

a theological analogue: the assent which is due an infallible teaching should not be given unless the way in which the bishops in communion with the pope have proposed a teaching makes it clear to you that it is proposed infallibly. For whether an infallible teaching is by a solemn definition or by the ordinary universal magisterium, a faithful Catholic's consequent responsibilities only take hold if and when he or she becomes aware of the teaching's infallibility. So, with respect to most of the faithful, I agree in part with Sullivan: even if they are aware of the argument that the Church's teaching on contraception has been proposed infallibly, they need respond to that teaching only as proposed authoritatively, that is, with religious assent.⁴⁶ For, in view of the silence up to now of virtually all the bishops on the teaching's infallibility, as well as the absence of consensus among theologians who have dealt with the issue, most of the faithful who lack theological training will be unable to see that this teaching has been proposed infallibly.

My third, and last, point is that, *for theologians*, lack of consensus for a position is no argument against it, and an alleged consensus for a position is a bad argument in its favor. Psychologically, no doubt, it is reassuring to find one's views supported by many colleagues. Methodologically, however, this at best provides an unreliable sign of where the truth might lie. And logically, it provides no justification for participating in the alleged consensus; invoked as a response to a reasoned theological argument, it is fallacious.⁴⁷

*Mount Saint Mary's College
Emmitsburg, Maryland*

GERMAIN GRISEZ

REPLY TO GERMAIN GRISEZ

I am grateful to the editor of *Theological Studies* for inviting me to respond to the preceding note by Germain Grisez. I have accepted this invitation because I would like to pursue further a question which I raised in my note: "The 'Secondary Object' of Infallibility," and on which Grisez has made some critical comments. The point I have in mind concerns the significance of the fact that there is no evidence of a consensus among Catholic theologians that the doctrine concerning the moral wrongness of the use of artificial contraception has been infallibly taught by the ordinary universal magisterium. Canon law (can. 749.3) prescribes that "no doctrine is understood to be infallibly

⁴⁶ In saying this, I by no means concede that the faithful may legitimately dissent from the teaching or violate it in practice; on this, see my *Living a Christian Life* 46–55.

⁴⁷ On the appeal to an alleged theological consensus, see also my "Infallibility and Specific Moral Norms" 271–72.

defined unless it is clearly established as such." I argued that while this canon speaks only of defined doctrine, there are good theological grounds for likewise holding that no doctrine should be understood as having been infallibly taught by the ordinary universal magisterium unless this fact is clearly established. Given the lack of a consensus among Catholic theologians with regard to the Ford-Grisez thesis, I argued that it can hardly be "clearly established" that the official doctrine on artificial contraception has been infallibly taught, and that therefore it does not qualify as irreformable teaching.

Grisez's first point in response to my argument is that "it depends in part on a questionable translation."¹ The Latin of can. 749.3 reads: "Infallibiliter definita nulla intellegitur doctrina nisi id manifeste constiterit." I have followed the English translation prepared under the auspices of the Canon Law Society of America, which reads: "No doctrine is understood to be infallibly defined unless it is clearly established as such."² Grisez finds this translation "questionable" on the grounds that the term "established" implies that one cannot identify a defined doctrine unless there are cogent arguments leading to a theological consensus that the magisterium's statement of it is indeed a solemn definition. Grisez interprets the canon to mean that "one should not judge that this or that magisterial statement is a solemn definition unless the very formulation and its context makes this clear."³ He then argues that if the canonical criterion for identifying defined doctrine is based on formulation and context, one cannot draw an analogy with regard to the infallible teaching of the ordinary magisterium, since this is not expressed in a single statement whose formulation and context could make it clear that the doctrine is proposed infallibly.

The first question, then, has to do with the meaning of the Latin phrase: "nisi id manifeste constiterit." The neuter pronoun *id* obviously does not refer to the feminine noun *doctrina*, but to the *fact* that a doctrine has been infallibly defined. What does it mean to say of a fact: "*constat*"? To this question, Harper's *Latin Dictionary* gives the following answer: "*constat: it is settled, established, undisputed, certain, well known.*" Given that this is what the Latin term *constat* means, I would note the following points: (1) "it is established" is a

¹ Germain Grisez, "The Ordinary Magisterium's Infallibility: A Reply to Some New Arguments" 731-32.

² *Code of Canon Law, Latin-English edition* (Washington: Canon Law Society of America, 1983) 283.

