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MAGISTERIUM: ASSENT AND DISSENT

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IT MAY well be that a future historian of Christian doctrine will describe our times (from the second part of the 19th century onward) as the age when the Church was coming to grips with the law of evolution, especially in doctrinal matters.[1] Not that there has not been some awareness of evolution before; there has been. No one at the Council of Nicaea thought that the term *homoousios* was in the Scriptures, nor did anyone at the Council of Trent pretend that a specific enumeration of the seven sacraments could be found in the Bible. But there was not (not until Newman, that is) any competent analysis of the phenomenon of the development of doctrine; there was no reliable theory to explain its mysterious process.[2]

It took a long time, however, for Newman's ideas to be accepted, but the fact of doctrinal development could not be discarded; in one way or another the issue kept returning. Questions that the Church could not ignore kept arising. Was the universe really created in six days, as Genesis describes it, or did it evolve over so many million years, as scientists

[1] The reluctance (or struggle) to accept evolution as a fact of life marks the official attitude of the Church on a much broader scale than in reference to doctrinal issues only. The reasons for this are probably manifold. There is the instinct to preserve our ancient traditions, and any potential change is easily perceived as a dangerous step toward infidelity. Also, in the Western Church at least, our traditions have been explained in Aristotelian-Thomistic categories, which are not attuned to an evolving universe. Further, in official literature the sayings and actions of the Church have been presented, more often than was necessary, as being of the highest degree of wisdom and prudence; hence, no room was left for improvements. Even in the recently (1983) promulgated Code of Canon Law, there are no provisions for a peaceful and ordered development of ecclesiastical laws and structures (i.e., laws and structures of human origin, therefore historically conditioned), although the need for such provisions in a community which is alive, growing, and serving the needs of the human family is fairly obvious. The absence of orderly procedures is one of the reasons why the Catholic Church suffers so frequently from internal agitations and conflicts; they appear to the faithful as the only means of bringing to the notice of the authorities that some measure of change is needed.—In fairness, Vatican II's Dogmatic Constitution on Divine Revelation, *Dei verbum*, has done much to correct the situation. It proclaims that continuity and change go hand in hand in the Church. But there is a long way from the clarity of intellectual insights to the revision of practical attitudes and the creation of new structures.

[2] See Jan Hendrik Walgrave, *Unfolding Revelation: The Nature of Doctrinal Development* (Philadelphia: Westminster, 1972).

claim? Did Moses himself write the Pentateuch, or do we have a document that matured over several centuries? Were the four Gospels conceived independently of one another, or are they the fruits of protracted reflections on the earliest common traditions? And so forth.... The questions could be continued without end. Today we may know how to respond to them, but when they were first mooted the answers were not readily available and there was a great turmoil in our household.

Moreover, as the natural sciences developed, humanity was confronted with moral problems to which the Church could not remain indifferent. Yet, there were no obvious solutions in the treasury of our ancient traditions, unless, of course, the traditions themselves could evolve and bring forth responses old *and new*. Here are some examples of emerging problems: May a healthy person donate one of his kidneys to his brother who needs it to survive? Are atomic weapons acceptable for legitimate self-defense? Is fertilization *in vitro* permissible? What is the right balance between the public good and the private ownership of goods?

To find the correct solutions, it was not enough to come to an understanding of the development of doctrine; it was also necessary to see the Church anew as an evolving reality. Such new perception was not always well received; it had the appearance of conflicting with both the permanency of the word of God and the stability of the institution.

In this long and complex struggle, the need for clarifying some key concepts emerged, a need that is still with us. What is the correct meaning of *magisterium*? What is the difference between doctrine taught infallibly and doctrine not so taught? Can a line be drawn between the two, or do they form an organic and undivided unity? What is the *obsequium* due to the noninfallible teaching of the magisterium? How far is dissent allowed?

This process of clarification is still going on. The final answers are not in the consciousness of the Church—whether we like to admit it or not. To be in such a predicament can be humiliating for an otherwise infallible Church; but in truth, to search for the full truth, with all the fallibility that such a search may entail, belongs to the humanity of the Church.[3]

While the Church cannot fail in proclaiming the evangelical message, the charism of sudden enlightenment in resolving issues has never been

[3] Much has been written and said about the divine gifts with which God has endowed His Church; no one described them better than Vatican II in the Dogmatic Constitution on the Church, *Lumen gentium*. But councils, popes, bishops, and theologians as a rule shied away from speaking of, and reflecting on, the humanity of the Church. The result is that we are often unaware of the limitations and shortcomings that flow from this humanity; we tend to deny them; we act as if they did not exist; we take no precautions and protections against them. But an imbalance in the perception of any reality, even the reality of the Church, can lead to disaster in the practical order.

promised to Peter, or to the Twelve, or to their successors.[4] Consequently, those who have authority need time to study the new problems, to come to grips with them, and to reach a conclusion well grounded in faith and reason. Important as a question may be, a final and authentic answer may not be easily and quickly available.[5]

This apparent vagueness and slowness can be disappointing, all the more that we have become used to clarity and to speedy solutions. Scholastic philosophy and theology taught us about a well-ordered universe, natural and supernatural, where all things and all beings can be defined by genus and species; it taught us clarity. Moreover, right before our eyes, modern technology produces instantaneous answers to problems that were thought to be beyond the power of the human mind; it brought us speed. We easily transfer such expectations into the operations of the Church. But that is not how our Church operates. To understand its ways, a different approach is needed.[6]

PRELIMINARY REMARKS, MAINLY ABOUT METHOD

The concepts of our concern such as *magisterium*, infallible and non-infallible teaching, *obsequium*, and dissent (all about the issues of authentic teaching and its reception) cannot be correctly explained and applied unless they are understood as evolving concepts, describing the operations of an evolving Church.[7]

This statement, however, should not be taken in the sense that there is no continuity of beliefs; there is. The mighty deeds of God which once happened in our history do not change any more. The words that God has chosen in speaking to us do not change either. But because all of God's interventions have taken place in human history, they are embedded in human events, are perceived by human minds, and are com-

[4] One needs to remember how slow the apostles were in understanding Jesus' message—as is recorded in the Gospels.

[5] An intemperate zeal in pressing for an answer can do more harm than good. Those in authority ought to resist such pressure; at times the honest answer can be only "As yet, we do not know."

[6] Aristotle taught the Latin theologians to be relentless in their inquiries. The scholastics wanted to know the exact moment when the bread became the body of Christ, and the significance of the words of consecration was stressed without giving equal importance to the unity of the Eucharistic prayer, including the invocation of the Holy Spirit. The canonists wanted to know the precise moment when marriage came into existence; once determined, all validity had to turn on the disposition of the parties at that point of time, with little possibility left for the healing of an initial defect.

[7] That is, there is an evolutionary movement on two counts: the Church itself (the community, the institution) is evolving, *and* the understanding of magisterium etc. is evolving as well. Such twofold development is taking place in every human person: while the whole person develops, some of his or her ideas develop as well.

municated by human words and images. These human elements around divine things do change.

