

NOTE

THE "SECONDARY OBJECT" OF INFALLIBILITY

Could the Pope infallibly define the sinfulness of artificial contraception? I presume that some Catholic theologians believe that he could, since they hold that this doctrine has already been infallibly taught.¹ It would seem obvious that if something has already been infallibly taught, the Pope could define it if he chose to do so.² If the Pope were to define the sinfulness of contraception, would this doctrine then become a dogma of faith, calling on all Catholics to give it an irrevocable assent of faith? This is a conclusion that I believe the above-mentioned theologians could reasonably draw from what the new *Catechism of the Catholic Church* says. Under the heading: "Dogmas of Faith," its paragraph no. 88 reads: "Le Magistère de l'Eglise engage pleinement l'autorité qu'il tient du Christ quand il définit des dogmes, c'est-à-dire quand il propose, sous une forme obligeant le peuple chrétien à une adhésion irrévocable de foi, des vérités contenues dans la Révélation divine *ou des vérités ayant avec celles-là un lien nécessaire.*" Since the official English translation of the *Catechism* has not yet been published, I give my own translation:

The Magisterium fully exercises the authority which it has from Christ when it defines dogmas, that is to say, when it proposes, in a way that obliges the Christian people to an irrevocable assent of faith, truths that are contained in divine Revelation, *or truths which have a necessary connection with revealed truths.*

It is obvious that the italicized clause refers to truths which are not contained in divine revelation. Although not all Catholic theologians agree, it is common Catholic doctrine that the infallibility of the magisterium is engaged when it speaks in a definitive way about truths

¹ John C. Ford and Germain Grisez made this claim in their article, "Contraception and Infallibility of the Ordinary Magisterium," *TS* 39 (1978) 258–312. Others who share their view are John Finnis, "Conscience, Infallibility and Contraception," *The Month* 11 (1978) 410–21, and Marcellino Zalba, "Infallibilità del magistero ordinario universale e contraccezione," *Renovatio* 4 (1979) 79–90.

² Several Catholic theologians claimed that Pope Pius XI solemnly defined the sinfulness of contraception in his encyclical *Casti connubii*. Among the best known of these were Felix Cappello, Francis Ter Haar, and Arthur Vermeersch. More recently, Ermenegildo Lio has written a book of almost 1000 pages (*"Humanæ vitæ" e infallibilità* [Città del Vaticano: Libreria Editrice Vaticana, 1986]) to prove that the sinfulness of contraception has been solemnly defined both by Pius XI in *Casti connubii* and by Paul VI in *Humanae vitæ*.

which, though not in themselves revealed, have a necessary connection with revealed truth.³ These are generally described as the "secondary object" of infallibility. There is some controversy, however, about the exact nature of the connection with revealed truth that is required to justify describing something as a potential object of infallible teaching. For this reason there is considerable difference of opinion as to what is actually included within this "secondary object" of infallible teaching.⁴ Undoubtedly the most controversial question today is whether matters of the natural moral law, if they are not revealed, fall within the "secondary object" of infallible teaching. We shall return to this question later on. For the moment we are concerned with the assertion of the new Catechism that something which is not revealed, but is "necessarily connected" with revealed truth, can be defined as a dogma of faith, to which the faithful would be required to give an "irrevocable assent of faith."

Here the Catechism has espoused an opinion that has been held by a number of prominent Catholic theologians (among them, F. Marin-Sola, Charles Journet and Yves Congar) to the effect that the proper response to infallibly defined doctrine would be an act of divine faith, even though the matter in itself was not revealed.⁵ However, this opinion has been strongly contested by a great many Catholic theologians, who insist that only divinely revealed truth can be defined as dogma calling for an assent of divine faith.⁶ One does not expect a document of the nature of the *Catechism of the Catholic Church* to take sides on an issue disputed among reputable Catholic theologians.

What is more serious is the fact that the opinion espoused by the new

³ This is not held by all Catholic theologians, however; some insist that the object of infallible teaching is limited to what is formally revealed. Among those holding this view are André Naud, *Le magistère incertain* (Montréal: Fides, 1987) 77–96; see also his *Devant la nouvelle profession de foi et le serment de fidélité* (Montréal: Fides, 1989) 43.

