from its very origin. It is, therefore, part of the historical consciousness of Roman Catholics today that they too should be guided authoritatively by the successors of Peter and the apostles.

As I made clear in the first part of this article, history is a constitutive factor both in the formation of community on the psychological level and in defining the "nature" of community on the ontological level. That is, people live in community partly because they share a common heritage. When and if the heritage is significantly changed, then the community members will instinctively reconsider their commitment to one another and to the community as such. If they renew this commitment, then it should be done with the consciousness that they are really forming a new community which has broken with the past in order to achieve radically new goals. Likewise, the historian who seeks to define the "nature" of a given community will invariably turn to the history of the community in order to isolate its distinguishing characteristics. Here too, if the heritage of the community is significantly altered, then the historian may with good reason conclude that he is dealing with two different communities, one which preceded the change and one which began as a consequence of the change.

What I am suggesting here, then, is that the Church continues as a hierarchically governed institution, not simply because Christ our Lord gave the fulness of His authority to Peter, to be exercised by Peter himself and his successors *in perpetuum*, but also and indeed primarily because the Church as a historical community needs government by pope and bishops in order to preserve its sense of self-identity. After all, it makes little difference whether the papacy exists as a juridical entity if Catholics at large have withdrawn their radical consent to be governed by the Roman Pontiff. On the other hand, if Catholics of some future generation should formally revoke their allegiance to the pope, they would surely be forced to redefine their self-identity both as individuals and as a new Christian community. Their own decision would force upon them the consciousness that they are a new social entity, a new people of God, with an interpretation of Church history and a sense of mission quite distinct from the original community. Likewise, Church historians would be justified in classifying them as a new Christian sect if they did not after a short time return to the traditional form of government through pope and bishops.

It seems to follow, therefore, that the papacy (and indeed the entire hierarchical structure of Church authority) is intrinsically dependent

for its perpetuity upon the radical consent of Roman Catholics to be governed in this way and thus to maintain historical continuity with the primitive apostolic community. This should not be viewed, however, as a weakness within the Church but rather as a source of strength. Not the pope and bishops alone, but the entire Roman Catholic community, assumes responsibility for its historical destiny. The providential assistance of the Holy Spirit should be looked for not only in the election of a new supreme pontiff by the college of cardinals, but in the universal acceptance of this individual by Roman Catholics as their leader and the rightful head of the Roman Catholic community. Hans Küng has argued in a recent article that the laity should have more voice in the decision-making processes in the Church, and in particular that they should be active in the election of pastors and local bishops.<sup>40</sup> This is, of course, a much bigger step toward the "democratization" of the Church than I foresee in the present article. But Küng's thesis clearly presupposes the validity of my own, namely, that the radical consent of the faithful so to be governed is necessary for the perpetuity of any office in the Church, including the papacy. Whether the laity actually participate in the election of the pope, the bishop, or the local pastor is secondary. The primary right in question here is that of the community members as a body to give their radical consent to the election, however it is carried out, and thus to perpetuate in their lifetime the tradition of hierarchical government in the Church which has existed since the time of the apostles.

At this point one might object that I am effectively reversing the traditional relationship between the hierarchy and the faithful in the matter of government. Whereas previously the pope and bishops exercised authority in their own name and simply presumed the consent of the faithful to their decisions, now on this new hypothesis the faithful are, so to speak, in the driver's seat and the members of the hierarchy are reduced to mere ecclesiastical functionaries, only empowered to carry out the will of the people. Quite a different understanding of authority in the Church, however, governs my thinking in this article. On the one hand, I would underscore the fact that the Church is not a democracy simply so-called. It has a hierarchical structure of government by the ordination of Jesus Christ, and this structure cannot be radically altered without the dissolution of the Roman Catholic community as a

<sup>40</sup> Cf. Hans Küng, "Participation of the Laity in Church Leadership and in Church Elections," *Journal of Ecumenical Studies* 6 (1969) 511-33, esp. pp. 525 ff.

distinct historical entity.<sup>41</sup> On the other hand, I propose that authority in the Church does not reside with the pope alone, nor even with the pope and bishops together, but only with the entire community.<sup>42</sup> Hence the faithful too share in the authority communicated to His Church by Christ Himself.

