

RICHARD MCCORMICK AND THE MORAL MAGISTERIUM

Richard R. Gaillardetz, Ph.D.

In the wake of the recent death of the highly regarded Jesuit moral theologian, Richard A. McCormick, there are sure to appear numerous articles assessing his many contributions to the field of moral theology. McCormick was the author of many books and articles, in particular the highly regarded “Notes in Moral Theology” published annually in *Theological Studies* between 1965 and 1984. He was the son of a distinguished American physician and would himself become one of the leading Catholic medical ethicists of our time. Along with such distinguished theologians as Joseph Fuchs, Bernard Häring, Bruno Schüller and Louis Janssens, McCormick also contributed much to the development of a new school of moral theology often known as proportionalism. He was, without a doubt, one of the most influential Catholic ethicists of the post-Vatican II church. However, his scholarly contributions to the life of the church went beyond the field of moral theology. In this essay I would like to review the contributions that Fr. McCormick made to our understanding of the moral magisterium.

In the Fall of 1987 as I was beginning my doctoral studies at the University of Notre Dame I participated in the first of several doctoral seminars conducted by Fr. McCormick. One memory from that seminar has remained with me. We were discussing some controversial issue in moral theology when McCormick observed that behind most controversial moral issues in Roman Catholicism was a question of authority, and behind

most questions of authority was a question of ecclesiology. His many writings bore out this insight. I would like to consider McCormick's contributions to an understanding of the moral magisterium under four headings: 1) the proper exercise of teaching authority in the church; 2) the proper response to teaching of the ordinary non-infallible magisterium; 3) the right to and value of legitimate public dissent in the church; 4) the limits of the competency of the magisterium in teaching concrete moral norms.

I. The Exercise of the Magisterium

Already in 1969 McCormick began calling for a re-consideration of the way teaching authority was being exercised in the church by pope and bishops.¹ Central to his concern was what he saw as a one-sided preoccupation with teaching. McCormick preferred to speak of a "teaching-learning process" in which the role of learner was every bit as fundamental to the responsibilities of church office-holders as was the task of teaching. He criticized an excessively juridical view of the teaching process in which teaching was seen as a mere act of authoritative judgment. He contended that authoritative teaching requires not just a single doctrinal judgment but a much broader two-fold process of evidence gathering and evidence assessing. If the pope and bishops fail adequately to gather evidence through a prayerful reading of the great tradition, through a consultation of theologians representing a plurality of perspectives and through a consultation of the experience and insight of the faithful--then the teaching judgment is more likely to be defective. A similar result could follow from a failure to *assess* adequately the evidence gathered. McCormick condemned a paternalism among the

¹ Richard McCormick, *Notes on Moral Theology: 1965 through 1980* (Washington D.C.: Univ. Press of America, 1981), 245. See also Richard A. McCormick, *Critical Calling: Reflections on Moral Dilemmas Since Vatican II* (Washington D.C.: Georgetown University Press, 1989), 19-21.

bishops and indeed all the clergy insofar as they failed to recognize the shared responsibility of the whole church in the discovery of moral truth.²

A central theme in McCormick's writing concerned the need to see the teaching process as a thoroughly ecclesial process and not as a process in which a select few, the bishops, imparted some special knowledge, unique to the bishops, to the rest of the church. Consequently, he often complained of an ecclesiastical atmosphere of suspicion and coercion that discourages bishops both from freely investigating controversial matters and from voicing views in opposition to the current official position. This atmosphere weakens not just the episcopal magisterium but the papal magisterium as well for in this situation the papacy is deprived of the corporate wisdom of all the bishops and, through them, the wisdom of all the churches.³

In one of the more clever of his many short essays published in the Jesuit journal of opinion, *America*, McCormick wrote of the tumult caused by Pope John Paul II's apostolic letter on the ordination of women, *Ordinatio sacerdotalis*.⁴ He observed that if it was the intention of the pope to foreclose debate on this controversial topic by means of this papal action, the pope had failed. He then drew from the lessons of history, offering extended excerpts from two letters, each written by an esteemed and influential cardinal to the pope of their time. The first was written four centuries ago by St. Robert Bellarmine. In it he advised Pope Clement VIII not to act peremptorily on the raging theological controversy of the time, the debate between Dominicans and Jesuits over the relationship between human freedom on the one hand, and divine omniscience and grace

² McCormick, *Critical Calling*, 21.

