

Introduction

Richard R. Gaillardetz

Boston College

This volume has its origin in a three year research project associated with the Catholic Theological Society of America. In 2008 a number of Catholic theologians submitted a proposal to the CTSA board of directors to create a special interest group titled, “When the Magisterium Intervenes...” At three consecutive CTSA conventions (Halifax in 2009, Cleveland in 2010 and San Jose in 2011) papers were given at sessions that were remarkably well attended and in which there was a lively discussion by the CTSA membership. The first seven essays in this volume were all offered, in a more provisional form, at one of those three sessions. But why had we chosen to address ourselves to this topic? Our interest was not, strictly speaking, in continued development of a theology of the magisterium *per se*. What drew our attention was a pronounced magisterial activism, beginning for the most part with the pontificate of John Paul II, and continuing under Pope Benedict XVI. As Catholic theologians, all of us accept, in principle, the authority of the pope and bishops to pronounce on church doctrine as a means of preserving the integrity of the apostolic faith. However, we found ourselves considering the recent history of magisterial interventions and asking ourselves about, first, the theological assumptions in play in this record of magisterial activism, and second, the interplay between the exercise of magisterial authority and key features of the emerging cultural context often designated by that admittedly slippery term, postmodernity. We hoped that our study would build on, without rehearsing in any great detail, the important historical and theological contributions to the study of the magisterium that had been made throughout the second half of the twentieth century by such important figures as Roger Aubert,

John P. Boyle, Yves Congar, Christian Duquoc, Avery Dulles, John Ford, Josef Fuchs, Patrick Granfield, Hubert Jedin, Joseph Komonchak, Richard McCormick, Harry McSorley, André Naud, Francis Oakley, John O'Malley, Ladislav Örsy, Hermann Pottmeyer, Karl Rahner, Max Seckler, Bernard Sesboué, Francis Sullivan, Gustave Thils, Brian Tierney, Jean-Marie Tillard, and so many others. Because of their contributions, we are able to place the role of the magisterium today in a richer and more nuanced historical context. A few features of that historical context are worth our recalling at the outset.

Magisterium in Retrospect

At the risk of great simplification, what that enormous body of scholarship produced in the twentieth century has taught us is that the “magisterium” as we understand it today, emerged largely as a part of an ecclesiological framework that was first constructed in the nineteenth century.

In the Middle Ages, the primary arbiter of theological disputes was the theology faculty of the great universities like those in Paris and Bologna. The term *magister* was used to refer to various modes of teaching authority in the Church. Thomas Aquinas famously distinguished between a *magisterium cathedrae pastoralis* (a pastoral teaching office generally exercised by the bishops) and a *magisterium cathedrae magistralis* (a teaching authority exercised by a master of theology, a scholar).¹ For centuries the pope and bishops played a relatively peripheral role in the authoritative resolution of doctrinal disputes and when they did intervene, their mode of intervention was striking. Consider, if you will, the 16th and 17th century *de auxiliis* [“regarding the divine helps”] controversy between the Jesuits and the Dominicans regarding the relationship between divine grace and human freedom. The papacy inserted itself into the controversy only after the two religious orders had begun accusing each other of heresy. Papal investigations were begun under Pope Clement VIII but came to their conclusion two papacies later, under Pope Paul V. The papal investigation included the conduct of seventeen debates between representatives of the principal theological positions. Finally Paul V resolved the matter by way of a

decree that prohibited either side from condemning the views of the other, with the pope reminding each side of the need for humility when delving into the holy mystery of God. Such a circumscribed doctrinal teaching role for the papacy would soon be snuffed out by the threatening winds of modernity and supplanted by a far more expansive one.