Their share in Church authority consists first and foremost, as I noted above, in the radical consent to be governed by pope and bishops and thus to maintain in their own generation the historical bond with the primitive apostolic community. But it should also consist in their *active* approval of individual doctrinal and disciplinary decrees of the magisterium. By that I mean that the members of the faithful should consider it to be their right and duty to judge the various decisions of the magisterium in the light of their personal understanding and experience of the Catholic faith and thus to accept consciously and willingly this further determination of their self-identity as Roman Catholics.<sup>43</sup> Just as the election of a new pope demands the participation of the faithful at least to confirm the decision made by the college of cardinals, so any given decree of the magisterium will be ultimately effective only if the faithful accept its provisions as binding upon themselves.

<sup>41</sup> Cf. the first part of this paper in the matter of forming a concept of community. Cf. also Avery Dulles, "The Contemporary Magisterium," *Theology Digest* 17 (1969) 299 ff. Dulles likewise suggests that the Church could not exist without the magisterium in some form. His reasons for this position are, however, based more on the perennial function of authority in the Church than on the "concept" of the Church as a historical community.

<sup>42</sup> Cf. Karl Rahner, S.J., "On the Divine Right of the Episcopate," in *The Episcopate and the Primacy* (New York, 1962) pp. 75-87. Rahner argues that not the pope alone nor the episcopal college apart from the pope, but only pope and bishops together are fully responsible for the government of the Church. My contention is that this same collegiate responsibility for the universal Church can and should be extended to the entire Roman Catholic community. That is, since the pope and bishops are not only members of the episcopal college but likewise part of the faithful in the world-wide Church, it is ultimately the total community, hierarchy and faithful together, which is responsible for the preservation of the Church as a social entity from one generation to another. Cf. also on this point Hamilton Hess, "Authority: Its Source, Nature and Purpose in the Church," in *We, The People of God*, ed. James A. Coriden (Huntington, Ind., 1968) pp. 139 ff. Hess first notes that in the pre-Nicene Church there were two operational bases of authority, "the dominically instituted apostolate on the one hand and the corporate body of the Christian community on the other" (p. 139), but then he adds that these two bases are simply "modes of the expression of the one authority—the authority of the Word of God—exercised within the Church" (p. 143).

<sup>43</sup> Cf. Yves Congar, O.P., *Lay People in the Church*, tr. Donald Attwater (London, 1957) pp. 275-81. Congar discusses in these pages the *sensus fidelium*, in virtue of which lay people too share in the infallibility of the Church. Congar maintains that the *sensus fidelium* is not simply a passive acceptance of doctrinal definitions on the part of the



It is not my intention here to propose a revision of the Code of Canon Law, so that the consent of the faithful would be made a necessary condition for the validity of papal elections, the ratification of ecclesiastical decrees, etc. All that I suggest is a "democratization" in the basic understanding of authority in the Church, whereby authority will be seen as residing in the total community and not exclusively in one of its "parts" or functions. The model to which appeal can be made here to verify this concept of government by community consensus is, of course, the primitive apostolic community. As Schillebeeckx has remarked, the first Christians were governed from the beginning by Peter and the apostles; yet the community as a whole, and not its official leadership alone, was responsible for its gradual growth and development in corporate structure.<sup>44</sup> With this understanding of government in the primitive apostolic community as a guide, one may reasonably conclude (a) that authority in the Church resides neither with the pope and bishops alone, nor with the faithful as distinct from the hierarchy, but only with the entire community; but also (b) that this single authority in the Church should be shared differently by the different classes or functions within the community. It is not the part of the faithful, for example, to issue decrees or formulate doctrinal definitions; but by their active consent to these decisions of the magisterium they share in the authority of Jesus Christ, in virtue of which the community as a whole has existed for two thousand years.