⁴ See my *Magisterium; Teaching Authority in the Catholic Church* (New York: Paulist, 1983) 134–36.

⁵ See F. Marin-Sola, *La evolución homogénea del dogma católico*, Valencia, 1923, and Charles Journet, *The Church of the Word Incarnate 1: The Apostolic Hierarchy*, trans. A. H. C. Downes (London/New York: Sheed & Ward, 1955) 342–46. In his article "Faits dogmatiques et foi ecclésiastique", which originally appeared in 1956 in the encyclopedia *Catholicisme* 4.1059–67, and was reprinted in *Sainte Eglise* (Unam sanctam 41; Paris: Cerf, 1963) 357–73, Yves Congar expressed his approval of this opinion in the form in which it was presented by M. L. Guérard de Lauriers in his *Dimensions de la foi* (Paris: Cerf, 1952) 2.299–301.

⁶ Many, but not all, such theologians described the proper response to infallible teaching about matter only "connected with revelation" as an act of "ecclesiastical faith." By this they meant faith that is based not on the authority of God revealing, but on the infallible authority of the Church defining. Congar names fourteen who did so ("Faits dogmatiques" 359).

Catechism has no support, to my knowledge, in any previous document of the magisterium. While a number of official documents have suggested or explicitly asserted that the magisterium can speak with infallibility about truths that are not revealed, none has described the product of such teaching as a dogma of faith, or has described the response due to it as an irrevocable assent of faith. Given the importance of the question raised by the new Catechism, it seems worthwhile to review the documents in which the magisterium has previously spoken on this question.

At the First Vatican Council, a *schema* of a Constitution on the Church was prepared, but not acted upon, in which it was asserted that the Church can teach infallibly about those things which, while not revealed, are "necessarily required, in order that the deposit of revelation may be preserved intact."⁷ At the same council, in the preparation of the definition of the dogma of papal infallibility, some members of the *Deputatio de Fide* had wanted to limit the object of infallibility to revealed truth. Their voice prevailed in the formula presented to the council on May 9th, 1870, which spoke of the pope defining what was "to be held as of faith" (*tamquam de fide tenendum*) by the universal Church. But as a result of the insistence of Manning, Senestrey, and others, who objected to the limitation of infallibility to what was "of faith," the final text of the definition was worded in such a way as to allow for the possibility of the infallible definition of matter that was not revealed, but connected with revelation. For this purpose, the words "as of faith" were dropped, leaving only "doctrine about faith or morals to be held (*tenendam*) by the universal Church."⁸ While this term could mean "to be held by faith," it could also mean "to be held as true." It was evident that when something was defined as divinely revealed, it called for a response of "divine and catholic faith"; this had already been established in the previous Constitution *Dei Filius*.⁹ The choice of the term "doctrine to be held" without the qualifier "as of faith" shows that the council wished to allow for the definition of matter to which the response would not be one of "divine and catholic

⁷ *Schema Primum de Ecclesia*, Canon IX (Mansi 51.552).

⁸ Vatican I, Constitution *Pastor aeternus*, cap. 4 (DS 3074). For the detailed history of the text, see Roger Aubert, *Vatican I* (Histoire des Conciles Oecuméniques, vol. 12; Paris: Ed. de l'Orante) 211, 225–26. Also Umberto Betti, *La Costituzione Dogmatica "Pastor Aeternus" del Concilio Vaticano I* (Roma: Pontificio Ateneo "Antoniano" 1961) 175, 389–404.

⁹ "By divine and catholic faith all those things are to be believed which are contained in the word of God, whether written or handed down, and are proposed by the Church, whether by solemn judgment or by its ordinary and universal magisterium, as divinely revealed and to be believed as such" (DS 3011).

faith." When Bishop Gasser, the official spokesman for the *Deputatio de Fide*, explained the meaning of this text, he described the things that would be merely "to be held" as truths that were "required for the defense and explanation of the deposit of faith, since without these the deposit of faith could not be guarded and explained."¹⁰ He further explained that it was not the intention of the council to define papal infallibility in regard to such matter as a dogma of faith, but to leave it in its actual state as "theologically certain."¹¹

The Second Vatican Council described the limits of the object of infallible magisterium by saying that it "extends as far as extends the deposit of divine revelation which must be religiously guarded and faithfully expounded."¹² The meaning of this last phrase was explained by the Theological Commission in the following way: "The object of the infallibility of the Church has the same extension as the revealed deposit; hence it extends to all those things and only to those, which either directly pertain to the revealed deposit itself, or are required in order that the same deposit may be religiously safeguarded and faithfully expounded."¹³ Here we find the same kind of connection with revealed truth, needed to justify including something within the object of infallible teaching, as was mentioned by Gasser at Vatican I. It must be a truth *required* for the defense or explanation of revelation. Nothing is said here about the kind of response due to such a truth if it is infallibly taught.