³ Richard A. McCormick, *Corrective Vision: Explorations in Moral Theology* (Kansas City: Sheed & Ward, 1994), 94.

⁴ Richard A. McCormick, "Two Letters and an Inference," *America* (August 27, 1994): 15-18, 37-8.

on the other. Bellarmine counseled the pope to take one of two courses of action, either: 1) leave the matter open and silence all parties, thus ending the vituperous rhetoric employed by both sides of the debate, or 2) establish either a theological commission or an episcopal synod to draw carefully on the insight of learned parties from different perspectives before coming to any decisive conclusion on the matter (significantly, Pope Clement chose the latter course of action). The second letter was composed in March of 1968 by Cardinal Léon Suenens and addressed to Pope Paul VI. Suenens was concerned of a growing perception that the pope was making unilateral decisions on controversial matters without sufficient consultation. Suenens wrote:

It is felt that these controversial issues need to be studied openly and thoroughly by qualified theologians and experts who are recognized as such, and that the results of their work should then be submitted to the bishops for discussion. As long as there is no such open debate, it will be impossible to create the receptive climate essential to any authority.⁵

McCormick wisely left it to the reader to discern the inference contained in the conjoining of these letters. Clearly the wisdom of these two great cardinals had much to offer us today regarding the need for collaborative and collegial exercises of authority.

II. Response Owed to the Ordinary Non-Infallible Magisterium

A second topic addressed frequently in McCormick's writing was the appropriate response owed by the believer to the teaching of the non-infallible, ordinary magisterium.

Soon after Vatican II McCormick began to question the adequacy of *Lumen gentium*

⁵ L.-J. Cardinal Suenens, *Memories and Hopes* (Dublin: Veritas, 1992), 191, as quoted in McCormick, "Two Letters and an Inference," 37-8.

#25's presentation of the response that is owed to this category of church teaching. For McCormick, the *obsequium religiosum* of mind and will called for in that passage invites an overly juridical reading in which one's response to the ordinary magisterium is presented within the paradigm of command-obedience. McCormick wrote:

Embedded in such a concept is a paternalistic attitude toward teaching where the teacher possesses the truth and the taught are dispensed from personal reflection and assimilation, and are asked simply to accept.⁶

He called for a significant updating of the teaching of *Lumen gentium* # 25 in order to bring it more into accord with the larger developments of the council. These developments sought to move beyond a juridical view of the church in favor of an appreciation of the church as the people of God.⁷ McCormick concluded that the language of "obedience," "assent," and "submission" was simply not adequate to the complex reality that confronts a believer who struggles with a given teaching.

Even as he called for a re-formulation of the response that is owed to non-infallible teaching, he insisted that this response must begin with the acknowledgement that the pope and bishops act as official and authoritative teachers and deserve the "presumption of truth." This *obsequium religiosum* may not, however, always yield, at least initially, an internal assent. What must be present from the beginning is a docility in attitude which would include: 1) a reverence for the teacher and his office, 2) a readiness to reassess his/her own position, 3) a reluctance to conclude that the magisterium is clearly in error, 4) external behavior that fosters respect for the magisterium. Generally,

⁶ McCormick, *Notes on Moral Theology: 1965 through 1980*, 205.

⁷ McCormick, *Corrective Vision*, 84.

this attitude of docility will bring the believer to the point of offering an internal assent to the given teaching. However, in those rare instances when it does not, McCormick insisted, the withholding of assent is permissible.⁸ Since what is demanded, strictly speaking, in response to the ordinary non-infallible magisterium is not the internal assent itself but only this docility, he contended that juridical sanctions against those who do not arrive at an internal assent are wholly inappropriate. In several places he would sketch out a more adequate rendering of the appropriate response to non-infallible teaching. In place of the language of obedience, submission and assent he characterized the appropriate response of the believer to the teaching of the ordinary magisterium as a “docile personal assimilation and appropriation of authentic teaching” into one’s religious stance⁹ In my view this remains the best formulation to date of the appropriate response to teaching of the ordinary magisterium.