The key issue in this matter of authority in the Church, however, has not yet been dealt with. No bishop, for example, would object to "sharing" his authority with the faithful, if he were certain that they would always approve his decisions. Yet, where there exists a right of the faithful actively to approve of the decisions of the magisterium, logically there should likewise be a right to disapprove of, or dissent from, any single decision, if the judgment of ecclesiastical authority in this instance seriously challenges the experiential unity of Catholic life and belief for the individual Catholic. The over-all basis for a willing assent to the decrees of ecclesiastical authority thus becomes the exist-

---

faithful, but an active living-out of the faith in their daily lives. Missing, however, is any reference to dissent as part of the *sensus fidelium*; i.e., in virtue of the same experiential understanding of the faith, lay people may feel obliged to protest against a given decree of the magisterium occasionally. Cf. on this latter point John Henry Cardinal Newman, *On Consulting the Faithful in Matters of Doctrine*, ed. John Coulson (New York, 1962). In this celebrated essay Newman maintains that the faithful, far more than the episcopate, preserved the orthodoxy of Christian doctrine during the Arian crisis.

<sup>44</sup> Cf. Schillebeeckx, *art. cit.*, pp. 568-69.

tential ground for dissent in some particular case. My point of view in this article will not be to defend the right of the individual to dissent from ecclesiastical authority, given such a justifying cause. This right has already been granted in principle by the documents of Vatican II,<sup>45</sup> and has been further analyzed in the light of the events which followed the publication of the Encyclical *Humanae vitae*.<sup>46</sup> Rather, in keeping with my over-all hypothesis, that the Church is a human community in process of development, I wish to study dissent as a social phenomenon within the Church. The question which I raise is whether dissent from Church authority in any given case must be regarded as an unfortunate breach in community discipline which can be tolerated only because of the higher right of personal conscience, or whether rational dissent, if exercised prudently, does not positively contribute to the further growth of the Church as a historically conditioned community.

First, let us recall the points made in the first part, where I analyzed Rousseau's concept of the "general will" as the sovereign power within a community and the role of dissent in further specifying that will in any given situation. I concluded that the general will is ultimately identical with the radical consent of the members to live together in community. This consent presupposes, of course, that the members feel a certain loyalty to one another and to the community as such, both in virtue of a shared past or group heritage and in view of community goals which have already been fixed by common consent. Likewise I noted that this radical consent to live together in community can often coexist with considerable disagreement among the members as to the concrete decisions here and now which are designed to implement the general will. Far from being a danger to the unity of the group, however, rational dissent of this type should ideally contribute to the deeper, long-range unity of the community, since it forces a more thorough reappraisal of the group-identity and basic purposes than would otherwise be thought necessary in order to deal with each new situation.

<sup>45</sup> Cf. Dogmatic Constitution on the Church (*Lumen gentium*) no. 37; also Pastoral Constitution on the Church in the Modern World (*Gaudium et spes*) no. 62 (*Documents of Vatican II*, pp. 64, 270). The above-cited passages clearly do not deal with the question of consequent dissent, i.e., dissent which follows a decision by the magisterium. In fact, other passages could be cited (e.g., *Lumen gentium*, no. 25), in which "religious assent" to the authentic teaching of the pope and bishops is required as a strict duty of all the faithful. The above passages are listed, then, only to indicate the foundation in conciliar documents for an understanding of religious freedom within the Church which in fact became an issue for Catholics only after the Council was ended.

<sup>46</sup> Cf., e.g., *Contraception: Authority and Dissent*, ed. Charles E. Curran (New York, 1969); also William H. Shannon, *The Lively Debate: Response to Humanae vitae* (New York, 1969).