However, this question is answered in the passage of *Lumen gentium* no. 25 which speaks of the infallible teaching of the episcopal college when it is not gathered in an ecumenical council. The earlier draft of this text had limited the object of such infallibility to "the handing on of the revealed faith." To satisfy an objection to such limitation, the text was amended in order to allow for the possibility of infallible teaching on matter connected with revelation. The change of the text involved substituting "matter of faith and morals" for "revealed faith," and adding the phrase *tamquam definitive tenendam* ("as definitively to be held") to describe the response due from the faithful to such teaching. The official reason given for this change was "lest the infallibility of the episcopal body seem to be restricted to that only which is proposed to be believed as divinely revealed."¹⁴ It can hardly be doubted that the word *tenendam* was chosen for the same reason that Vatican I had chosen it in its definition of papal infallibility: to allow

¹⁰ Mansi 52.1226.

¹¹ Mansi 52.1226-27.

¹² *Lumen gentium* 25.

¹³ *Acta Synodalia Concilii Vaticani Secundi* III/8, 89.

¹⁴ *Acta Synodalia* III/1, 251.

for the possibility of infallible teaching about matter that was not revealed. In both cases, the choice of *tenendam* shows that the council fathers did not wish to say that the response to infallible teaching would be an act of divine faith, if the truth that had been taught was not in itself revealed. Such a truth must be "definitively held"; they did not say it must be "believed."

In its Declaration *Mysterium Ecclesiae* of June 24, 1973, the Congregation for the Doctrine of the Faith declared that while it is a dogma of faith that the magisterium is infallible when it defines revealed truth, it is Catholic doctrine (i.e. authoritative, but not definitive, teaching) that the infallibility of the Church's magisterium extends also to those matters without which the deposit of faith cannot be rightly preserved and expounded.¹⁵ Here again we have a rather strict interpretation of the kind of connection with revealed truth that is required in order to justify including something that is not revealed within the object of infallible teaching.

The 1983 Code of Canon Law, in its canon 749, three times uses the term *tenendam* in describing the response to be given to what is definitively taught, whether this is by the Pope or an ecumenical council in a solemn act of definition, or by the whole episcopal college in its ordinary universal magisterium. There is every reason to believe that in this use of *tenendam* the Code follows the example set by both Vatican Councils, which used this term in order to allow for the possibility of definitive teaching that did not call for the response of faith. This is confirmed by canon 750, immediately following, which calls for the response of "divine and catholic faith" to definitive teaching when things are taught "which are contained in the Word of God" and are "proposed as divinely revealed."¹⁶ The consistent use of *tenendam* in canon 749, contrasted with *credenda* in canon 750, shows that the 1983 Code allows for the possibility of definitive teaching about matter not in itself revealed, and that in such a case it does not call for the response of divine faith.

On February 25, 1989, the Congregation for the Doctrine of the Faith published a new Formula for the Profession of Faith.¹⁷ After the

¹⁵ AAS 65 (1973) 401. The term "Catholic doctrine" is used of what is commonly and officially taught in the Catholic Church but has not been defined or taught in a definitive way by the ordinary universal magisterium.

¹⁶ This canon repeats the doctrine of Vatican I in its Constitution *Dei Filius*, cap. 3 (DS 3011).

¹⁷ *L'Osservatore Romano* (25 Feb. 1989) 6. This was also published in *Acta Apostolicae Sedis* 81 (1989) 104-6. In both cases, the new Formula was accompanied by a *Nota di presentazione* authored by Fr. Umberto Betti, O.F.M., who is a consultant to the Congregation.

