

Introduction

[Forthcoming as introduction to Robert Nugent, *Silence Speaks: Teilhard de Chardin, Yves Congar, John Courtney Murray, Thomas Merton*. New York: Paulist Press, forthcoming in 2011]

In this volume Robert Nugent writes eloquently of the troubles that four major 20th century Catholic thinkers had with church authorities. He offers us moving yet painful testimonies of the ways in which these figures often felt hounded and betrayed by the church to which they had dedicated their lives. Each was haunted by accusations that they were departing from “the unchangeable doctrine of the church.” These accusations could only make sense, however, within a particular ecclesiological framework. That framework began to take shape with the rise of ultramontanism in the early nineteenth century and came into full bloom in the first half of the twentieth century in which these four theologians lived. This framework reduced the great tradition of the church to a monochromatic scholasticism, authentic leadership to ecclesiastical paternalism, and the personal response of believers to an unthinking canonical obedience. How this situation came to be is a story too long to be told in these few pages. Suffice it to say that in the nineteenth century we began to see a new framework for the relationship between theologians and those holding apostolic office. Over the course of little more than a century from Pope Gregory XVI to Pope Pius XII, the papacy was transformed from the doctrinal court of final appeal to the supreme doctrinal watchdog vigilant to snuff out any sign of theological innovation. It is easy for us to forget that it was not always thus.

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 harboring heretical views. 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 that they were delving into nothing less than the holy mystery of God. This papal act implicitly acknowledged the difficult and speculative theological issues being considered. Horrific stories, familiar to many, of the abuses of the inquisition should prevent us from romanticizing the pre-modern era of the church, but there can be no denying the quantitative increase in papal interventions in theological debates from the nineteenth century onward.

By the first half of the twentieth century the sad stories of Teilhard, Congar, Murray and Merton were common and gave evidence of an ecclesiastical authority far too willing to snuff out legitimate theological inquiry and investigation. Pope Pius XII, in his 1950 encyclical *Humani generis*, seemed to limit the vocation 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 of 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 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. Sadly, the post-conciliar instruction by the CDF *On the Ecclesial Vocation of the Theologian* insisted upon these same constraints.¹

The Second Vatican Council offered a potentially new framework for understanding the relationship between the church’s teaching office and the vocation of the theologian. Gone was the “trickle-down” theory of divine revelation conceived as a collection of propositional truths transmitted exclusively to the bishops. In its place was a theology of revelation that began with the Trinitarian self-communication of God in the person of Jesus Christ. According to the council’s Dogmatic Constitution on Divine Revelation (*Dei Verbum*, # 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 that allowed them to recognize God’s Word, penetrate its meaning more deeply and apply it more profoundly in their lives (*Lumen Gentium* # 12; *Dei Verbum*, # 8).

The council did not reflect explicitly 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 students of sacred theology, working diligently together and using appropriate means, should devote their energies, under the watchful care of the sacred teaching office of the Church, to an exploration and exposition of the divine writings (*Dei Verbum*, # 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. 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 (*Gaudium et Spes*, # 64).”

In several other texts the bishops encouraged theologians to explore unresolved doctrinal questions (*Lumen Gentium*, # 54). The council’s very decrees gave evidence of a legitimate development of doctrine, a development fueled by the unique contributions of theologians such as Congar and Murray.

The decades immediately after the council held promise for a new framework for considering the relationship between the magisterium and the theologian. Pope Paul VI, for example, created the International Theological Commission as a way of formalizing a positive and constructive relationship between the church’s teaching office and the theological community. 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 led to the exclusion from its membership of important voices that were at times critical of certain church pronouncements.