Much of McCormick’s writing on this subject emerged in the context of debates concerning *Humanae vitae*. The central question was this: how are believers to respond when the magisterium offers arguments in support of its conclusions regarding the natural law that are not persuasive? He counsels avoiding two extremes: 1) simply identifying the authority of the magisterium with the arguments adduced in support of a teaching (this would reduce the status of the magisterium to that of simply one more theological opinion), 2) radically separating the authority of a magisterial teaching from the arguments adduced (the consequence would be to undermine any possibility of dissent and effectively to erase the distinction between the exercises of infallibility and the non-

⁸ McCormick, *Notes on Moral Theology: 1965 through 1980*, 206.

⁹ *Ibid.*, 246. See also McCormick, *Corrective Vision*, 85.

infallible exercise of the ordinary magisterium).¹⁰ Once again, for McCormick, the middle ground lies in the “presumption of truth” to be owed to these teachings, and the attitude of docility which this presumption engenders—a presumption, however, that must give way in the face of contrary evidence.

Later in his career McCormick felt compelled to add a gloss to the third characteristic of this attitude of docility, that is the reluctance to conclude to the error of the magisterium. This reluctance to conclude to magisterial error was based on the assumption that the magisterium’s teaching embodied the wisdom of the whole church. However, later in his career McCormick observed that more and more “dissent in the Church is related to the suspicion that the wisdom resident in the entire Church has *not* gone into some teachings.”¹¹ Respect for the teaching office of pope and bishops cannot blind us to the possibility that these teachers can short-circuit the teaching-learning process and thereby undermine their own credibility.

III. The Right to and Value of Legitimate Public Dissent

Closely related to the question of the appropriate response of the believer to the ordinary magisterium is the possibility of legitimate public dissent, particularly by theologians. As one of the theologians who publicly acknowledged reservations regarding the teaching of *Humanae vitae* soon after its publication, McCormick frequently felt compelled to justify the need for and legitimacy of public dissent by theologians. He admitted that significant dissent in the church of the twentieth century had only begun after *Humanae vitae*, but he rejected the explanation for this rising

¹⁰ McCormick, *Notes on Moral Theology: 1965 through 1980*, 221.

¹¹ McCormick, *Corrective Vision*, 79.

dissent offered by some conservative voices in the church, namely that dissent had grown out of an emerging culture of disrespect for all forms of authority. McCormick offered twelve alternative reasons for the emergence of dissent in the contemporary church: 1) changing times, 2) the newness of certain theological/moral problems, 3) the rise of a plurality of competencies in the church, 4) openness to the sciences, 5) freedom of theological inquiry and speech, 6) a more carefully circumscribed understanding of the teaching competency of the magisterium, 7) the proper autonomy of the temporal order, 8) the fact of doctrinal development, 9) greater adaptation of church customs and practices, 10) a growing acknowledgment of religious pluralism, 11) Vatican II's admission of church errors and deficiencies and 12) a shift in the conception of the task of theology from doctrinal exposition to genuine inquiry.¹²

McCormick's view of the response owed to teachings proposed by the ordinary non-infallible magisterium, discussed above, suggested the possibility that a sincere attempt at a docile assimilation of a particular teaching into one's religious stance might not always end in internal assent. In such instances, even the manualists and Vatican documents granted the permissibility of privately withholding assent.¹³ The difficulties arose when one considered the possible legitimacy of public dissent.

McCormick acknowledged the distinction between private dissent and "public and organized" dissent, of the kind usually associated with public petitions and the like. He admitted that this kind of organized public dissent was risky—it could be perceived as an attack on the authority of the magisterium itself, it tended toward polarization and could inhibit serious reflection. In his view there were essentially only two warrants that

¹² McCormick, *Critical Calling*, 30-5.