In the eighteenth century the Catholic Church soon felt itself under threat in the face of an Enlightenment rationality that appeared to marginalize external religious authorities as a source of religious truth. It saw the French Revolution for what it was, the death knell to Christendom and any hope of a stable partnership between church and monarch. As T. Howland Sanks observed, “if the Age of Reason had threatened the authority of the church in various intellectual spheres, the Age of Revolution threatened its very existence.”² What was fast emerging was the birth of modern liberalism, characterized, in simplest terms, by the exaltation of the individual and a predominantly negative understanding of freedom as freedom from external constraint. From the perspective of Catholic leadership at the time, liberalism funded a cultural perspective rooted in “the Lutheran revolt against the church’s authority and on behalf of free examination, in the naturalism of the Renaissance, in the Enlightenment’s repudiation of tradition, authority and community, in the secularization of the political sphere, in the possessive individualism of capitalist economics, and in the cultural anarchy produced by an unrestrained freedom of opinion, speech, and the press.”³ What was required, in the eyes of Catholic leadership, was an aggressive, comprehensive response: the creation of “Roman Catholicism” as a “counter-society” offering the only godly alternative to modern liberalism.⁴ The Catholic Church's stance toward the world moved from a confident if often combative engagement with society to a defensive siege mentality. Soon ecclesiastical pronouncements on “worldly affairs,” condemnations of unwarranted state interference in church matters, denunciations of anti-clericalism, and a repeated assertion of the state’s obligation to preserve the right of Catholics to practice their faith, would reflect the Church’s negative judgment on the demise of Christendom and the rise of liberalism. Pope Gregory

XVI produced a series of condemnations of various aspects of modern liberalism. Pope Pius IX, initially open to the liberal impulse, was shocked by the wave of nationalist revolution that swept Western Europe in 1848. He would henceforward further Gregory's program, most famously in the *Syllabus of Errors* with its repudiations of religious freedom and the autonomy of conscience.

With the pontificate of Leo XIII in the late nineteenth century the Church embarked on a more positive if still cautious engagement with the issues of the larger world. Yet, this stance was short lived. The violent reaction to modernism early in the pontificate of Pope Pius X, reflected in *Pascendi* and *Lamentabili*, reinforced key elements of the siege mentality preponderant since the French Revolution. A largely critical stance toward society continued in the first half of the twentieth century with the papacy issuing sharp rebukes of significant elements of modern capitalism, socialism, industrialism and a continued program of state encroachment in church matters.

At the heart of this construction of Roman Catholicism as a "counter-society" was the creation of a vast institutional apparatus with the papacy at its head. It is no coincidence that it was during this same period, beginning in the early nineteenth century, that the term *magisterium* acquired its modern meaning as a reference to, first, the authority of the pope and bishops, and then to the church hierarchy itself. Although from this period on the term would be used in reference to the teaching authority of pope and bishops, the rise of Ultramontanism guaranteed that it was the teaching authority of the pope that constituted its essential core. Over the course of little more than a century from Pope Gregory XVI to Pope Pius XII, the papacy would be transformed from the doctrinal court of final appeal to the supreme doctrinal watchdog vigilant to snuff out any sign of theological innovation.

It is worth recalling that the principal instrument of the exercise of papal teaching authority in the Church today, the papal encyclical, is a relatively recent development that was first employed in the eighteenth century by Pope Benedict XIV. However, his encyclicals were all very brief and largely either

disciplinary or exhortatory in character. In the nineteenth century Popes Gregory XVI and Pius IX made use of the encyclical, often addressing doctrinal matters, but these too were generally short in length. When they condemned erroneous views there was no intention of stimulating new theological insight.⁵ With such noteworthy encyclicals as *Aeterni Patris*, *Providentissimus Deus*, *Satis Cognitum* and *Rerum Novarum*, Pope Leo XIII instigated a significant shift in the teaching role of the pope. While popes had always claimed doctrinal authority on matters of faith and morals, at least going back to the fifth century, the actual exercise of that authority had been relatively infrequent, and when employed, was usually limited to fairly terse doctrinal pronouncements. The pontificate of Leo XIII marks the beginning of a modern development in the papacy in which popes begin to offer, as part of their teaching ministry, extended theological treatments issued in formal magisterial documents on important topics. Pius X would follow Leo's precedent with *Pascendi*, and both Pius XI and Pius XII would issue lengthy encyclicals during their successive pontificates.