In the pontificate of John Paul II the promulgation of 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” [“For the Defense of the Faith”] (1998) were all oriented toward limiting the theologian’s freedom to critically assess even church teachings that had not been proposed infallibly. . In 1997 new procedures were introduced for the investigation of theologians by the CDF, purportedly to better protect the rights of the theologian being investigated. For example, the local bishop of the theologian being investigated plays a much greater role in the process and the theologian being investigated may now draw on the assistance of a theological advisor of his or her choosing. Yet, many of the abuses of authority evident in the ways in which Teilhard, Congar, Murray and Merton were treated have continued. Theologians who have endured Vatican investigations in the decades since the council complain that they are never allowed to confront their accuser and that there is a veil of secrecy imposed on the proceedings, thereby inhibiting transparency. These investigations often presume guilt rather than innocence and interpret the theologian’s work in a remarkably un-contextualized fashion. Such investigations rarely take into account the gradation of levels of doctrinal authority. According to the Vatican’s instruction “On the Theological Vocation of the Theologian” there are four different levels of church teaching: (1) dogma—teachings that are proposed infallibly as divinely revealed [e.g., the divinity of Christ]; (2) definitive doctrine—teachings that are proposed infallibly which, although not divinely revealed are necessary to safeguard and defend divine revelation [e.g., the Council of Trent’s determination of the books that were in the biblical canon]; (3) authoritative doctrine—teachings that are drawn from the church’s ongoing reflection on divine revelation but which are not divinely revealed and are not taught infallibly [e.g., the prohibition of recourse to artificial contraception]; (4) church discipline [e.g., canon law prohibiting married men to be ordained to the presbyterate in the Latin rite]. In spite of this carefully developed set of distinctions in church teaching, in the current ecclesiastical climate a theological challenge to a teaching that has the status of authoritative doctrine is often treated the same as a repudiation of church dogma.

Over four decades removed from the close of Vatican II, we are still waiting for a new framework to emerge for conceiving the relationship between the magisterium and theologians, one informed by the theological trajectories introduced at the council. Such a paradigm would begin with the recognition that the ministry of theologians shares with the ministry of the bishops a common commitment to the Word of God even if the principal responsibility of the bishops is to safeguard the integrity of the apostolic faith (*Dei Verbum*, # 10). This means that the magisterium is, by definition, conservative. I do not use the word “conservative” here in its ideological sense (conservative as opposed to liberal) but in its most fundamental meaning. As Francis Sullivan has observed, “...its [the magisterium] primary function is not to penetrate into the depths of the mysteries of faith (the task of theology) but rather to safeguard the priceless treasure of the word of God and to defend the purity of the faith of the Christian community.”²

The work of the theological community is, by its nature, more tentative and experimental than that of the bishops. It is oriented toward (1) deepening the Church’s ongoing reception of the faith and (2) raising new questions and illuminating new contexts for the dynamic reception of the faith. Given the inherently provisional and experimental character of much theological reflection, when a theologian publishes a work, the assumption ought not to be that she is offering the final word on a topic but that she is offering a fresh theological investigation to the theological community for its assessment. Anyone who has attended a serious theological conference knows that the community of theologians takes this

responsibility very seriously. Major theological contributions are invariably subject to intense academic scrutiny. The best theologians welcome the critical conversation that ensues upon the publication of their views, seeing each publication, not as a definitive pronouncement, but as the contribution toward a larger work in progress. Those who argue that the magisterium has an obligation to take an aggressive, interventionist stance in policing the work of theologians overlook the effective way in which the theological community assesses its own productions. A few years ago, at an annual convention of the Catholic Theological Society of America, I attended a session in which a noted and somewhat controversial theologian gave a lively response to over thirty critical peer reviews of his new book!

Frequently, when a theologian makes a new contribution to his field the critical give and take among his fellow scholars revolves around the fruitfulness of the particular line of inquiry explored in the work. Scholars might criticize the interpretation of historical data or the methodology employed. Occasionally theologians will find it necessary to make their own judgments regarding the coherence of a particular theological work with the official teaching of the church. They do so with the honest recognition that all theological reflection falls short in some decisive way in the face of the incomprehensible mystery of God.

One sometimes hears the complaint that Catholic theologians today present themselves as a “competing magisterium” to that of the college of bishops. It is a caricature that gains credence more by its widespread repetition than by any objective analysis of the situation in the Church today. I personally know of no serious Catholic theologian who holds that they possess the same authority as that of the college of bishops. Indeed, in my experience the vast majority of Catholic theologians recognize the unique role that the bishops play in the life of the church. They acknowledge a legitimate accountability to the ecclesiastical magisterium even as they may disagree with the concrete manner in which ecclesiastical oversight may be exercised.