Moreover, the issues (*magisterium* et al.) which concern us here do not refer directly to God's mighty deeds (which, once given, cannot change any more) but to the Church's capacity to perceive and articulate them; they could be said to belong to the "epistemology of faith." Therefore, they are even more subject to historical conditioning than the concepts that directly speak of God's past deeds in our history. The conceptual articulation of the fact of the Incarnation may have changed less, at least after the Councils of Nicaea (325) and Chalcedon (451), than the understanding of the teaching authority in the Church.

Yet, it should be stressed that even if precise definitions concerning the teaching authority are not easily available, good descriptions of it and solid approximations to it are within our power. They are sufficient for the profession of our faith and for leading a decent Christian life.

This situation, however, tells us something about the method we have to use in concrete cases we encounter. Individual cases can hardly ever be judged by a simple reference to general principles, such as "Give me the definition of *obsequium* (Does it mean respect or submission?), and then I know how to classify the attitude of a person." In most cases this method will not lead to satisfactory results. Nothing proves it better than the endless arguments that immediately ensue once it is used. Research based on the individual issue represented in a case is far more likely to lead to good results, such as "Tell me what the disputed point of doctrine is, then I shall refer it to the whole of Christian tradition, and by examining whatever evidence is available from the Scriptures, Fathers, councils, popes, bishops, and people, weighing also the respective importance of all these elements, I shall attempt to tell you what *obsequium* should mean in this case." Such a method is more inductive than deductive.

Let us now examine "our concepts of concern" one by one. Assuming, as we must, that they are evolving concepts, at what point is our understanding now?

MAGISTERIUM

Magisterium is clearly a key issue. The term comes to us from the ancient Romans;[8] in subsequent ages its various meanings have been preserved in new cultural and religious contexts. It could mean either civil or ecclesiastical jurisdiction (cf. the English "magistrate") or an authority to teach (cf. the academic degree which traditionally empow-

[8] The Oxford Latin Dictionary gives the following meanings: (1) the office of superintendent, president, or master; (2) control, governance; (3) instruction, teaching.

ered a person to teach, *magister artium*). However, a restrictive and exclusive usage, signifying "the teaching authority of the *hierarchy*," began to develop among German theologians and canonists in the 18th century and became widely accepted in the 19th. Its first appearance in a papal document was probably in 1835, in an encyclical by Gregory XVI to the Swiss clergy.[9] It was used amply in the schemata of Vatican I, and from then on it became a household term in Catholic theology.

In particular, the new term *magisterium* was soon applied to a new way of exercising the teaching power: the popes began to instruct the universal Church through "circular letters," i.e. encyclicals. It was Gregory XVI (1831–46) who initiated the frequent use of such letters as teaching instruments; his successors followed him. Papal pronouncements on virtually everything of interest to the Church kept multiplying ever since, sometimes instructing the faithful in the fundamentals of our faith, sometimes deciding highly technical theological issues debated among theologians. Pius IX published 33 encyclicals, Leo XIII 48, and Pius XII 41—not all of them, however, of doctrinal interest.[10]

Behind the increasing number of encyclicals, there was a deeper change: there was a shift in the popes' own perception of their magisterium. Traditionally, they conceived their role either as called to exhort the faithful, using the common expressions of faith (the writings of Gregory the Great would be a good example), or as called to decide an issue about which the Church was divided (of which an example is the *Tomus I Leonis*, a clarification given by Leo the Great concerning the two natures of Christ against the heresies of Eutuches; cf. DS 296–99).

This development in the conception of the teaching office brought with it the problem, how to determine the authority of particular papal pronouncements. Since they have become so numerous and kept covering so many issues, not all of them could be of "supreme apostolic authority." Side by side with the proclamation of the evangelical message, the private opinions and intuitions of each pope were bound to play a much greater role than they did in earlier times, when papal declarations were rare.

That was not all, however. The increased intensity of the teaching office necessitated increased help; the popes turned to theologians perhaps more than ever before. Not surprisingly (especially if one takes into account the difficulties in travel and communications), the popes sought help from the professors of the Roman schools of theology and from their own curial officials, who (mostly) were educated in those schools. It was

[9] See Yves Congar, *Droit ancien et structures ecclésiales* 7 (London: Variorum Reprints, 1982) 85–98.

[10] See H. Bacht, "Enzyklika," *Lexikon für Theologie und Kirche* 3 (2nd ed., 1959) 910–11.

only natural that the advisers tended to identify their own theological opinions with Catholic doctrine,[11] with the result that the pronouncements of the popes began to reflect the views of Roman theologians to the exclusion of others. Examples of this can be found in the talks and writings of Pius XII, who relied very heavily on some professors from the Gregorian University (Pius' doctrine on the Mystical Body reflected that of Sebastian Tromp; many of his moral instructions can be found in the books of Franz Hürth, etc.). Such a reliance on local advisers, who inevitably represented a limited portion of Catholic thinking, raised again the question, how far a given papal pronouncement was the proclamation of Catholic doctrine universally held, and how far it reflected the opinion of a theological school.

In more technical terms: as a virtually new source of theological data, *locus theologicus*, has emerged in recent papal pronouncements, a sound set of rules for the use of this source had to be worked out. Historical precedents proved of little help: they carried an ambivalent message. In the course of ancient history, some solemn declarations by popes were obviously proclamations of Catholic belief, such as the condemnation of crude conciliarism (appeal from the pope to a general council) by Pius II (bull *Execrabilis*, 1460); but some others promulgated with similar solemnity either had to be radically reinterpreted, such as the statement by Boniface VIII "We declare, affirm, and define that for salvation it is necessary for all human creatures to be subject to the Roman pontiff" (bull *Unam sanctam*, 1302), or even abandoned as totally erroneous, such as the order of Innocence VIII to persecute witches, female and male, in

[11] This excessive use of local theologians marked the preparatory phase of both Vatican Councils. Vatican I: The preparatory commission was composed of five cardinals; four Italians from the Curia and one Bavarian. They were helped by 96 other members and consultors, 61 of them domiciled in Rome. The first schema on Catholic faith was prepared by Johannes Franzelin, S.J., professor at the Gregorian; it was often described as a no doubt well-meant attempt by a teacher to have his textbook canonized by the Council. It underwent radical revision by Joseph Kleutgen, S.J., the theologian of the Bishop of Paderborn. Vatican II: Although the membership of the preparatory commissions was more international, the Roman schools of thought marked strongly the 73 documents prepared for approval, except the one on liturgy. Indeed, the reform of liturgy was accepted without substantial changes; but the conflict surfaced during the debate on the second schema submitted to the fathers; it was mostly the work of Sebastian Tromp, S.J., reflecting his lectures at the Gregorian. For all practical purposes, it was rejected, as were 70 others, or modified so radically that the original could not be recognized. (The only one apart from liturgy that was approved without serious modifications was the schema on the media of communications; it happened at a critical moment when the Council was not in a mood to give much time or attention to it.) The point of all this is that the excessive influence of Roman theologians has been resisted by the councils; but when there was no council, their influence was often unhindered.

Southern Germany (bull *Summis desiderantes*, 1484). Whatever the rules for weighing the authority of papal documents were in the past, for the age of modern encyclicals new hermeneutics were needed.