³ Grisez 731.

perfectly good translation of *constat*, since it can also mean the same as "it is settled." It does not necessarily mean "proven by cogent argument." (2) To say that a fact *constat* simply means that it is settled, undisputed, etc. This does not say anything about the criteria by which a fact is recognized as "settled," etc. There is no basis, therefore, either for Grisez's objection to the use of the term "established," or for his opinion that the canonical directive must refer to the formulation and context of an infallible definition, and therefore cannot be applied by analogy to the infallible teaching of the ordinary magisterium. (3) While the use of *constat* does not specify the criteria by which a fact is recognized as "settled," it does suggest that there will be a general recognition that this is an "established fact." Synonyms such as "undisputed, well known," suggest that one can expect a consensus about a fact if one can say of it: "*constat*." (4) Furthermore, the canon says that no doctrine is understood to be infallibly defined *nisi id manifeste constiterit*. In other words, the fact that a doctrine has been infallibly defined must not only be "settled, undisputed, well known," but must be "manifestly" such. To whom would one expect such a fact to be "manifest" if not to Catholic theologians, whose business it is to evaluate the dogmatic weight of magisterial pronouncements? I conclude that it would be absurd to claim that the fact that a doctrine had been infallibly defined was *manifestly* "settled, established, undisputed," if there were no consensus among Catholic theologians about this alleged fact.

In my previous article I argued that what can. 749.3 applies explicitly only to defined doctrine, should, on theological grounds, be applied also to the recognition of infallible teaching by the ordinary universal magisterium. My reason for this is the fact that according to Vatican I (DS 3011), the 1983 Code (can. 750, 751), and the new Profession of Faith (par. 2),⁴ the consequences for the faithful are the same, whether a doctrine has been solemnly defined or infallibly taught by the ordinary universal magisterium. Grisez notes that these documents refer to the response of faith that must be given to doctrine that has been defined or infallibly taught as divinely revealed. That is correct. But this does not weaken my argument from analogy, nor would it hold only if the norm excluding contraception had been proposed as divinely revealed. In fact, the third paragraph of the new Profession of Faith, referring to doctrines that are not revealed but are necessary for the defense or explanation of revelation, calls upon the faithful to "firmly

⁴ AAS 81 (1989) 105; *Origins* 18/40 (16 Mar. 1989) 663.

accept and hold all those things concerning doctrine about faith and morals which are definitively proposed by the Church."⁵ This formula makes no distinction between doctrines that have been defined and those which have been otherwise "definitively proposed." I do not believe that either of Grisez's objections has weakened the force of my argument: that since the consequences for the faithful are the same whether a doctrine has been defined or infallibly taught by the ordinary universal magisterium, no doctrine ought to be understood as having been infallibly taught unless it can be said that this fact *manifeste constat*.

Grisez's final point concerns the significance of the absence of a consensus about such a fact. Grisez candidly admits that there is no evidence of a consensus either among bishops or theologians that the norm excluding contraception has been infallibly taught. While he recognizes that the absence of such a consensus will have significance for the ordinary faithful, he insists that "*for theologians*, lack of consensus for a position is no argument against it, and an alleged consensus for a position is a bad argument in its favor. . . . Methodologically, this at best provides an unreliable sign of where the truth might lie."⁶

I would distinguish between two questions here. The first, and more pertinent to the present discussion, has to do with the significance of the lack of consensus among Catholic theologians regarding the claim that the doctrine of *Humanae vitae* about contraception has been infallibly taught. In the absence of such a consensus, I do not see how one can reasonably claim that it is "manifestly settled, undisputed, well known" that this doctrine has been infallibly taught. The lack of such consensus would certainly exclude the claim that a doctrine had been infallibly *defined*. I believe there are good grounds for applying the same criterion to the claim that a doctrine has been infallibly *taught*.

The second, and more general question, has to do with the significance of a consensus among Catholic theologians as to the dogmatic weight to be given to any particular doctrine. Grisez belittles the importance of such a consensus. He seems to ignore the long-standing tradition by which considerable importance has been attached to the practice of assigning "theological notes" to the Church's doctrinal statements. In this tradition, it was always crucial to know whether there was a consensus among Catholic theologians in qualifying a doctrine with the same "note." Recently, the International Theological Commission has spoken very positively of this traditional practice, in

⁵ Ibid.