Creed of the councils of Nicea and Constantinople, there follow three brief paragraphs, the first of which reads: “I also believe with firm faith all those things which are contained in the Word of God, whether written or handed down, and are proposed by the Church, whether by a solemn judgment or by its ordinary and universal magisterium, as divinely revealed and to be believed as such.” Here one sees that the Profession of Faith follows Vatican I (DS 3011) and the new Code (can. 750) in calling for the response of divine faith only to what is contained in the Word of God and is definitively proposed as divinely revealed.

The second of these paragraphs reads: “I also firmly accept and hold all those things concerning doctrine about faith or morals which are definitively proposed by the same Church.” Three significant differences are to be noted between this paragraph and the preceding one. Instead of “I believe with firm faith” it says: “I firmly accept and hold.” Instead of “things which are contained in the Word of God” it says: “things concerning doctrine about faith or morals.” Instead of “are proposed as divinely revealed” it says simply “are definitively proposed.” In the light of these three differences, it can hardly be doubted that this paragraph refers to truths which, while they are not revealed, do concern matters of faith or morals. There is a clear claim that the Church can make definitive pronouncements about such nonrevealed truths. The Profession of Faith says nothing about the connection with revealed truth that would justify the Church’s claim to speak definitively about such matter, but other official documents have done so, as we have seen. Again, it is evident that the response that is called for, when the truth that has been definitively proposed is not in itself revealed, is not the response of faith; in this case the one making the Profession of Faith does not say “I believe” but “I accept and hold” such truths.

We have seen that both Vatican Councils, and the 1983 Code, have used the verb *tenere* of the response to be given to definitive teaching, because this word allowed the possibility of definitive teaching about matter not in itself revealed. The Latin words in the new Profession of Faith, which I have translated: “I firmly accept and hold,” are *amplector ac retineo*. The fact that these two Latin words have substantially the same meaning as the Latin *teneo*, suggests that they were chosen to indicate a response that is not one of divine faith, but is a firm intellectual assent to a proposition as true. One could compare the use of “hold” in “We hold these truths . . .” in the U.S. Declaration of Independence.

The same Congregation for the Doctrine of the Faith which promulgated the new formula for the Profession of Faith, provided its own exegesis of the three brief paragraphs of this formula in its *Instruction*

on the Ecclesial Vocation of the Theologian.¹⁸ The text of no. 23 of this document reads as follows:

When the Magisterium of the Church makes an infallible pronouncement and solemnly declares that a teaching is found in Revelation, the assent called for is that of theological faith. This kind of adherence is to be given even to the teaching of the ordinary and universal Magisterium when it proposes for belief a teaching of faith as divinely revealed.

When the Magisterium proposes "in a definitive way" truths concerning faith and morals, which, even if not divinely revealed, are nevertheless strictly and intimately connected with Revelation, these must be firmly accepted and held.¹⁹

When the Magisterium, not intending to act "definitively," teaches a doctrine to aid a better understanding of Revelation and make explicit its contents, or to recall how some teaching is in conformity with the truths of faith, or finally to guard against ideas that are incompatible with these truths, the response called for is that of the religious submission of will and intellect.²⁰ This kind of response cannot be simply exterior or disciplinary but must be understood within the logic of faith and under the impulse of obedience to the faith.

The second of these three paragraphs of the Instruction provides an official answer to many of the questions that have come up so far in this article. Against those who would restrict the object of definitive teaching to what is divinely revealed, it affirms that what is not revealed can also be definitively taught. It restricts the object of such teaching by requiring that it be matter of faith and morals that is "intimately and strictly connected with revelation." It does not call for a response of faith, but asserts that these "connected" truths, when definitively proposed, are to be "firmly accepted and held."

We have now reviewed a number of official documents in which the magisterium has affirmed its capacity to speak definitively and infallibly about matter that is not revealed, but is "necessarily" or "strictly and intimately" connected with revealed truth. In not one of these texts do we find the idea that when such "nonrevealed" but "connected" truths are infallibly taught, they become "dogmas of faith" which call for an "irrevocable assent of faith." On the contrary, the

¹⁸ This is dated May 24, 1990, and is signed by Joseph Card. Ratzinger, Prefect, and by Alberto Bovone, Secretary. I quote the English translation published at Vatican City.