To build up such new hermeneutics, in order to assess the weight of the documents issued by modern popes, was a gigantic task in itself (it is still far from being completed), and yet it was not enough. Theologians had to grapple also with instructions, decrees, declarations, and many kinds of communications by the increasingly numerous and active offices and commissions of the Holy See. There, even recent history could not provide much guidance: while some documents issued by them proved to be of permanent doctrinal value, some others, such as the early decrees of the Biblical Commission, had to be quietly rescinded as mistaken in their content and method.

Besides, there was the principle to be held firmly: the charism of infallibility granted to the successors of Peter could not be delegated. It follows that the organs of the Holy See clearly could not speak "in the Spirit" as ecumenical councils could,[12] nor could they appeal to the gift of infallibility, because that gift was personal to the pope and not transferable. Hence, whatever came from such offices on their own authority[13] needed again to be evaluated according to a new set of rules: the hermeneutics applicable to the documents of Roman congregations.

Clearly, the very word *magisterium*, when used loosely, covers two radically distinct realities: teaching by the pope endowed with a charism, and teaching by various Roman offices and commissions not endowed with a specific charism.

To sum it up: ever since the exercise of the teaching office of the popes underwent a significant change, it became increasingly difficult to determine the weight of their pronouncements. (No theologian has ever succeeded in determining the specific weight of condemnation for each individual item in the *Syllabus* of Pius IX.) In particular, the enormous output of the popes, covering a very broad spectrum, made it difficult to separate what was affirmed with full apostolic authority and what represented the personal thoughts of a pope. Moreover, the newly established

[12] A Roman Congregation could never say *placuit Spiritui sancto et nobis*, "it pleased the Holy Spirit and us," an ancient formula used by great ecumenical councils.

[13] The approval by the pope of a document issued by a Roman Congregation does not necessarily indicate that the pope made the content of the document his own. There are two kinds of papal approval, in common form and in special form. An approval in common form means that the pope agrees to the publication of the document but does not make its content his own; an approval in special form means that the pope gives his own authority to the content of the document. The former is not papal teaching, the latter is. The special character of the approval must be explicitly stated in the document itself; it must never be presumed.

curial offices or commissions took over the task of the popes in deciding disputed issues, with an authority that (barring special approval) did not participate in the charism of infallibility; quite naturally, the weight of their pronouncements became a matter of debate.[14]

The inevitable conclusion is that, when the question arises, how far a point of doctrine proclaimed by the magisterium is binding, the only way to find out is not by invoking precise definitions (which do not exist) but by referring its content to our ancient traditions, by examining critically the source of that pronouncement, and weighing carefully the authority behind it.

INFALLIBLE AND NONINFALLIBLE MAGISTERIUM

Since Vatican Council I defined infallibility in a very cautious and circumscribed way, it is safe to say that a large portion of the hierarchical teaching as it is exercised now does not fall into that category. Therefore, the precise understanding of what is meant by noninfallible teaching is more important than ever.[15]

The noninfallible teaching is really composed of two types of doctrine: it contains part of the deposit of revelation and (mixed with it) it includes changeable human thoughts. Simple statements such as "noninfallible beliefs are not binding" or "noninfallible statements by ecclesiastical authorities are binding" do not pay enough attention or respect to the complex content of the body of noninfallible beliefs. Indeed, no one has ever asserted that all we have to believe has been the object of infallible pronouncements. It follows that one must handle cautiously the beliefs that have not been infallibly defined; some of it (perhaps a great deal of it) may be part of the deposit of revelation. When a point of doctrine

[14] Our theological literature (and our debates) refer often to "the magisterium." Since in truth (not always adverted to) the term has many meanings, its use in a univocal sense can be heavily misleading. It might be useful to list the widely different realities behind the same word: (1) infallible teaching by the pope (rare, its core not subject to revision); (2) noninfallible pronouncement by the pope (can be the proclamation of truth, can be an evolving theological opinion); (3) declaration by an office of the Roman See, approved by the pope specially (as his own); then the above distinctions may apply; (4) declaration by an office, with routine approval by which the pope does not lend his authority to the core of the teaching (hence, critical assessment is warranted); (5) the great variety of pronouncements that may come from episcopal synods, conferences, or individual bishops; all to be weighed and measured according to their contents and circumstances. This classification clearly refers only to the hierarchical magisterium.

[15] A theologian conscious of history will always be careful not to draw the dividing line too sharply between the infallibly defined and the not-so-defined beliefs. After all, for many centuries there was no such distinction; there was a unity of beliefs. Gradually, through councils and papal statements some parts of the beliefs have been specially marked as containing no error; some other parts have not been so marked, nevertheless they have not lost their organic connection with the rest.

was peacefully believed and no crisis developed around it, no council or pope ever thought of infallibly defining it.

An infallible "determination" (ancient councils preferred that term to "definition") means that a point of belief has been marked, specially authenticated; but there are other points which have not been so singled out, yet are no less true than those "determined." Once this much is admitted (How could it be denied?), it becomes obvious that there is an organic unity between "determined" and "not-determined" truth, between doctrine infallibly proclaimed and doctrine noninfallibly taught.

To separate in the noninfallible portion of beliefs the incorrupt expressions of our faith from what are human opinions is not easy. To determine if a given point of doctrine is an integral part of the revelation or not, it is necessary to examine the precise content of that doctrine, its place in Christian tradition, its connection with other mysteries. Such inquiry is always a slow process and can be full of pitfalls. Indeed, theological research has become a no less sophisticated activity than research in, e.g., theoretical physics, with the additional limitation that no verification can be obtained by experiments.

Ordinary Magisterium

What is the meaning of "ordinary magisterium"? Noninfallible magisterium is referred to also as ordinary magisterium. Immediately, a cautionary word should be sounded about what is "ordinary." The term has undergone a significant transformation in the last two decades or so, particularly noticeable in the use of it by the Holy See, be it in writings, be it in oral statements.

The explanation of ordinary magisterium in the standard theology textbooks published before Vatican II used to refer to the manner (*modus*) in which a point of doctrine was determined as integral part of our faith: not through the rather extraordinary act of a decree by a council, not through the extraordinary event of a papal definition, but through its consistent affirmation *as Catholic doctrine* by popes and the bishops (in Vatican II terminology, by the college of bishops). For all practical purposes, such an ordinary teaching was equivalent to a formal definition. Interestingly enough, this understanding of "ordinary magisterium" is retained in the new Code of Canon Law, canon 750:

> All that is contained in the word of God, as has been handed over in writing or by tradition, that is, [all] that is in the one deposit of faith entrusted to the Church and is proclaimed either by the solemn magisterium of the Church or by its ordinary and universal magisterium, which becomes manifest in the common assent of the faithful under the guidance of the sacred magisterium, must be believed with divine and Catholic faith; . . . all are bound, therefore, to reject

doctrines contrary to it.[16]

The canon clearly implies that there are two ways of teaching infallibly: by solemn magisterium or by ordinary magisterium.

But the expression "ordinary magisterium" is used also in a different way, in particular by Roman authorities: ". . . the Church does not build its life upon its infallible magisterium alone but on the teaching of its authentic, ordinary magisterium as well."[17] The statement is substantially correct, but undoubtedly it uses the expression "ordinary magisterium" in a sense different from the one found in the canon quoted; the sense here is "noninfallible." It refers to something less than the proclamation of a point of belief with full and final apostolic authority (whether in council or otherwise); it means simply the ordinary and usual teaching and preaching activity of the hierarchy, affirming a point of doctrine which (as yet) cannot be said to be part of our Catholic faith because as yet the Church has not affirmed it with a decisive judgment.