So much as a résumé of the general theory of dissent. Let us now apply this theory to the concrete case of the Roman Catholic Church in the 1970's. The Church, as already noted, is not a democracy. Hence the preceding remarks on the general will of the community and the relation of dissent to the general will cannot be applied without some qualification to the Church. Nevertheless, room can be made within the Roman Catholic community, as in other communities, for dissent as an indispensable means of self-criticism in the formulation of community policy. My reasoning is as follows. On the one hand, the Church is a true community, whose members acquire and retain a distinct self-identity in and through their association with the Church. In large measure this self-identity consists in the experiential totality of Christian life and belief which for the individual Catholic is the faith in actual practice. The pope and bishops, on the other hand, are infallible in the exercise of their ordinary magisterium only if "while teaching authentically on a matter of faith and morals, they concur in a single viewpoint as the one which must be held conclusively."<sup>47</sup> Magisterial pronouncements, however, which fall short of this required unanimity of opinion among pope and bishops are subject to error and possibly to revision at some future date.<sup>47a</sup> Hence it is at least theoretically possible that the "spontaneous judgment of the faithful," based on the actual living-out of Catholic belief in daily life, can on occasion offer a valuable corrective to the judgment of the hierarchy.<sup>48</sup> This spontaneous judgment of the faithful will remain ineffective, however, unless individual Catholics perceive that it is both their right and their duty to express vigorous protest to any decision of the magisterium which they consider to be personally unjust and/or dangerous to their Catholic belief. At stake is the integrity of the Church's doctrine and their own sense of self-identity as members of the Roman Catholic community.

<sup>47</sup> Cf. Dogmatic Constitution on the Church (*Lumen gentium*) no. 25 (*Documents*, p. 48).

<sup>47a</sup> Cf. Bruno Schüller, "Bemerkungen zur authentischen Verkündigung des kirchlichen Lehramts," *Theologie und Philosophie* 4 (1967) 534-51. Schüller suggests that the magisterium does not suffer a loss of authority automatically if some past decision is proven to be erroneous, but only if the error is not corrected once it is recognized.

<sup>48</sup> Cf. John W. Glaser, S.J., "Authority, Connatural Knowledge, and the Spontaneous Judgment of the Faithful," *THEOLOGICAL STUDIES* 29 (1968) 742-51. Glaser comments thus on the possibility of a difference of opinion in the Church on theological issues: "This does not, of course, imply that the bearers of the Church's authority should back down in the face of all opposition of the faithful. Nor does it suggest that we replace theological speculation with opinion polls. It does mean that such a conviction among the faithful represents a theological datum which deserves serious consideration and not an attitude of suspicion..." (pp. 742-43).

There is, of course, no a priori guarantee in any given case that the dissenter is right in his judgment against the decision of the hierarchy. In fact, there should be a strong presumption that the hierarchy is correct in its judgment, until the contrary becomes evident.<sup>49</sup> But it is important for the long-range interests of the community that fundamental differences of opinion in matters of Catholic belief and moral doctrine be discussed openly and without animosity. The initial effect of dissent on the community as a whole may well be a profound uneasiness among the members as to the true position of the Church on the issue at stake. But over a period of time further discussion of the controversial point should bring not only a solution which is basically acceptable to the disputants, but also a new sense of self-identity as a community to all the faithful, including the hierarchy. In any case, it is clear that responsible Catholics will take an active part in Church life only if they can without hypocrisy endorse the principles and methods employed by their leaders, the pope and bishops. Hence they should be encouraged to contribute to the debate on controversial issues, with the basic understanding, of course, that the ultimate consensus to be achieved in these matters must reflect the true interests of the community as a whole and not the victory of one opinion or interest-group over all the others.

At this juncture the question naturally arises, who is to determine when the desired consensus has in fact been achieved? In principle, the pope and bishops have the right and duty both to decide when a consensus has been reached and to formulate the terms of that consensus for the Catholic community. In practice, however, they may find it difficult to decide, first, what are the underlying dogmatic or moral principles which are at stake in any given issue, and secondly, how best to formulate a new consensus on the basis of these fundamental principles which will bring the controversy to a peaceful conclusion. Pope Paul VI, for example, evidently thought that he was settling the controversy over the morality of artificial contraception when he published *Humanae vitae*. The vigorous protest which was subsequently heard on all sides made clear, however, that the issue was far from settled in the minds of many Roman Catholics. The debate on the morality of the "pill" and other contraceptive devices still continues in theological journals and, at least sporadically, in the news media also.