¹⁹ A footnote at this point reads: "The text of the new Profession of Faith . . . makes explicit the kind of assent called for by these teachings in these terms: *Firmiter etiam amplector et retineo . . .*"

²⁰ A footnote at this point refers to *Lumen gentium* 25 and to the Code of Canon Law, can. 752.

evidence shows that the magisterium has consistently avoided speaking of "faith" as the proper response to this kind of teaching. This makes it all the more surprising that the *Catechism of the Catholic Church* has espoused the opinion that when doctrine which is not divinely revealed is infallibly taught by the magisterium, it thereby becomes a dogma that calls for "the irrevocable assent of faith."

It is time now to return to the question with which I began: Could the Pope infallibly define the sinfulness of artificial contraception? If we agree that this doctrine is not found in revelation, and would not become a dogma of faith if it were defined, there is still a real question whether this doctrine, as an issue that belongs to the secondary object of infallibility, is potential matter for infallible definition. The Catholic theologians who claim that it has already been infallibly taught by the "ordinary and universal magisterium" argue that if it has not been revealed, it belongs at least to this "secondary object."²¹ It seems worthwhile to examine their thesis in the light of the documents which we have been reviewing, with a view to seeking some light on the disputed question regarding the nature and limits of this "secondary object" of infallibility—in particular whether it includes the norms of the natural moral law.

Before entering into this question, I would first note that whatever principles or specific norms of the natural law are also contained in the deposit of revelation belong, by that fact, to the primary object of infallibility.²² What we are concerned with here are those questions of moral law to which the answers are not found in the revealed word of God. While Catholic theologians differ as to how much of the natural moral law is contained, at least implicitly, in revelation, there is general agreement that the modern world presents a great number of difficult and complex moral problems to which Christians seek solutions "in the light of the Gospel," but also in the light of human experience, by applying their intelligence to the search for the correct determination of moral right and wrong as applied to this kind of problem. The question we are asking is whether such moral issues belong to the secondary object of infallible teaching by the Church.

One answer to this question was given by Umberto Betti in the *Nota*

²¹ John Ford and Germain Grisez, "Contraception and Infallibility" (see note 1 above) 286–91.

²² The CDF "Instruction on the Ecclesial Vocation of the Theologian" no. 16 has the following to say on this point: "Revelation also contains moral teachings which *per se* could be known by natural reason. Access to them, however, is made difficult by man's sinful condition. It is a doctrine of faith that these moral norms can be infallibly taught by the Magisterium." It is to be noted that the Instruction speaks of infallibility only regarding those norms of the natural moral law which are also divinely revealed.

di presentazione which accompanied the publication of the new formula for the Profession of Faith. According to Fr. Betti, "One can include in the object of irreformable definitions, even though the matter is not of faith, everything that pertains to the natural law, since this is also an expression of the will of God."²³ The phrase: "even though the matter is not of faith" shows that Betti intends to include within the object of infallible teaching not only what is "of faith", i.e. revealed by God, but also all those norms of the natural moral law which are not revealed, but which the Creator has "written in our hearts" (cf. Rom 2:15).

I understand Betti to mean that all questions pertaining to the natural moral law belong at least to the secondary object of infallibility. This raises the question whether it is enough for something to be a "matter of morals" for it to be potential matter for infallible definition. One might be led to give an affirmative answer to this question by the way that Vatican I defined the dogma of papal infallibility. It said that the pope speaks with infallibility when he defines *doctrinam de fide vel moribus*, "doctrine of faith or morals."²⁴ Without a knowledge of the *Acta* of Vatican I, one could easily take this to mean that the pope can infallibly define any moral issue whatsoever. But the official explanation of the definition of papal infallibility given by Bishop Gasser, spokesman for the *Deputatio de Fide*, shows clearly that the phrase "doctrine of faith or morals" in this context refers to doctrine that is either revealed or is required for the defense or explanation of revealed truth.²⁵

There is an important distinction to be made here between teaching that is merely authoritative and teaching which is infallible. Any moral issue could be appropriate matter for *authoritative* teaching by the magisterium, since it is within its competence to give authoritative guidance to the faithful for the formation of their consciences on all moral issues, including those regarding the natural moral law.²⁶ But when it is a question of *infallible* teaching about matter which is not

²³ *L'Osservatore Romano* (25 Feb. 1989) 6; AAS 81 (1989) 105.