To call such teaching "ordinary magisterium" is a relatively new use of the term "ordinary." In theory this analogous use should cause no serious problem (provided we are aware of it), but in practice conflicts are bound to break out when ecclesiastical authorities begin to demand the same absolute obedience to their usual teaching and preaching as is due only to articles of faith, or when they attempt to impose their views with heavy (or subtle) penalties on all those who see the matter otherwise.

Magisterium by Doctors

Is there a magisterium by "doctors"? Some years ago Avery Dulles suggested another refinement in the understanding of magisterium. He proposed that we speak of a dual magisterium, one exercised by the hierarchy, another by the theologians.[18] Although Dulles could invoke good medieval authorities (among them Gratian) to support his view, Francis Sullivan in his book *Magisterium* is opposed to such a use, mainly from a pastoral point of view.[19] I am inclined to agree with Sullivan,

[16] The text of the canon is taken from the constitution *Dei Filius* by Vatican I; cf. DS 3011.

[17] Sacra Congregatio pro Doctrina Fidei, July 25, 1986, Re Curran. See Charles E. Curran, *Faithful Dissent* (Kansas City: Sheed & Ward, 1986) 268. Cf. also Jean-Guy Pagé, *Qui est l'église?* 3 (Montreal: Bellarmin, 1979) 547: he warns about the different senses of *magistère ordinaire*.

[18] See CTSA *Proceedings* 35 (1980) 155–69.

[19] "In my view, it would cause confusion and lead to misunderstanding, to use the term *magisterium* nowadays to describe the role of theologians and exegetes, and so to insist on there being a twofold *magisterium* in the Church. The fact is that in modern usage the term *magisterium* has come to be associated exclusively with pastoral teaching authority" (Francis A. Sullivan, *Magisterium* [Mahwah, N.J.: Paulist, 1983] 29).

given the evolution of the concept of magisterium and its meaning *today*. To speak of two teaching authorities could lead to endless confusion.

But an opinion about the use of a term does not necessarily decide the merits of an issue. Indeed, side by side with the hierarchical magisterium, there has continually been another kind of magisterium in the Church. Moreover, the Church has not failed to accord solemn recognition to this nonhierarchical teaching power.

Let me explain. The deposit of revelation has been handed over to the whole Church; it is in the possession of the whole body, not in the exclusive possession of the hierarchy. Peter was called the "rock" on which the Church was to be built; he was never called "church," nor were the Twelve. The modern usage, wherein "the Church" has spoken or has done this-and-that when in fact an office or an official has spoken or acted, is theologically incorrect and misleading; a better usage would be to name the office or the official involved, such as "The Congregation for the Doctrine of the Faith stated," or "The bishop of . . . ordered," etc.

Vatican I is quite explicit in affirming that the deposit of revelation is with the whole Church when it says that the pope has (is qualified to use, *pollere*) the infallibility with which the Church is endowed. If any doubt remains it should be dispelled by the plain speech of *Lumen gentium* 12:

> The body of the faithful as a whole, anointed as they are by the Holy One (cf. Jn 2:20, 27), cannot err in matters of belief. Thanks to a supernatural sense of faith which characterizes the People as a whole, it manifests its unerring quality when, "from the bishops down to the last member of the laity" (cf. St. Augustine, *De praed. sanct.* 14, 27), it shows universal agreement in matters of faith and morals.

Once it is clear and accepted that the revelation is in the possession of the whole Church, it becomes obvious that all believers have access to it; all can perceive it, witness its truth, have insights into its depths.

It is at this point that the difference between the specific task and charism of the hierarchy and of the theologians (some ancient sources prefer to use the expression "the interpreters of the Scriptures") can be distinguished. The specific vocation of the pope and bishops is to be witnesses to the truth of the evangelical doctrine ("you shall be my witnesses . . . to the end of the earth," cf. Acts 1:8), which does not necessarily include the capacity to have the deepest insight into the content of the mysteries. I am not suggesting that popes and bishops could not have such a gift; many did. Ambrose, Augustine, Anselm are outstanding examples. But new insights into the mysteries require other qualifications than ordination.

Indeed, there have been other persons in the Church (whether we

should call them interpreters of the Scriptures or theologians is immaterial) who were not in any hierarchical position, yet had an extraordinary capacity to penetrate the mysteries to an unusual depth and the gift of articulating their discoveries for the whole community. The most resounding recognition on the part of the Church came to them always posthumously, when they were made "doctors of the Church." Obviously, I do not mean that all those who had the title of, say, theologian had also the gift of genuine insights; there were many "prophets" in Israel who did not speak the word of God. Yet, the fact remains that while the hierarchy, popes and bishops, kept the faith intact in all ages, some of the most significant developments came from persons who were not in the episcopal order. Thomas Aquinas has been named the *doctor communis*, the common teacher of the whole Church, conceivably for all ages. Teresa of Avila has been honored as *doctor vitae spiritualis*. John Henry Newman has been an inspiration for more recent developments in theology, including the teaching of Vatican II. Moreover, the immense influence exercised at Vatican II by the experts who were not bishops is well known. So, there has been always a genuine and recognized magisterium by others than popes and bishops: the magisterium of graced, learned, and wise men and women to whom it was given to have new insights into the old tradition.

Magister Gratianus (around 1140) has a small piece on this issue which is a jewel in its brevity. I am not sure which is more significant, the fact that he wrote it, or the fact that no one took offense—not even the Roman correctors when they "revised" the *Decretum* after the Council of Trent. The Master was defining the various degrees of authority in the Church. After stating that the decretal letters of the popes have the same rank as the canons of the councils, he raises the question about the authority of the *expositores scripturarum*, the interpreters of the sacred Scriptures.

> Now the question is about the interpreters of the sacred Scriptures: Are their writings of the same rank [as the decretal letters] or are they subject to them? The more someone is grounded in reason, the greater authority his words seem to have. Many of the interpreters, more eminent than others in the grace of the Holy Spirit and in ample learning, can be shown also to be better grounded in reason. Therefore, it seems, preference should be given to the sayings of Augustine, Jerome, and other writers over the constitutions of some pontiffs.
> ... it appears that those who interpret the divine Scriptures, even if they are more eminent in learning than the pontiffs, in deciding cases [*causas*] must take their places after the pontiffs, because they have not been raised to the same pontifical dignity; in the exposition of the Scriptures, however, they must be

placed before the pontiffs.[20]

Clearly, the text itself needs some interpretation; but undeniably Gratian was aware of a teaching authority in the Church that has its source not in episcopal ordination but in the grace of the Holy Spirit, the knowledge of the Scriptures, and sound reasoning. He goes so far as to say that at times such an authority can prevail over a pontifical document.

Arguably, one must not simply substitute "theologians" for the "interpreters of the Scriptures"; Gratian may have been thinking principally of the Fathers of the Church. Yet, if holy and learned theologians could have had a special authority in the earlier centuries, there is no reason to deny that similarly blessed persons can have it today. Magisterium may not be the best term to describe their ministry; yet, under whatever name, we need their specific service. Nor should this service be conceived as separate from, or opposed to, that of the hierarchy; ultimately, whatever insight they may have into the mysteries, if it is authentic, it cannot be different from what the popes and bishops are witnessing.