I suspect that the dangers posed by “dissenting” theologians have been rather exaggerated. Credentialed Catholic theologians are readily identified, and to the extent that they speak in public or publish their views, they are easily held accountable for their fidelity to the great tradition of the church. If a particular theologian proposes a position clearly at variance with church teaching, the church’s teaching office should make a straightforward statement to the effect that position X proposed by theologian Y does not, at present, represent the accepted teaching of the church. This it does in order to assist those who, lacking scholarly expertise, might be misled or confused regarding the status of a given theological perspective. A number of years ago, the archbishop of Milwaukee, Rembert Weakland, made a public declaration that the views of a particular theologian in his diocese on the morality of abortion did not represent the teaching of the Catholic church. However, it is quite another thing to brand a scholar indiscriminately as a “dissenting theologian.” A theologian might, in the course of her work, offer a particular viewpoint on a certain issue that, in the judgment of the magisterium, is not in full accord with official church teaching. This hardly means that everything that theologian writes or says must be held suspect.

The following proposals seem worthy of consideration as the church today seeks a new framework for conceiving magisterium-theologian relationship:

First, doctrinal investigations should honor the historical context of all church teaching. Much theological work is oriented toward interpreting church doctrine in its historical context and recognizing the need for a legitimate development. What may appear superficially as a departure from church teaching in fact may better be apprehended as a necessary re-contextualization of that teaching. Second, the exercise of

the church's teaching office must be more cognizant of the theological significance of the gradation of authority in church teachings. Too often one encounters a form of "creeping infallibility" that levels out all church teachings and fails to recognize that those proposed authoritatively but not definitively are intrinsically more provisional and open to theological disputation. Third, disciplinary investigations of the work of theologians should honor the distinction between doctrine and theology. It is the task of the magisterium to safeguard the doctrinal integrity of the apostolic faith. This means that the bishops are duty bound to speak out where they encounter a clear and substantive departure from a core teaching of the church. However, too many recent disciplinary decrees censure, not clear and obvious departures from the great tradition of the church, but rather what are presented as "troubling," "potentially misleading" or "confusing" doctrinal interpretations found in the works of certain theologians. The complaint, in other words, is not so much one of evident doctrinal deviation, as of a discomfort with a theological approach or emphasis. The magisterium is to be the authoritative arbiter of doctrinal integrity not theological adequacy. The latter task falls to the theological community itself.

Fourth, when the magisterium finds it necessary to investigate, pass judgment and, in rare and extraordinary circumstances, impose sanctions on the work of a theologian it should draw on a much greater diversity of expert opinions. At present, the consultants employed by the CDF are drawn overwhelmingly from Roman universities representing a narrow ideological band of theological opinion.

Fifth, the procedures for investigating theologians must be thoroughly revised so as to ensure the dignity and preserve the good reputation of the theologian being investigated. This demands complete transparency at every point of the process, the right of the theologian to know what party has raised a complaint, the free access of all parties to all of the relevant documents pertaining to the case, and the cultivation of a climate of dialogue rather than adversarial interrogation. Such a procedure was developed by the U.S. bishops in consultation with both the Catholic Theological Society of America and the Canon Law Society of America in the document, *Shared Doctrinal Responsibilities*. Sadly, the helpful procedures outlined in the document have rarely been employed.

As the reader engages Nugent's lucid and inspiring accounts of the travails of Teilhard, Congar, Murray, and Merton, it will be difficult to ignore the fact that in spite of the many advances and contributions of the Second Vatican Council, so much of the inquisitorial atmosphere in which they lived is still present in the church today. It is my fervent hope that by giving greater prominence to these four figures, this volume will contribute to the exploration of a new framework for conceiving the relationship between the magisterium and theologians, a framework more in keeping with a community of Jesus' disciples.

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