Pope Pius XII, in his 1950 encyclical *Humani Generis*, limited the task of the theologian to that of faithfully explicating that which was proclaimed by the pope and bishops. Theologians were teachers of the faith only by virtue of a delegation of authority from the bishops. They were expected to submit their work to the authoritative scrutiny and potential censorship by the magisterium. "Dissent," understood as the rejection or even questioning of any authoritative teaching of the magisterium, was viewed with suspicion as an attack on the authority of the magisterium itself.

Of course this restriction was not absolute. The dogmatic manuals acknowledged the legitimacy of limited speculative discussion that was critical of certain doctrinal formulations. Moreover, the manual tradition also incorporated a sophisticated taxonomy of church teaching known as the "theological notes." Theological notes were formal judgments by theologians or the magisterium on the precise relationship of a doctrinal formulation to divine revelation. Their purpose was to safeguard the faith

and prevent confusion between binding doctrines and theological opinion. Within this neo-scholastic framework, the assumption was that if theologians discovered a significant difficulty with a doctrinal formulation that had not been proposed infallibly, they were to bring the difficulty to the attention of the hierarchy in private and to refrain from any public speech or writing that was contrary to received church teaching.

The Second Vatican Council offered a potentially new framework for understanding the relationship between the pope and bishops on the one hand and between pope/bishops and theologians on the other. The “trickle-down” theory of divine revelation, conceived as a collection of propositional truths transmitted exclusively to the bishops, was largely replaced by a theology of revelation that began with the Trinitarian self-communication of God in the person of Jesus Christ by the power of the Holy Spirit. According to the council’s Dogmatic Constitution on Divine Revelation (DV 10), this revelation was given to the whole Church and not just the bishops. Although the bishops would remain the authoritative guardians of that revelation by virtue of their apostolic office, the Word of God resided in the whole Church as each of the baptized was given a supernatural instinct for the faith (*sensus fidei*) that allowed them to recognize God’s Word, penetrate its meaning more deeply and apply it more profoundly in their lives (LG 12; DV 8).

The council did not reflect on the role of the theologian in any depth. However, several passages are worth considering. The council insisted that the work of biblical exegesis and theology must be done under the guidance of the magisterium: “Catholic exegetes and other workers in the field of sacred theology should work diligently together and under the watchful eye of the sacred magisterium” (DV 23). They reiterated that it was the responsibility of theologians to interpret and explicate church teaching faithfully. However, these tasks did not exhaust the work of theologians. “With the help of the Holy Spirit, it is the task of the whole people of God, particularly of its pastors and theologians, to

listen to and distinguish the many voices of our times and to interpret them in the light of God's word, in order that the revealed truth may be more deeply penetrated, better understood, and more suitably presented" (GS 44). Theologians must also consider new questions: ". . . recent research and discoveries in the sciences, in history and philosophy bring up new problems which have an important bearing on life itself and demand new scrutiny by theologians. Furthermore, theologians are now being asked, within the methods and limits of theological science, to develop more efficient ways of communicating doctrine to the people of today" (GS 62). Elsewhere the council encouraged theologians to explore unresolved doctrinal questions (LG 54). The council's very decrees gave evidence of a legitimate development of doctrine in such areas as religious freedom, ecumenism, authority of conscience and the sacramental foundations of the episcopate.

Perhaps more illuminating for our topic than the documents of the council was the conduct of the council itself. Jared Wicks suggests that the council "constituted a unique case of cooperation between the theologians, who serve by research and explanation, and the Church's episcopal and papal magisterium."⁶ Theologians and bishops collaborated at numerous points in the process of moving from preliminary drafts to final promulgation of the sixteen documents. Both individual bishops and regional episcopal groupings would often seek out theological experts like Congar, Rahner, Ratzinger, Daniélou, Philips, Smulders and others, asking for theological background, position papers and often even unofficial draft texts. Wicks writes elsewhere that "one can see here a well-functioning epistemological duality between (1) the consultative thought of the theologian-experts, that is, their perceptions and concepts drawn from the doctrinal sources, with their provisional judgments, and (2) the decisive judgments by the Council members, who discerned, evaluated, adopted, or rejected the experts' proposals, and so became the responsible authors of Vatican II's teaching and decrees."⁷ This kind of substantive bishop-theologian cooperation, so vital to the success of the council, raised hopes for a new framework for considering the theologian-magisterium relationship.