ORGANIC UNITY OF CHRISTIAN DOCTRINE

Yes, there is an organic unity of Christian doctrine. All that has been infallibly determined or defined belongs to it. A great deal of what has not been so singled out belongs to it. But there is much among the noninfallible teachings that is human opinion. It follows that the division of our beliefs into two neat categories, infallible and fallible, coupled with

[20] This is a sensitive passage; it deserves to be quoted fully in the original: "Decretales itaque epistolae canonibus conciliorum pari iure exequantur. Nunc autem queritur de expositoribus sacrae scripturae, an exequentur, an subiciantur eis? Quo enim quisque magis ratione nititur, eo maioris auctoritatis eius verba esse videntur. Plurimi autem tractatorum, sicut pleniori gratia Spiritus sancti, ita ampliori scientia aliis precellentes, rationi magis adhesisse probantur. Unde nonnullorum Pontificum constitutis Augustini, Ieronimi atque aliorum tractatorum dicta eis videntur esse preferenda.

"Sed aliud est causis terminum imponere aliud scripturas sacras diligenter exponere. Negotiis diffiniendis non solum est necessaria scientia, sed etiam potestas. Unde Christus dicturus Petro: "Quodcumque ligaveris super terram, erit ligatum et in celis, etc." prius dedit sibi claves regni celorum: in altera dans ei scientiam discernendi inter lepram et lepram, in altera sibi potestatem eiciendi aliquos ab ecclesia, vel recipiendi. Cum ergo quelibet negotia finem accipiant vel in absolutione innocentium, vel in condempnatione delinquentium, absolutio vero vel condempnatio non scientiam tantum, sed etiam potestatem presidentium desiderant: aparet, quod divinarum scripturarum tractatores, etsi scientia Pontificibus premineant, tamen, quia dignitatis eorum apicem non sunt adepti, in sacrarum scripturarum expositionibus eis preponuntur, in causis vero diffiniendis secundum post eos locum merentur." There is a clear distinction, if ever there was one, between the power of jurisdiction and the power of interpreting the Scriptures. See *Dictum* before canon 1, distinctio 20 (Friedberg, c. 65).

the suggestion that dissent from noninfallibly stated doctrine should be always permissible, is a simplistic approach to a complex issue.[21] Some of the noninfallibly stated doctrines may well be integral parts of the deposit of revelation. It follows also, with no less force, that a good portion of the noninfallible propositions is no more than respectable school opinion, and as such not part of the universally held Catholic doctrine. Theologians should not be easily castigated for criticizing or rejecting such teachings; to say that *all* noninfallible teaching forms an organic unity with infallible magisterium is nonsense.

A particularly difficult issue in determining the boundaries of Catholic doctrine in its organic unity is in the field of morality. There is no doubt that the evangelical message includes particular moral precepts: it tells us about God's mighty deeds and *the way* to the Father. The Church cannot be less competent in proclaiming this way than it is competent in narrating the story of our redemption. But there is no evidence that answers to *all* issues of morality which human beings can ever face are somehow given in the Christian revelation or can be deduced from it. There are complex problems in bioethics, in economy, in politics for which Christian tradition offers no guidance. At most, the Church could invoke a philosophical system and solve a problem with the help of some principles derived from it.

For instance, Pius XII invoked the "principle of totality" to decide how far the transplant of an organ from one living person to another could be allowed—or should be forbidden.[22] The result may be an honest and prudent attempt to find a solution; but it is doubtful that the position taken can be part of the organic unity of Christian doctrine. After all, the Church has always refused to canonize any philosophical system; hence, an affirmation grounded in philosophy must not be easily admitted into the realm of the evangelical message.[23]

There is nothing in our tradition that would forbid the view that there are moral issues concerning the temporal and secular order which must be solved with the help of human intelligence and ingenuity, without any

[21] Besides, it displays a lack of sensitivity for history. Should one conclude that before the Council of Nicaea, where the first major definitions occurred, Christians could dissent from any part of the tradition handed down to them?

[22] See J. J. Lynch, "Mutilation," *NCE* 10 (1967) 145–46, and J. Paquin, "Organic Transplants," ibid. 754–56; also, and especially, the article by Gerald Kelly, "Pope Pius XII and the Principle of Totality," *TS* 16 (1955) 373–96.

[23] There is always a problem with building an argument from natural law and calling it part of Catholic teaching. On the one hand, the ecumenical councils have steadily refused to commit the Church to a philosophical system, no matter how suitable or helpful it appeared; on the other hand, no statement about natural law is possible without invoking a philosophical system.

specific guidance from revelation. If that is the case, it would follow that the Church should help and respect any honest attempt to solve them, but it should claim no divine authority to impose a solution. In other terms, the limits of the organic unity of Christian doctrine in the field of morality are not, as yet, clearly determined.

OBSEQUIUM

The small word *obsequium* is occupying an increasingly large place in the attention of theologians.[24] No wonder: it has become a key word to describe (or to prescribe) the response of the faithful to what is known as the noninfallible teaching of the Church. To find its meaning in the original Latin is difficult enough; to translate this meaning into English is nearly impossible. It may look like an abstract term, but it is meant to be practical. It has been used, and is being used, to regulate the attitude of the faithful in doctrinal matters. In order to explain its meaning, a small diversion about the hermeneutics of conciliar texts is necessary.

Often enough, there is a conciliar text in which a term or an expression is used which at the time of the Council did not have a commonly-agreed-on definition: e.g., *subsistit* in the sentence " Haec ecclesia [Christi] ... subsistit in ecclesia catholica" (*LG* 8); or *communitas ecclesialis* for describing some non-Catholic Christian communities (e.g., *UR* 19); or even such a locution as *Vicarius Christi* used for both the pope and the diocesan bishop (e.g., *LG* 18 and 27). Many other examples could be quoted. The fact remains that often when the Council made a statement, especially a statement containing a new insight into the deposit of revelation, it left also a great deal of uncertainty or ambiguity behind. No one who is familiar with the documents can deny that much. Had it been otherwise (i.e., had the Council come out with clear and distinct statements only), its speech would not have been a human speech.[25]

[24] In the documents of Vatican II, the word or its derivatives occur repeatedly (Ochoa in his *Index* lists 22 references), but it is used in a variety of senses. In the Code of Canon Law, 1983, it occurs five times, three times specifically connected with the teaching office (canons 218, 752, 753).

[25] The conventional method is to explain the "mind of the Council" from the discussions which have taken place in the drafting committees and from the developments of the successive drafts of a document. Such a historical approach (indispensable as it is) can certainly account, perhaps to a high degree, for the "mind of the committee" or the "mind of the relator," but is unable to discover what went on in the mind of the vast majority who ultimately approved of the document. It is precisely in this general act of approval that, above and beyond the reasoning of a committee or the persuasion of a relator, the *sensus fidei* of the episcopate could have been playing a decisive role.