⁶ Grisez 732 above.

its statement *On the Interpretation of Dogma*. The Commission has said:

The living character of tradition gives rise to a great variety of doctrinal statements, differing in import and degree of binding force. In order to assess and interpret them properly, theology has developed its teaching with regard to theological notes; this was derived in part from the Church's magisterium. Unfortunately, it has fallen somewhat into desuetude in recent times. Nevertheless, it is useful for the interpretation of dogma and should therefore be renewed and further developed.⁷

While the Commission does not speak explicitly about the significance of a consensus among Catholic theologians in assigning a common "note" to a doctrinal statement, it seems obvious that ultimately the importance of any such "note" would depend on the consensus it would enjoy among reputable theologians.

In his description of arguments based on the consensus of theologians as "bad," "unreliable" and even "fallacious," Grisez takes a stand which it would be hard to reconcile with the teaching of Pope Pius IX, precisely on the question of the assent to be given to doctrines taught by the ordinary universal magisterium. In his Letter *Tuas libenter* of Dec. 21, 1863, Pius IX insisted that the assent of faith is to be given not only to defined dogmas, "but also to those things which are handed on by the ordinary magisterium of the whole church dispersed throughout the world as divinely revealed, and are therefore held to belong to the faith by Catholic theologians with universal and constant consensus."⁸ Evidently, Pius IX was convinced that if a doctrine was taught as revealed truth by the whole episcopate, there would also be a universal and constant consensus among Catholic theologians that this doctrine is a matter of faith. It seems safe to conclude that he recognized that the consensus of theologians in qualifying a doctrine as *de fide* would serve as a clear sign that the doctrine was being taught by the ordinary universal magisterium as a matter of faith.

Given the connection that Pius IX saw between the fact that a doctrine was being taught by the ordinary universal magisterium, and the presence of a constant and universal consensus among Catholic theologians upholding that same doctrine, it follows that in the absence of such a consensus among Catholic theologians, it would be difficult to maintain that a doctrine had been taught by the ordinary universal magisterium as definitively to be held. But this is precisely what Grisez wishes to maintain. To do so, he has to belittle the significance of

⁷ B.II.3 (*Origins* 20/1 [17 May 1990] 7. ⁸ DS 2879.

consensus. The fact is that Pope Pius IX attributed far more importance to the consensus of Catholic theologians than Germain Grisez is willing to grant to it.

Boston College

FRANCIS A. SULLIVAN, S.J.

RESPONSE TO FRANCIS SULLIVAN'S REPLY

In an article that appeared in this journal in the same issue as John Ford's and mine, Joseph A. Komonchak asserted that "there is something like a *consensus theologorum* that the magisterial tradition behind *HV*'s condemnation does not constitute an infallible exercise of the teaching office."¹ That was an *alleged* consensus—the kind whose importance I belittle. However, I do not belittle the importance of authentic theological consensus, about which Pius IX taught.

Indeed, Ford and I noted in our article that *Tuas libenter* teaches "that the universal and constant consensus of Catholic theologians holding a point as pertaining to faith is evidence that the matter is one handed on by the ordinary magisterium of the Church dispersed throughout the world."² Then, having indicated "that the historical evidence shows that Catholic bishops dispersed throughout the world agreed in one judgment on the morality of contraception," we invoked the "constant consensus of Catholic theologians in modern times" as one fact among others that help gauge the "weight of this uniform teaching," and cited forty-one works to illustrate that consensus.³ Since the previously existing ecclesial consensus was absent in 1978, we also argued that, once something has been taught infallibly, subsequent dissent cannot negate it.⁴

While a few theologians contributing to the pre-1962 consensus held that Pius XI had defined the teaching on contraception in *Casti connubii* and a few others explicitly held that it had been taught infallibly by the ordinary magisterium, most moralists, who seldom or never assigned theological notes, said nothing about the teaching's status.⁵ Still, most manifested the conviction that the prohibition of contraception somehow pertains to faith, generally by treating it as a divine command and invoking some scriptural text.⁶ Hence, the teaching on

¹ "Humane Vitae and Its Reception: Ecclesiological Reflections," *TS* 39 (1978) 221–57, at 250.

² "Contraception and the Infallibility of the Ordinary Magisterium," *TS* 39 (1978) 258–312, at 272.

³ *Ibid.* 278–80.

⁴ *Ibid.* 273–74, 310.

⁵ See John C. Ford, S.J., and Gerald Kelly, S.J., *Contemporary Moral Theology 2: Marriage Questions* (Westminster, Md.: Newman, 1963) 263–71.

⁶ See Ford and Grisez, "Contraception and the Infallibility of the Ordinary Magiste-