¹³ McCormick, *Notes on Moral Theology: 1965 through 1980*, 249.

could be offered in defense of such public and organized dissent: 1) when less sensational forms of dissent are ineffective and 2) when an unopposed error would cause great harm.¹⁴ Early in his career he argued that because of the risks involved in such public and organized dissent, the burden must be on the dissenter to demonstrate its necessity. However, there were times when certain forms of public dissent were called for and this in virtue of the development of doctrine. “Concretely, if dissent on a particular point is widespread, does this not suggest to us that perhaps the official formulation is in need of improvement?”¹⁵ As one considers McCormick’s many writings on this topic over the course of his career, it is possible to detect a subtle shift in his views. While his early writings were relatively cautious about so called “public dissent,” by the 1980’s McCormick seemed to question the value of the many strictures placed on theologians by some bishops and Vatican officials. His views on the subject were no doubt sharpened in the early 1980’s, first by an exchange of correspondence between himself and Archbishop Jerome Hamer, then secretary for the CDF, and two years later by the CDF’s investigation of his friend and colleague, Charles Curran.

In his exchange with Hamer,¹⁶ occasioned by an article he had co-authored on direct sterilization, McCormick questioned the view that when a theologian had difficulties with a particular teaching of the ordinary magisterium, they were to address their concerns to the proper church authority or, at the most, limit the publication of those concerns to professional theological journals. He contended that the obligation to limit the articulation of one’s reservations only to the appropriate ecclesiastical authority

¹⁴ Ibid., 250.

¹⁵ Ibid., 783.

¹⁶ This correspondence is summarized in *Critical Calling*, 73-8.

depended upon an “outdated” ecclesiology. Such a view failed to acknowledge both the competencies of all the faithful in discerning the truth and the public character of the theological enterprise. Regarding the slightly more expansive view that one should limit the articulation of dissent to professional journals, McCormick observed that this too reflected a kind of ecclesiastical paternalism toward the faithful, but also that such limitations were simply no longer possible given the way in which the secular media now regularly drew on the work published in even the most esoteric of journals.

Nothing of substance came of his exchange with Hamer; it was the CDF’s investigation of Curran that really brought the question of legitimate public dissent into sharp relief. In their investigation of Curran the CDF had rejected Curran’s claim to legitimate public dissent with respect to teaching proposed by the ordinary magisterium. They argued that such public dissent might “cause scandal among the faithful” and that the Catholic church had a right to demand that representatives of its academic institutions present Catholic teaching “reflected upon, taught and interpreted in complete fidelity.”¹⁷

In several essays McCormick took issue with these positions. First, regarding the fear of scandal, he noted that in its traditional, technical meaning, scandal “refers to an action or omission that provides another or others with the occasion of sin.”¹⁸ If this was the meaning of scandal assumed by the CDF then their view was apparently that public dissent, particularly on moral issues, might encourage others to commit those actions deemed immoral by the official position but questioned by the dissenter. Yet McCormick rightly observed that this view begs the question. If a theologian is dissenting from a

¹⁷ For complete documentation of the Curran/CDF exchange see Charles Curran, *Faithful Dissent* (Kansas City: Sheed & Ward, 1986).

¹⁸ McCormick, *Critical Calling*, 120.

particular moral teaching it is precisely because they are not persuaded that such an action is in fact always immoral. Since these are teachings not protected with the charism of infallibility, no one can presume the correctness of the official position with absolute certitude. And if a teaching is in error, as even the official church teaching admits is possible in principle, then how is that error to be corrected if not by respectful and informed public theological conversation on the matter? Perhaps by “scandal” the CDF means the danger of a diminished respect for the church’s teaching office. This is certainly possible and McCormick always insisted on the need for a theologian to possess an attitude of respect and a profound reluctance to conclude against the official church position. Yet, turning the tables, McCormick also wondered whether the greater scandal, in this sense, might not come from the magisterium’s complete intolerance of any and all public dissent.