²⁴ DS 3074.

²⁵ Mansi 52:1226.

²⁶ The CDF Instruction justifies the competence of the magisterium in such matters in the following way: "By reason of the connection between the orders of creation and redemption, and by reason of the necessity, in view of salvation, of knowing and observing the whole moral law, the competence of the Magisterium also extends to that which concerns the natural law." Since the following paragraph of the Instruction attributes infallibility to the magisterium only with regard to those norms of natural moral law that are also revealed (see note 22 above), one can conclude that the CDF does not intend to attribute *infallible* competence to the magisterium with regard to the whole moral law, whatever its connection with revelation might be.

revealed, the documents which we have seen above consistently limit it to doctrine which is "necessarily" or "strictly and intimately" connected with revelation, or "required for the defense or explanation of revealed truth." It is possible that Betti would hold that all questions of the natural moral law would meet these requirements. Others would disagree. The point I wish to make is that the magisterium itself does not claim that every moral issue, *regardless of its connection with revelation*, is potential matter for infallible definition.

In order for a doctrine like the sinfulness of artificial contraception to be taught with infallibility, it would have to be a doctrine that is either revealed, or required for the defense or explanation of some revealed truth. It is true that for a long time it was thought to be revealed in the story of Onan (Gen 38:4-10). However, few Scripture scholars nowadays take that story to mean that Onan was condemned to death by God for the sin of "onanism." It is also significant that while Pius XI alluded to that story in *Casti connubii*,²⁷ Paul VI did not do so in *Humanae vitae*, nor did he claim that the sinfulness of artificial contraception had been otherwise divinely revealed.

Neither did Ford and Grisez make such a claim. Their contention was that the fact that it has been infallibly taught by the ordinary universal magisterium proves that it must be a proper matter for infallible teaching, and therefore belongs at least to the secondary object of infallibility. In their view, to prove that the sinfulness of contraception has been infallibly taught, it is sufficient to prove that it is a moral doctrine which the universal magisterium has proposed "to be held definitively." Then, on the basis of their claim that it has been infallibly taught, they argue that it must be a doctrine that is either revealed in itself, or is so connected with revelation that the magisterium can speak infallibly about it.

Now it seems to me that this way of arguing would render irrelevant the question, which so agitated the bishops at Vatican I, concerning the limits of the matter about which the pope can speak infallibly. There would have been no need to specify these limits; it would have been sufficient to say simply that whenever the pope defines something, it necessarily follows that the matter falls within the proper object of infallibility. Why bother specifying that he can speak infallibly only about doctrine of faith or morals? And why bother explaining, as Gasser did, that this must be doctrine that is either revealed or required for the defense or explanation of revealed truth? And why have

²⁷ "Sacred Scripture testifies that the Divine Majesty pursued this wicked crime with detestation and sometimes punished it with death" (AAS 22 [1930] 559).

the limits of the object of infallible teaching been mentioned again and again in the official documents that we have examined in this article?

Determining which pronouncements of the magisterium constitute dogmatic definitions and which doctrines have been infallibly taught by the ordinary universal magisterium is an important part of the function of theologians. In fulfilling this task, they attempt to determine whether all the conditions required for the infallible exercise of magisterium have been fulfilled. One of the questions they must ask is whether the matter about which the statement was made is such that it is capable of being defined as a dogma of faith, or is otherwise capable of being infallibly taught. Thus, for instance, one of the questions they ask about the Bull *Unam sanctam* of Boniface VIII is whether his doctrine of the supremacy of the spiritual over the temporal power is one that could be defined as a dogma of faith. If it clearly is not, they can conclude that whatever Boniface thought about it, he did not define it as a dogma of faith. Similarly, they judge that a number of the canons of the Council of Trent which end with *anathema sit* do not define dogmas of faith, because the matter with which they deal is not revealed truth.

Analogously, one of the reasons why so many Catholic theologians do not believe that the sinfulness of contraception has been infallibly taught, is because they do not believe that this question falls within the proper object of infallibility.²⁸ Most, if not all, agree that being a moral issue, it is a proper matter for *authoritative* teaching by the magisterium. But they do not agree that each and every moral issue, regardless of its specific nature or of its connection with revelation, can be infallibly (and thus irreformably) determined by the magisterium.