The first decades immediately after the council held promise for just such a new framework. But a few years removed from the council, Pope Paul VI would create the International Theological Commission as a way of formalizing a positive and constructive relationship between the magisterium and the theological community. In 1975 that commission published an important document, “Theses on the Relationship between the Ecclesiastical Magisterium and Theology”⁸ that offered a helpful framework for considering the magisterium-theologian relationship. Unfortunately, this commission was placed under the presidency of the prefect for the Congregation for the Doctrine of the Faith and over the course of the first decades of its existence curial pressure gradually led to the exclusion from its membership of voices that were at times critical of certain church pronouncements. Any hopes for the establishment of a new magisterium-theologian relationship were dashed by the widespread theological criticism that greeted Pope Paul VI’s final encyclical, *Humanae Vitae*.

Although there is much in the ambitious pontificate of John Paul II that can be seen as a legitimate development of the vision of Vatican II, when it concerns the exercise of formal magisterial authority, it is difficult not to see that long pontificate as an attempt to recover that trajectory evident from Pius IX to Pius XII in which the pope was being fashioned as chief theologian of the Church. In terms of total pages of text, no pope has written more in the genre of the encyclical than John Paul II. Indeed, the comparison becomes more dramatic if one were to include his often weighty post-synodal exhortations and shorter documents. By my informal tabulation, at least five of his encyclicals exceed the length of the longest encyclical of any of his predecessors. In spite of some of his rhetoric, the policies of his pontificate appeared to sustain Pius XII’s suspicion of any legitimate theological autonomy. As will be demonstrated in several essays in this volume, the pontificate of John Paul II offers us the “Profession of Faith and Oath of Fidelity” (1989), the Vatican Instruction, “On the Ecclesial Vocation of the Theologian” (1990) and the papal letter, *Ad Tuendam Fidem* (1998), all of which were oriented toward limiting the

theologian's freedom to critically assess even church teachings that had not been proposed infallibly. The early years of the current pontificate have given no sign of a departure from these policies.

Sadly, what has emerged in the five decades since the opening of the council is not a consensus regarding a systematic theology of magisterial authority but a series of unresolved issues regarding the 1) the subject of magisterial authority (e.g., the authority of the Roman curia, the synod of bishops and episcopal conferences), 2) the object of magisterial teaching (e.g., the disputed status of "definitive doctrine"), 3) the exercise of magisterial authority (e.g., the exercise of the ordinary papal magisterium to "confirm" teachings of the ordinary universal magisterium) and 4) the reception of magisterial teaching (e.g., the permissibility of legitimate dissent from authoritative but non-definitive teaching).

A half century removed from the close of Vatican II, we still await not simply for the resolution of these *quaestiones disputatae*, but for a new framework to emerge for conceiving the relationship between the magisterium and theologians, one that attends both to the promising theological trajectories introduced at the council and the peculiar demands of our time. This project stands as a modest contribution toward the construction of such a framework.

The Structure of this Volume

Part One of this volume, *Magisterial Interventions*, includes three essays that attend to the recent history of magisterial interventions of various kinds. Bradford Hinze offers a sweeping review of magisterial interventions that have transpired globally over the past decade by the CDF, doctrinal committees of episcopal conferences and individual bishops. His study considers shifts in the kinds of doctrinal topics about which current ecclesiastical authorities seemed particularly concerned and it delineates the various cases of ecclesiastical investigation and discipline by geography, process and outcome. Hinze also explores the evolution of the procedures developed for investigating theologians.

Yet his work is no mere catalog; throughout the essay he offers incisive theological analysis and concludes with a list of theological “laments” regarding our current situation and concrete proposals for moving us forward.

The second essay serves as a companion to Hinze’s essay. James Coriden offers a canonical analysis of the recent history of interventions summarized by Hinze. While acknowledging the canonical basis of the bishops’ exercise of teaching authority, he raises concerns regarding the manner in which that authority was exercised, complaining, in particular, about the failure to make use of the *Doctrinal Responsibilities* document. Coriden considers whether its relative neglect was due to procedures that might be viewed as too formal and complex to work effectively. Of particular relevance today, in the wake of the Elizabeth Johnson case, is Coriden’s analysis of the role of the doctrinal committees of episcopal conferences. He concludes with a series of reflections on basic canonical principles that ought to govern the investigation of theologians.