One vantage point, however, has already been gained as a result of this controversy, which augurs well for a satisfactory solution to this and other controversial issues of the day at some future date. It is now

<sup>49</sup> Cf. Schüller, *art. cit.*, p. 541.

clear that hotly debated questions such as the morality of the "pill" involve much more than simply a straightforward answer to a specific theological problem. They are, in fact, controversial only because they touch on the basic self-understanding and self-identity of Roman Catholics in large numbers. Hence the final solution to this problem will necessarily involve not only an answer to the specific issue of birth control but also a new self-understanding on the part of both hierarchy and the nonhierarchical faithful in the matter of Church authority and government. A similar growth in self-knowledge for the community as a whole can be expected from the ultimate resolution of other controversial issues of the day, e.g., the question of mandatory celibacy for the clergy. If, therefore, the debate on these crucial questions continues unabated to the present moment, it is nevertheless an encouraging sign that Roman Catholics, and in particular the members of the hierarchy, have already learned to put up with the irritation and personal embarrassment which a frank discussion of these matters in theological journals or even in the public press may sometimes occasion. At stake is the long-range good of the community as a whole, to which personal preferences here and now must be subordinated.

By this last remark, however, I do not imply that the pope and bishops should abstain from comment on controversial issues until after professional theologians and other experts in the field have settled the matter under discussion to their satisfaction and, through the various channels of communication, have molded public opinion in the Church along the same lines. Rather the encyclicals of the Holy Father (e.g., *Humanae vitae*) and the doctrinal or moral statements which are issued periodically by the local hierarchy play an indispensable role in the practical formation of conscience for the individual Catholic here and now. The pope and bishops, therefore, would seriously be neglecting their duty as pastors of their flock if they refused to make any statements on controversial issues prior to the achievement of a consensus by other means. At the same time, these official pronouncements of the hierarchy on hotly debated questions should be tactfully worded, so that due provision is made both for the inviolability of personal conscience and for further discussion of speculative questions which are still unresolved. In this way the appearance will not be given that the hierarchy is using its teaching authority to close off discussion on an issue before a genuine consensus on the matter exists within the Church.

In summary, therefore, I believe that responsible dissent does not offer a danger to Church unity, but rather is one of its unexpected assets.

It allows, namely, for the rational reassessment and, where necessary, the reformulation of the general consensus on which the internal unity and continued existence of the Church as a human community ultimately depends. Furthermore, there is, in my opinion, little likelihood that the Church will be kept in a constant uproar if the hierarchy tolerates, and even encourages, dissent. I presume here that the faithful in general, like the conscientious members of any other community, are not interested in dissent for its own sake. Hence they will offer dissent to the decisions of the magisterium only if and to the extent that there exists a truly justifying cause. Likewise, I think that they can be trusted ultimately to look to the interests of the Church as a total community rather than to the satisfaction of their own personal desires. That is, they will in the end accept with good will any decision of the magisterium which reflects a true consensus within the community, even though they themselves would have privately preferred still another decision. After all, only on the basis of this mutual give-and-take can the Church implement its "general will," to use Rousseau's concept once again, and thus guarantee its survival as a viable community for future generations.

The question of dissent in the Church has surely received abundant attention in recent years from theologians here and abroad. What this article has attempted to make clear, over and above the insights already provided by other writers, is the social or, better said, the communitarian nature of dissent within the Church. For that purpose, I offered in the first part of the article certain philosophical reflections on the nature of community and on the role of dissent within the community to specify further and, where necessary, to recast the general consensus on which the community is ultimately based. Then, in the second part, I sought to establish, first, that the Catholic Church too is a community which rests upon a consensus, namely, the radical consent of its members to be governed by pope and bishops and thus to continue in their own generation the tradition of government by hierarchical authority which was begun with the primitive apostolic community; secondly, that this general consensus within the Roman Catholic community must be tested, however, for its strength and durability partly through obedience on the part of the faithful to the decisions of the magisterium, but also partly through the process of dissent in the Church, in virtue of which the faithful at large, as well as the pope and hierarchy, assume responsibility for the integrity of Catholic doctrine and the unity of the community as such. These remarks were accordingly intended, not to resolve any of the controversial issues in the Church at present and

thus to obviate the need for dissent, but rather to set out some minimal ontological framework for the further evaluation of dissent as a necessary factor in the future growth of the Church. Hence the article may be looked upon as a preliminary sketch of a full rationale or "grammar of dissent" for our times.