It follows that a "seminal concept" can contain more than what the drafting committee intended to put there. This should not be surprising; for a long time we have accepted that an expression in the Scriptures can contain an inspiration for the whole Church well

As soon as the Council came to an end, researchers converged on its pronouncements. Naturally enough, they perceived the uncertainties and ambiguities. The question came spontaneously: What did the Council *exactly* mean when it used such-and-such a term or expression? Many researchers rushed (and are still rushing) into answering the question without ever asking if the fathers intended an exact meaning as the conclusion of a thought process, or wanted to prompt the Church into a thought process with an intuitive insight. Thus dissertations and hypotheses keep multiplying, defending one meaning or another, presuming always that there must have been a well-defined meaning somewhere. It can be only a matter of patience and diligence to find it! Alas, at times a monumental work "proving" what the Council exactly meant can be described only with the classical words *magnus passus extra viam*, a remarkable step—in the wrong direction.[26]

The thesis (if a thesis it is) I wish to put forward is that in the conciliar documents there are terms and expressions for which we need a new category. They are not precise concepts; they are "seminal locutions." This, of course, needs explanation.

"Seminal locution" is a term or expression which contains the truth but without circumscribing it with precision; it needs to be developed further. It is a broad and intuitive approach to a mystery that leaves plenty of room for future insights and discoveries.[27] It follows (to use one of our examples) that the question "What was the precise meaning that the Council intended to give to *subsistit*?" is a badly-put question. The Council did not intend to give a precise meaning to *subsistit*; it spoke on the strength of an intuitive insight that was sufficiently covered by the term *subsistit*, but it left further specifications to future research. In other words, the Council did not give us a fully defined term but set the parameters for research. (Not unlike the Evangelists. . .!)

For some researchers this can be a depressing statement. Is there not

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beyond the meaning intended by the writer himself. All seminal locutions emerge from the past, but their full significance can unfold in the future only. The historians of the Council can report on the reasons articulated by the drafting committee explaining the use of the term *subsistit*; they can have, however, no direct access to the instinct of faith of the majority who recognized in the expression a genuine expression of Christian tradition, to be reflected on and defined with greater precision by generations to come. In other terms, the final formulation is due not only to the rational planning of a committee but also to the faith vision of all the participants.

[26] Such works prove more the ingenuity of the author in constructing a meaning of an expression used by the Council than they explain the mind of the fathers.

[27] This development is not simply a logical explicitation of what is contained in the "seminal locution." It arises out of the convergence and accumulation of new insights, reached through reflections (and through experiences, if such is the case) prompted by the original "seminal locution."

a problem with those fathers who did not even know with precision what they were doing? Well, the problem is with the expectation of the researchers: they assume that the Council had to speak with clear and distinct ideas all the time. But this was not the case. The very same Council affirmed the existence of a "supernatural sense of faith" of an "unerring quality" "from the bishops down ... which is aroused and sustained by the Spirit of truth." This sense of faith, no doubt, operated at the Council itself, among the bishops, and helped them to identify but not to explicitate the seeds of truth that in due course can grow into a large tree.[28]

All those who in one way or another were involved in the work of the Council or had the opportunity to observe its operation know well that while the fathers had an overall perception as to "where the Council was going," many of them would have been hard put to define the precise meaning of an idea they otherwise approved of by voting for it. Further, if somebody had asked each individual bishop to give, before he voted, his own interpretation of say, *subsistit*, there would have been a variety of responses; their name would have been legion. From so many differing perceptions no precision could arise. But a multiplicity of answers could still point in the same direction.

So, often enough, the right questions in undertaking the interpretation of a conciliar term and expression are: How can this insight be developed further? Where does it lead to? In answering such questions, Newman's theory on the development of doctrine can be helpful: enlightenment will not come from logical deductions alone; the "supernatural sense of faith" of the community will play a capital role in carrying the teaching of the Council forward.

It follows that before the investigation for finding the meaning of a term or expression is undertaken, the nature of that locution must be determined. If it is used in a straightforward affirmation, the work of construing its exact definition may well start immediately. If it is a seminal expression, it should be taken for such; like a seed sown which must take roots and grow before it can bear fruit, a seminal expression must be assimilated, pondered over, before its potential meaning can

[28] Indeed, research into the meaning of a conciliar idea can go in the wrong direction and end up with irrelevant conclusions because of the false initial assumption that the Council's intention was to teach through precise concepts and logically impeccable propositions. The Council's task was to bear witness to the truth; such a task is often correctly fulfilled by pointing toward the truth. This does not mean that the fathers never used words and terms in an exact way or never taught in precise propositions. They did, and when they did the meanings of their various expressions can be clarified through proper research. The problem is that many researchers do not raise the initial question as to what kind of speech they intend to clarify.

unfold. Councils are entitled not only to make precise definitions but also to use an evangelical mode of speech.

Now we are able to come to the point: *obsequium* is one of these seminal words. The discussion whether it means precisely "respect" or "submission" works on a wrong assumption, which is that the Council indeed meant it in a specific and precise way. The Council has spoken on a different level. When it spoke of religious *obsequium*, it meant an attitude toward the Church which is rooted in the virtue of religion, the love of God and the love of His Church. This attitude in every concrete case will be in need of further specification, which could be "respect" or could be "submission," depending on the progress the Church has made in clarifying its own beliefs.[29]

Obsequium, like *communio*, ultimately means to be one with the Church, one in mind and heart, which means one in belief and in action. *Obsequium* is a special expression of this communion, mainly in doctrinal matters. It is ideally perfect when someone is so well united in faith with the Church as to believe all that the Church holds firmly, and search with the Church when some point in our tradition is in need of clarification. In the first case we can speak of *obsequium fidei* (one with the believing Church: holding firm to a doctrine), in the second case, of an *obsequium religiosum* (one with the searching Church, working for clarification).

DISSENT

Dissent has become one of the dominant themes in Catholic theology in the United States. I find it mentioned much less in European writings. Not that there are no European writers who dissent from the content of official documents. But when they do, they tend to describe their approach as having an *opinion différente*, being of *anderer Meinung*, and so forth. It may well be that the Europeans sense a problem with the word itself, and for that reason prefer to use other expressions.

What is the meaning of the word "dissent"? Admittedly, "dissent" is an imperfect term under several aspects. When used, it starts out on a negative note, indicating nothing positive. It is sweeping, with no recognizable boundaries. It could mean a purely intellectual stance, no more than a disagreement with the logic of a proposition; or it can mean an attitude of radical opposition toward "the other side," ready to break the bond of unity, in which case the propositional disagreement is only an

[29] *See* especially *Lumen gentium*, no. 25, and *Dei verbum*, no. 5.

external sign of a deep-lying internal antagonism.[30] No wonder; the use of such an ill-defined and historically loaded word can easily provoke suspicion and negative reactions in the "other side." When it happens, the scene is set for a sharp conflict, and the best explanations may be lost in the swirling mist of emotions.[31]

In all, "dissent" is too vague a word, with too many connotations beyond a purely intellectual significance, to be a useful term in theological debates. The situation becomes even worse when it is incorporated into legal documents; few things are so difficult as to vindicate a right ill defined—as experience shows.[32] Ideally, it would be good to abandon the word "dissent" altogether and look for a better expression that tells the simple truth about the researcher, such as "he holds another opinion" or "he has come to another conclusion" or "he proposes a different hypothesis." After all, hardly ever would a theologian dissent from a proposal and then settle down in a no man's land without an opinion; he dissents precisely because he has reached a conclusion, but a different one. Attitudinally, he may not be dissenting at all, rather consenting wholeheartedly to the search for a better understanding of the Christian mysteries.