McCormick also addressed the CDF’s position that the magisterium has a right to ensure that official Catholic teaching is presented with fidelity. It was a right he readily accepted. However, it is important to distinguish, he contended, between those institutions like diocesan offices and, to some extent, seminaries that are more directly ordered toward the exposition of church teaching, and Catholic colleges and universities that, while Catholic in identity, are also governed by the principles of academic freedom appropriate to American institutions of higher education. It may indeed be appropriate for a church official to censure a theologian and to identify their view as at odds with the church’s official teaching. Nevertheless, this censure must not include, he insisted,

expulsion from the institution itself as that would violate the commitment of such institutions to be authentic communities of inquiry.¹⁹

There is a larger issue at stake, however. Theological education must not be reduced to an uncritical trumpeting of official church positions. Such an attitude was too eager to put forward easy certitudes to often complicated issues. What can result, he feared, is the substitution of an ecclesiastical conformism in the place of authentic theological formation. Teaching cannot be reduced to mere indoctrination; it involves “helping others to understand, to see what they did not see.”²⁰ Teaching involves the activation of a communal process of theological reflection in which respectful public dissent may often play a vital role.

This opposition to public dissent is reflected not only in McCormick and Curran’s exchanges with CDF officials but also in the 1990 “Instruction on the Ecclesial Vocation of the Theologian.”²¹ In this document, once again McCormick found a pervasive “privatization of theology” at odds with the very title of the document. This privatization limits the critical and creative functions of theology to private communications with bishops beyond the scrutiny of the larger community of faith. The presupposition is that the larger faith community has “no interest and stake in theological inquiry.”²² Here once again is evidence of a pyramidal ecclesiology with little confidence in the possibility that all the baptized might in some way contribute to the teaching-learning process. Pious

¹⁹ McCormick, *Corrective Vision*, 111.

²⁰ McCormick, *Critical Calling*, 120.

²¹ Congregation for the Doctrine of the Faith, “Instruction on the Ecclesial Vocation of the Theologian,” *Origins* 20 (July 5, 1990): 117-26.

²² McCormick, *Corrective Vision*, 100ff.

concerns for the plight of the “simple faithful” often mask a profoundly paternalistic attitude toward the baptized.

IV. The Competency of the Magisterium in Moral Matters

Finally, we turn to the most complex topic on the moral magisterium addressed by McCormick. In 1969 McCormick responded to several articles that considered in some detail the competency of the magisterium in morality. It was his contention that the discussion of the subject, though important, was at the point relatively immature.²³ The question itself emerged as moral theology began to distance itself from a common scholastic assumption going back to Suarez that the entirety of the natural law, at least as regards moral principles, was divinely revealed and therefore within the infallible teaching competence of the magisterium. Some still defend this view by claiming that all “moral truths” are “truths of salvation” and therefore are within the legitimate scope of infallible teaching.²⁴ After careful consideration of the literature, McCormick gradually felt compelled to reject this view, relying largely on Joseph Fuchs’ crucial distinction between two levels of moral truths, those that pertain to moral goodness and those that pertain to moral rightness.²⁵ The precise character of the first category is based on the conviction that the primary goal of Christian morality is salvation. In the experience of salvation the human person opens herself up to God’s offer of divine communion. In this life of communion with God we are addressed by God in love and invited to respond in love. This loving response entails nothing less than a radical conversion. The scriptures

²³ McCormick, *Notes on Moral Theology: 1965 through 1980*, 252.

²⁴ Cf. Gustave Ermecke, “Die Bedeutung von ‘Humanwissenschaften’ für die Moraltheologie,” *Münchener Theologische Zeitschrift* 26 (1975): 126-40.

²⁵ Richard A. McCormick, *Notes on Moral Theology: 1981 through 1984* (Washington D.C.: University Press of America, 1984), 107-10.

demand that we love God and neighbor, that we forgive without limits, that we refrain from judging others. The transformative power of so many of the gospel narratives and parables lies in the way in which the reader is invited into an alternative “world” that demands a whole new set of values and attitudes in keeping with the demands of God’s reign. We are dealing with a set of moral claims concerned not with specific behaviors but with our most basic attitudes and intentions. This conversion is realized concretely in our human actions; our love of God manifests itself and is perfected in our love of neighbor.