I have added the parenthesis "and thus irreformably" in order to bring out what I see as the fundamental difference between merely authoritative teaching by the magisterium, and teaching that is rightly called infallible. When Vatican I concluded its definition of papal infallibility by describing papal definitions as "irreformable," it meant that they cannot be reversed by any other authority, such as that of the college of bishops. In fact they cannot be reversed by succeeding popes. The formulation can be improved, but the meaning must be retained.

As I understand the matter, irreformability is the distinctive quality of infallible teaching, whether this is in the form of a solemn definition or in the form of the teaching of the ordinary universal magisterium that a doctrine is "definitively to be held." Doctrine that has been

²⁸ See *Magisterium* 150–52, and esp. 227 n. 46.

infallibly proposed cannot be reversed. This, to my mind, is what it means to say that the magisterium has spoken "definitively" on an issue. The word is cognate to the term "definition"; both terms mean that the Church has taken a stand which is not open to revision as far as the meaning is concerned.

In the light of the above, I must admit that I am baffled by Grisez's assertion that "as already explained, it is not exact to say that a doctrine infallibly taught by the ordinary magisterium is 'irreformable'."²⁹ From his previous explanation, it would seem that he thinks that the term "irreformable" applies only to solemn definitions. But if doctrine infallibly taught by the ordinary magisterium is not irreformable, it would seem to follow that it is open to substantial revision. And if the doctrine about the sinfulness of artificial contraception is open to substantial revision, the question whether it has been infallibly taught becomes irrelevant to the present controversy, which turns precisely on the question whether this doctrine can be substantially revised.

I shall conclude with some further remarks concerning the thesis of Ford and Grisez that the sinfulness of artificial contraception has been infallibly taught by the ordinary universal magisterium. I have said above that one of the reasons why so few Catholic theologians have espoused this thesis is because they do not believe that this question falls within the proper object of infallibility. Another reason is that they are not convinced that this doctrine has been proposed as "definitively to be held." According to Ford and Grisez, to propose a doctrine as "definitively to be held" means no more than to teach it as "certain" or "undoubted." As proof they appeal to the use of the word "undoubted" by Kleutgen in the revised *Schema de Ecclesia* which he prepared for Vatican I,³⁰ and to the fact that *Lumen gentium* has a footnote reference to this Schema in the section in which it treats the infallible teaching of the college of bishops (no. 25). Kleutgen's Schema is a theologian's draft that lacks dogmatic value, never having been presented to the bishops at Vatican I or discussed by them. The footnote reference to this Schema is a very tenuous basis on which to establish the meaning of the phrase "as definitively to be held."

A much sounder basis for the interpretation of this phrase is found in the recent documents of the magisterium to which we have been referring above. The new formula for the Profession of Faith, in the

²⁹ "Infallibility and Specific Moral Norms: A Review Discussion," *The Thomist* 49 (1985) 248-87; reprinted in *Dissent in the Church* (Readings in Moral Theology 6), edited by C. E. Curran and R. A. McCormick (New York: Paulist, 1988) 58-96; the citation is on p. 84 of this edition.

³⁰ Mansi 53.313.

second brief paragraph, says: "I also firmly accept and hold all those things concerning doctrine about faith and morals which are *definitively proposed* by the same Church." The CDF Instruction says: "When the Magisterium proposes *in a definitive way* truths concerning faith and morals, which, even if not divinely revealed, are nevertheless strictly and intimately connected with Revelation, these must be firmly accepted and held" (no. 23). Both of these documents take the term "to propose in a definitive way" as equivalent to *Lumen gentium's* phrase: "propose as definitively to be held." In the context, one cannot interpret the phrase "propose in a definitive way" as though it were identical with "solemnly define"; it undoubtedly includes also the "definitive" proposal of doctrine by the ordinary universal magisterium. These documents recognize that there is an important difference between the "definitive proposal" of doctrine, which is infallible, and the nondefinitive exercise of the ordinary magisterium, which is not.