All these arguments notwithstanding, it appears that, for the time being at least, not only do we have to live with an unsuitable word, but we have to assert the legitimate freedom of the faithful to scientific research and to a different opinion through the use of a confusing term: "the right to dissent." So be it.

How to determine the limits of legitimate dissent? It seems that the legitimacy of an act of dissent cannot be decided simply on the seemingly neat distinction between infallible and noninfallible teaching. The content of the doctrine affirmed and dissented from must be examined, precisely because of the complex composition of the whole corpus of

[30] The Oxford English Dictionary gives the following three definitions of a dissenter: (1) one who dissents in any matter; one who disagrees with any opinion, resolution, or proposal; a dissentient; (2) one who dissents and separates himself from any specified church or religious communion, especially from that which is historically the national church, or is in some way treated as such, or regarded as the orthodox body; (3) one who separates himself from the communion of the Established Church of England or (in Scotland) of Scotland.

[31] The language problems are not made easier by the fact that in political life a "dissenter" is often the one who is radically opposed to the reigning system and wants to do away with it.

[32] The First Amendment of the U.S. Constitution wisely speaks of freedom of speech, and by implication the right to free speech. Difficult as it is for the courts to adjudicate cases concerning that right, how much greater their burden would be if they had to adjudicate about "dissent." There would be no end to the questions: From what? For what purpose? By what means? To what degree? And so on. . . .

noninfallible beliefs and opinions. In the 16th century the dissent of the Reformers from many points of the traditional Catholic doctrine, certainly not defined at the time, was wrong and against the faith; their dissent from some other points, equally not defined at the time, was not really an act of defiance against the faith of the Church. This distinction is as valid today as it was then.

A good theologian is able to perceive when a point of doctrine is in the process of developing; he responds accordingly. He knows that before the doctrine reaches full maturity and can be affirmed with an act of faith, there is indeed a long process. The pronouncements by popes and bishops have their own place in this movement. They benefit from an assistance of the Spirit, not necessarily to determine with finality what the Church has to believe, but to promote the progress. This leaves plenty of room for the contribution of the theologians. Ideally, the two (hierarchy and theologians) should work in harmony (as they did at Vatican II). When they do, the results are likely to be enlightenment, peace, and harmony (as happened at Vatican II). If they do not, conflicts are inevitable (as is happening in our times). In this process the voice of a theologian proposing an answer different from the one given by those in authority may not be an act of dissent at all; rather, it may be a needed contribution to the development of doctrine, coming from someone who is assenting to every part of the revealed truth.

There have been many attempts to set up precise guidelines for handling dissent, but really no rules can cover every single case. Ultimately, there is no substitute for prudence and wisdom on the part of all concerned. On the one hand, the hierarchy should certainly do everything to maintain a favorable climate for creative work; the Church needs it. This includes a certain trust in the persons who do the work of research and reflection; they should be allowed a reasonable margin for honest mistakes. After all, who would ever join a research team on the condition that no mistaken hypothesis can ever be proposed? Besides, the Church is strong enough to bear with some dissenting elements. On the other hand, the researchers should be aware of their own limits. To claim that theologians should be left alone and ultimately be subject to correction by their peers only ignores the warnings of history: all too many times in our Christian past "faculties of theology" in various universities have been wrong altogether.[33] Besides, if such a claim were taken literally, it

[33] The faculty of the University of Paris helped to provide the "justification" for the condemnation of Joan of Arc. Cf. Regine Pernoud & M.-V. Clin, *Jeanne d'Arc* (Paris: Fayard, 1986) 167–69. The theologians of the same university also provided leaders and fuel for extreme conciliarism in the 15th century.

"When the famous scholar and poet Fray Luis de Leon was arrested in 1572 [by the

would imply that the theologians have the assistance of the Spirit to decide ultimately cases of conflict in doctrinal matters. I do not think even Magister Gratianus would accept that.

The crux of the problem is in the fact that the bishops' charism, sustained by the Spirit, at least when they act in unity, is to witness God's mighty deeds: "You are witnesses of these things" (Lk 24:48).[34] The gift and task of the theologians is to find deeper insights: *intellegere*, i.e., *inter-legere*, to read what is not obvious, to find a hidden meaning.[35] To witness is to identify; to identify is not necessarily to read in depth. To have the intelligence to find hidden meanings does not necessarily imply the support of the Spirit for identifying God's deeds. From the point of view of epistemology, it would make good sense to say that the primary focus of the bishops is to affirm the mysteries, while the principal concentration of the theologians is to penetrate the mysteries as much as possible.[36] Obviously, this is no more than a philosophical approximation to a reality which in many ways is beyond the reach of philosophy; still, it may shed some light on it.

Thus, ultimately, to maintain a climate for creativity and to do creative work is a fine balancing act, the result of many prudential judgments. Prudence is all the more required in that, as a matter of fact, an individual bishop may have all the qualifications for doing theology, and an individual theologian may have "found favor with God" to the extent that his work has the gentle support of the Spirit. The best one can say is that when a concrete case presents itself, it must be judged on its own merits—

Spanish Inquisition] he succeeded in identifying some of his accusers by the simple means of naming most of his colleagues at the University of Salamanca as possible personal enemies..." (quotation from Cecil Roth, *The Spanish Inquisition* [New York: Norton, 1964] 89). He was acquitted. The times of the Reformation both on the Continent and in England could provide ample examples of vacillations and tergiversations by "faculties of theology."

[34] A good definition of "witnessing" is "to testify that a thing is" (cf. Oxford Greek Dictionary, under *martureō*, n. 5), in order to remain close to biblical language. But the same sense is found in the Oxford English Dictionary under "witness": "(2) attestation of a fact, event, or statement... (5) one who gives evidence in relation to matters of fact...."

[35] The task of the theologian can be beautifully described by quoting the meanings of *intellegere* as they are listed in the Oxford Latin Dictionary; all one has to do is refer the various mental activities to the Christian mysteries: (1) to grasp mentally, understand, realize; (2) to understand by inference, deduce, ...to supply mentally, understand (something that is not expressed); (3) to discern, recognize, ...to distinguish mentally, recognize as existing; (4) to understand the value of, appreciate; (5) to understand the meaning of (words or languages); ... (7) to have or exercise powers of understanding.

[36] To put the same in a different way: the bishops' main task is to testify to a fact in the order of existence, they answer the question *An sit?*; the theologians' principal work is more in the order of abstraction, they respond to the query *Quid sit?* This distinction, however, should be applied with due moderation.

and those merits may significantly differ from one case to another. This is not to say that there should be no guidelines; it is to say that not too much trust should be put in the guidelines.[37]

PRACTICAL EXAMPLES

At the end of these abstract reflections, let some practical examples speak for themselves.

1) Let us assume, for the sake of argument, that the proposition "Sacramental marriage is indissoluble" is not infallibly defined (some theologians hold it is, some hold it is not). The official teaching of the Church is certainly that it is indissoluble. A theologian declares his dissent from the official teaching. The reaction of those in authority is a declaration that the person must not be taken for a Catholic theologian. How judge this case?