Colleen Mallon contributes the final essay in Part One. Her essay is occasioned by both the recent Vatican visitation of American women religious communities and the Vatican investigation of the Leadership Conference of Women Religious. Mallon places these interventions in the context of five decades of the renewal of religious life inspired by Vatican II and dares to ask whether these interventions are, in some sense, the consequence of the failure of the pope and bishops to undergo an analogous renewal of their own office and ministry.

In Part Two: *Theological and Contextual Reflections*, we turn to broader considerations of our current situation. Ormond Rush offers a carefully nuanced essay which elucidates the much neglected pneumatological dimension of the Church’s teaching office, exploring the relationship between the *sensus fidelium*, theologians and the magisterium. Rush takes as his starting point *Lumen Gentium*’s teaching regarding the participation of the whole people of God in the threefold offices of Christ (as priest, prophet and king). His focus, however, is on the “prophetic office” as he considers the tensions

present in Vatican II's teaching. Of particular concern is the tension between Chapter Two of *Lumen Gentium*, which affirmed the way in which the whole people of God participate in the prophetic office of the Church, and Chapter Three on the hierarchy which considered the prophetic office exclusively in relation to the bishops. Rush concludes with proposals for a more synthetic understanding of the Church's prophetic office, one which resists the tendency to reduce the prophetic office to the work of the magisterium.

In the second essay of Part Two, Gerard Mannion employs the notion of a "social imaginary," developed especially in the work of Charles Taylor, as an interpretive instrument that can help us understand the impasse so many are experiencing regarding the exercise of authority in the Roman Catholic Church today. The value of this concept is that it acknowledges that contemporary Church leadership is influenced by more than a mere theology or ideology, it is shaped by a pervasive imaginative framework that encourages contemporary church leaders to exercise their authority in a particular fashion. According to Mannion, this social imaginary is hampered by a lack of historical consciousness, an ecclesiastical fundamentalism, a propositional view of revelation and a paranoia regarding pluralism which renders it incapable of acknowledging pluralism as a graced manifestation of the catholicity of the Church today.

Anthony Godzieba's essay calls contemporary theologians and church commentators to go beyond debates regarding the authoritative status of this or that church teaching in order to consider a distinctive feature of our world today, the impact of "digital reproduction." Godzieba draws on the work of Walter Benjamin, who held that a work of art loses its essential "authenticity" in the process of widespread reproduction. Godzieba applies this theory to challenges we face today properly receiving church teaching. Using the example of the late Pope John Paul II's allocution on assisted nutrition and hydration, Godzieba explores the way in which the authority of this allocution was artificially absolutized through the process of "digital immediacy." Instant access to this document through the Vatican

website and various other websites, blogs, list-serves, etc., allowed it to be detached from any “thick” process of communal interpretation and reception. In a digitally-immediate culture, immediacy equals authenticity equals authority. For Godzieba, this has two consequences: 1) structures of church authority take on the characteristics of contemporary managerial culture, while authentic *communio* is diminished; 2) traditional criteria for discerning the authority of magisterial statements are exposed as inadequate to cope with the flood of ecclesial representations in a “digital storm,” leaving the Church in desperately in need of new hermeneutically “thicker” criteria.

Part Two concludes with Vincent Miller’s essay, “When Mediating Structures Change: The Magisterium, the Media and the Culture Wars.” Miller continues and expands on the cultural analysis offered by Godzieba. He argues that the commodifying tendencies of our digital culture work to undermine the authentic exercise of authority. When believers encounter magisterial teaching in commercial and popular media, they are likely to engage it with the interpretive habits of those contexts. Miller considers the impact of two processes associated with globalization, heterogenization and deterritorialization, and notes how these twin dynamisms reduce community and orthodoxy to the politics of identity. Finally, Miller considers how both bishops and theologians are in danger of being assimilated to the model of “special purpose organizations” – advocacy groups defined by a carefully circumscribed agenda of issues and concerns. These various cultural processes, Miller claims, have had the effect of marginalizing the exercise of authority in the Church.