Ford and Grisez argue that in order to prove that the sinfulness of contraception has been proposed as "definitively to be held" it is enough to show that for at least a century, prior to 1962, Catholic bishops and popes were agreed in teaching that the practice of contraception was objectively a grave sin. They argue that they could not have taught that some act would objectively be a grave sin unless they proposed this as certain, and therefore they must have proposed this doctrine as "definitively to be held."

It seems to me that this argument would tend to eliminate the difference between the ordinary, authoritative, but nondefinitive teaching of the magisterium, and its proposal of doctrine "in a definitive way", or as "definitively to be held." For even when popes and bishops declare something to be gravely wrong in their ordinary, nondefinitive exercise of magisterium, they teach it not merely as probably sinful, but as certainly such. If it were true that proposing doctrine as "definitively to held" meant no more than proposing it as certain, it would follow that the magisterium could never declare a way of acting to be gravely morally wrong without speaking "definitively." The fact that few Catholic theologians would agree with this conclusion is one of the reasons why so few are convinced that the sinfulness of contraception has been infallibly taught.

This brings me to the question of the significance of the fact that there is no evidence of a consensus among Catholic theologians that this doctrine has been infallibly taught by the ordinary universal magisterium. Nor is there any evidence of such a conviction in the pastoral letters in which various episcopal conferences spelled out the meaning of *Humanae vitae* for the faithful. Given such a lack of consensus, it can hardly be maintained that it is "clearly established" that this doctrine

has been infallibly taught. On the other hand, canon law prescribes that "no doctrine is understood to be infallibly defined unless it is clearly established as such" (can. 749.3). My final question is: Does the requirement that no doctrine be recognized as infallibly *defined* unless this fact is clearly established, also apply to the recognition of doctrine as infallibly *taught* by the ordinary universal magisterium?

Canon 749.1 speaks of doctrine that is infallibly defined by the pope; 749.2 speaks of doctrine that is either infallibly defined by an ecumenical council or is infallibly taught by the ordinary universal magisterium. Then follows 749.3: "No doctrine is understood to be infallibly defined unless this is clearly established." Grisez asserts that this rule of canon law refers only to solemn definitions, and not to the infallible teaching of the ordinary universal magisterium. In his footnote, he remarks that this was already clear enough in the 1917 Code, and that it is even clearer in the 1983 Code.³¹

The 1917 Code said: "Nothing is understood to be infallibly defined or declared unless this is clearly established." From the fact that the 1983 code omits the words "or declared," Grisez concludes that the fact has to be "clearly established" only when it is question of judging that a doctrine has been infallibly defined. Perhaps this is the only requirement that is now recognized in canon law. However, I would argue on theological grounds, that it is also true that no doctrine should be understood as having been infallibly taught by the ordinary universal magisterium unless this fact is clearly established.

My argument is based on the consequences for the faithful, of the fact that a doctrine has been infallibly taught, whether this is by solemn definition or by ordinary universal magisterium. According to Vatican I (DS 3011) and the 1983 Code (can. 750), doctrine proposed as divinely revealed must be believed with "divine and catholic faith," whether it has been solemnly defined or infallibly taught by the ordinary universal magisterium. According to the new formula for the Profession of Faith, if a doctrine has been infallibly proposed as divinely revealed, whether this was by solemn definition or by ordinary universal magisterium, the obligation on the faithful is the same: they must believe it with firm faith. According to the 1983 Code, a person who is guilty of obstinate denial or doubt regarding a doctrine which must be believed with divine and catholic faith is guilty of heresy (can. 751); no distinction is made between doctrine which has been solemnly defined, and that which has been infallibly taught by the ordinary and universal magisterium.

From the fact that the consequences for the faithful are the same

³¹ "Infallibility and Specific Moral Norms" 80.

whether doctrine has been solemnly defined or infallibly taught by the ordinary universal magisterium, I conclude that on theological grounds, the principle is equally true that no doctrine should be understood as having been infallibly taught unless this fact is clearly established, whether the doctrine has been defined, or taught by the ordinary universal magisterium. Given the lack of consensus among Catholic theologians, it is obvious that it is not "clearly established" that the sinfulness of contraception has been infallibly taught. In the face of solid reasons for doubting whether it has been infallibly taught, I believe Catholic theologians are fully justified in continuing to treat this as a doctrine that, while authoritative, has not been infallibly taught, and consequently is not irreformable.

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