The theologian should clarify his position further. If he means only that the Church has some radical power to dissolve sacramental marriages, even consummated, but does not wish to use it for the sake of the common good, he would be saying only what a good number do hold, with full respect for the practical attitude of the Church. If he means that any couple at any time can dissolve their own marriage and be free to wed again, then our theologian is contradicting (nearly) two thousand

[37] There have been many attempts to draw up rules and regulations that could help to resolve conflicts between bishops and theologians. Such rules, however, can offer hardly more than a limited service: first, because no norms can be so perfect as to anticipate the great variety of cases that are bound to arise; second, because the norms are regularly construed on the assumption that the conflicts originate in conceptual differences which can be resolved by appropriate logical exchanges, i.e. dialogues. In reality, the conflicts originate in the difference between the episcopal calling and the theological enterprise. Bishops are called (and have the charism) to witness to an existential fact: Christ *is* risen; the theologians are called (and have the learning) to give a reflective explanation of this fact: the resurrection *means*.... It is easy to see that the one who proclaims the fact may become concerned that the other may explain it away, especially if the explanation cannot be easily understood.—Then there is the problem of bishops and theologians operating within different horizons (an epistemological issue that deserves more attention than it gets). Now horizons can never be bridged by dialogues alone, since the meaning of the words depends not only on its content but on its place within a given horizon. (The same words can carry different meanings in different horizons.) If the dialoguing parties are not aware of this fact, at most there will be endless talks coupled with polite tolerance, but no meeting of minds and hearts. The passage from one horizon to another is never through conceptual understanding; it is the surrender of the whole person to a new environment. Thomas Aquinas entered into the horizon of Aristotelian philosophy and found new meanings in traditional Christian concepts. Etienne Tempier, bishop of Paris, and two successive archbishops of Canterbury, Robert Kilwardby and John Peckham, could never follow him, and so they condemned or attacked him. I doubt any "dialogue" between the theologian and his hierarchical adversaries would have helped; only an intellectual conversion of the bishops could have brought mutual understanding and reconciliation.

years of uninterrupted tradition; his opinion is at variance with Catholic doctrine.

If the conflict between the theologian and the proper authority develops without the necessary subtle clarifications, on the basis that the doctrine is infallible or not, the conflict is misplaced; it has erupted before the lines have been clearly drawn and at the end it will not clarify anything.

2) Let us suppose, again for the sake of argument, that in a given country abortions abound and are on the rise. A theologian gets hold of the writings of Aquinas and finds the doctrine that the animation of the fetus occurs 40 days after its conception. He concludes that abortion before animation is permissible (say) for minor reasons. The time of animation, of course, has never been defined by the Church.

Yes, but there is another, not quite rational element in that particular country. Few of the citizens could appreciate the finesse of Aquinas' argument, or how ill-fitting his theory is with modern biology. In the concrete order the argument of the theologian would add to the dynamics of the movement for abortions, and what is no more than an intellectual speculation, in practice becomes an instrument of promotion for abortions.

Have the ecclesiastical authorities a right to intervene, despite the fact that no infallible doctrine is denied? It seems that the authorities have the duty to intervene because the seemingly innocent theory feeds powerfully into the forces of destruction. The object of the Church's pastoral care is the concrete existential order of the world.

3) My last example is not invented; it comes from recent history within living memory. After the silences and privations imposed by the Second World War, there was a sudden blossoming of theological research and reflection in the Roman Catholic Church, heralding the advent (or so it was thought) of a new theology. In reality, it was not all that new; its roots went back to various biblical, patristic, and historical studies carried out (with interruptions and impediments) since the beginning of the century. Now, as happens always when there is a true effort to reach the truth, there were exaggerations and mistakes; but on the whole the fields were heavy with the promise of a rich harvest. Then, in 1950, the encyclical *Humani generis* was published, and in its wake (even if it was not so intended by the document) the "disciplining" of theologians began. Books were withdrawn from circulation, translations and new editions of "potentially harmful" works were forbidden (among them such a classic as Congar's *True and False Reform of the Church*). Some thinkers (Karl Rahner, John Courtney Murray) were ordered to submit their writings to special censorship. Well-known teachers were removed from their chairs or restricted in some other way. What was the result?

In well-known and respectable theological schools a new climate developed. Many professors refused to publish their lectures or to put their thoughts into writing, for fear of being condemned. If someone wanted to know their thoughts, he had to go to "students' notes." Stenciled texts traveled from one place to another; I myself remember that when I was studying theology at Louvain (1948–52), some of Teilhard's writings (and those of others) reached us in this way. Teachers tended to develop a new phraseology that conveyed their ideas to the initiated and covered it up for all others. The subtle oppression did not really put an end to original thinking (or to the mistakes that accompanied it) but succeeded in creating a climate of distrust and deception. It was a climate totally unbefitting the Church of Christ. Fortunately, Vatican II swept it away, and we saw, not without amazement, several of the theologians who not so long before were "under a cloud" present in Rome and advising the fathers and helping them to draft the documents by which the Church lives today. If there is a lesson in this experience, it is that well-meant condemnations in the interest of truth can kill the truth. Then the second evil is worse than the first.

In ordinary circumstances the Church is strong and healthy enough to throw out the chaff, even if the process takes some time. The parable of the zealous servants is as valid as ever: premature weeding may well uproot the wheat. Besides, according to the same parable, the master knows about the conditions of his field and has every intention of taking care of it once the time has come for the harvest.

These examples should confirm what has been said before: whenever a concrete case of "dissent" presents itself, there is not one standard solution that can be applied with precision. We certainly have enough general principles to work with, but there are also particular circumstances which make every case unique. It follows that the practical resolution of an individual case can come only through a unique prudential judgment. The way to such a judgment is through an effort to discover the correct hierarchy of values in the concrete circumstances of the case, and then do what is necessary to support the more important ones. It is good to recall, however, that because our knowledge in assessing the objective facts and in judging the words and deeds of a person is always limited, most prudential judgments are not perfect; they are subject to correction, should new information reach us or should we come to better insights. Thus, in ordinary circumstances zeal for the purity of the house of God should be tempered with awareness of human fallibility.

CONCLUSION

This essay is really an incomplete report on a scenery where deep changes are taking place. The Church continues to evolve in the appro-

priation of divine revelation, a pilgrim's journey toward the full truth: "I have yet many things to say to you, but you cannot bear them now. When the Spirit of truth comes, He will guide you into all truth" (Jn 16:12–13). On this journey we have come to a point where the Church is reflecting more intensely than ever on its own God-given capacity to find, determine, and proclaim the truth. By "Church" I mean all, "from the bishops down to the last member of the laity,"[38] theologians obviously included.

As it is, we are certainly in possession of some firm knowledge, and we can proclaim it with assurance. Also, we are able to raise some questions concerning the mysteries within our reach, even if the answers still escape us. No doubt, there are also problems of which at present we are not even aware. Perhaps, at this juncture, the gift all of us (from the bishops down to the last member of the laity, including, of course, theologians and canon lawyers) should be praying for is the grace to know how much we do not know.

[38] St. Augustine, *De praed. sanct.* 14, 27 (PL 44, 980), quoted by Vatican II, *Lumen gentium*, no. 12.