This volume concludes with Part Three: *Recent Developments*. Several months before the final session of our research project at the CTSA convention in June of 2011, the USCCB Committee on Doctrine issued a statement harshly critical of a recent book by Elizabeth Johnson, *Quest for the Living God*. Johnson’s sterling reputation in the theological community (she is both a past president of the CTSA and a recipient of the society’s John Courtney Murray Award for excellence in theology), the unusually harsh language employed by the committee in their condemnation of her work and the

refusal of the committee to attempt to communicate with her privately to resolve difficulties in advance of their public statement, all led to a much publicized controversy. The extensive documentation associated with the investigation of Prof. Johnson's work provides, we believe, an instructive case study for the consideration of our volume's topic. With that in mind we are including in this final section a documentary dossier in the Johnson case which includes an introductory narrative of the case and six documents: 1) the original statement by the Committee on Doctrine, 2) "Bishops as Teachers," a document produced by the Committee on Doctrine in response to questions that had been raised regarding the legitimacy of the committee's action, 3) Prof. Johnson's extended response, "To Speak Rightly of the Living God: Observations by Dr. Elizabeth A. Johnson, CSJ on the Statement of the Committee on Doctrine," 4) an additional appendix to her original observations that Johnson sent to Cardinal Wuerl in July, 5) the Committee on Doctrine's final statement, "Response to Observations by Sr. Elizabeth A. Johnson CSJ, Regarding the Committee on Doctrine's Statement About the Book *Quest for the Living God*" and 6) Johnson's concluding public statement.. This final section concludes with a commentary on the case by Richard Gaillardetz that focuses on the distinctive forms of teaching authority proper to theologians and bishops and then considers how the exercise of those two expressions of the Church's teaching authority were enacted in the Johnson case.

Although this project is not formally endorsed by the Catholic Theological Society of America, the participants are nonetheless grateful for the opportunity afforded by the CTSA to meet at three successive conventions. We are grateful as well for the widespread participation by CTSA members at each of our sessions. The lively discussion offered by our many esteemed colleagues helped us advance and refine our respective viewpoints. Finally, we would like to thank Liturgical Press, and especially Peter Dwyer and Hans Christoffersen, for recognizing the value of our work and agreeing to publish these papers.

¹ *Quodl.* 3, q.4, a. 1 (9). Yves Congar contributed two classic studies of the history of the term “magisterium”: “A Semantic History of the Term ‘Magisterium’” and “A Brief History of the Forms of the Magisterium and its Relations with Scholars.” Both are anthologized in *Readings in Moral Theology No. 3: The Magisterium and Morality*, eds. Charles E. Curran and Richard A. McCormick (New York: Paulist Press, 1982), 297-313, 314-31.

² T. Howland Sanks, *Salt, Leaven & Light: The Community Called Church* (New York: Crossroad, 1992), 99.

³ Joseph Komonchak, “Vatican II and the Encounter between Catholicism and Liberalism,” in *Catholicism and Liberalism: Contributions to American Public Philosophy*, ed. Bruce Douglass and David Hollenbach (Cambridge: Cambridge University Press, 1994), 76-99, at 76.

⁴ Joseph Komonchak, “Modernity and the Construction of Roman Catholicism,” *Cristianesimo nella storia* 18 (1997): 335-85, at 356.

⁵ Klaus Schatz, *Papal Primacy: From Its Origins to the Present* (Collegeville: The Liturgical Press, 1996), 167-8.

⁶ Jared Wicks, “Vatican II on Revelation—From Behind the Scenes,” *Theological Studies* 71 (2010): 637-50, at 650.

⁷ Jared Wicks, *Doing Theology* (New York: Paulist, 2009), 222-3.

⁸ The document can be found in Charles E. Curran and Richard A. McCormick, eds. *Readings in Moral Theology No. 3: The Magisterium and Morality* (New York: Paulist, 1982), 151-70.