Morality then is concerned with the transformation of human motivations and human intentionality. In the life of communion we desire to “be good” as an end in itself. This moral “goodness,” however, pertains primarily to the person; moral goodness resides not in acts themselves, but in human intentions and attitudes *as they relate to* human actions. The first category of moral truths then, includes *those moral norms concerned with salvation and the call to conversion* precisely because these norms place claims on human intentions, attitudes and dispositions. As variations on the law of love, these moral truths are “truths of salvation” and belong to divine revelation. Since divine revelation is concerned with that which directly pertains to our salvation, one can imagine then, a defined moral dogma the content of which is one or another of these universal norms.

This leads to a second category of moral teachings. We believe that a morally “good” person will always strive to do what is “right.” And yet we also recognize that it is not always easy for good persons to know what doing the “right thing” demands of them in a particular instance. Often the good person is confronted with difficult moral

dilemmas in which important values are in conflict. So for example, the morally good person might legitimately struggle with whether moral goodness translates into actions that involve the direct taking of the life of another, as in the case of self-defense or a soldier's participation in acts of war. Virtuous and well meaning Christians have, through the centuries, come to different conclusions about such matters. It is here that we are able to look to scripture and the moral teaching of the church as a guide for human action. Jesus himself offered, in addition to the law of love, concrete admonitions. The church too, in its moral teaching offers *concrete moral norms* that are specific in nature and therefore are of great assistance in discovering what is demanded in a particular situation. However, McCormick followed Fuchs in insisting that these norms are not, properly speaking, "truths of salvation" for, unlike the first category of moral truths, these norms are concerned with objectively right behavior. Morally right behavior is not, in itself, a matter of salvation. One may do the right thing, giving alms for example, out of a desire to call attention to oneself. Consequently, McCormick concluded, the infallible teaching competency of the magisterium is limited to those moral truths belonging to the first category.

If one grants with McCormick that there are moral norms discoverable in the natural law that are not divinely revealed and therefore are not part of the object of an infallible teaching competency, one must still ask whether the magisterium possesses *any* special competency in teaching these norms.²⁶ In the 1960's this extended competency was challenged by Jacob David,²⁷ Peter Huizing²⁸ and in a more nuanced form, by Alfons

²⁶ More recently this competency has been challenged in the writings of the Australian moral philosopher Frank Mobbs. Frank Mobbs, *Beyond Its Authority? The Magisterium and Matters of Natural Law* (Alexandria, Australia: E.J. Dwyer, 1997).

²⁷ Jacob David, *Das Naturrecht in Krise und Läuterung* (Cologne: Bachem, 1967).

Auer.²⁹ David contended that the bishops' competency to propose concrete moral norms belonged not to their teaching magisterium or *Lehramt* but to their pastoral office or *Hirtenamt*. Auer saw such norms as offering guidelines for Christian living, but guidelines whose claims to allegiance went no further than the intrinsic value of the arguments adduced in support of these directives. In a similar fashion, Louis Janssens limited the authority of such concrete moral norms to the validity of the reasons given in support of those norms.³⁰ Other theologians like Walter Kerber³¹ insisted that the magisterium did possess a doctrinal competence in teaching all aspects of the natural law. These theologians argued not from the assumption that all of the natural law is, strictly speaking, revealed, but because the moral law is ultimately concerned with human self-understanding and this human self-understanding, for the Christian, has been transformed by Christ. Consequently, Jesus Christ, who is the sum and mediation of all divine revelation (*Dei Verbum* # 2), sheds light on all moral matters. McCormick appeared to be in sympathy with central concerns raised on both sides of the debate.³² Where the magisterium was not infallibly pronouncing on divine revelation, appeals to human reasoning and experience must play a much greater role in the teaching process than is generally evident in church pronouncements on specific moral matters. One-sided appeals to formal authority will not suffice. Nevertheless, McCormick was still inclined to grant a doctrinal competence to the magisterium on concrete moral matters. However

²⁸ Peter Huizing, "'Göttliches Recht' und Kirchenverfassung," *Stimmen der Zeit* 94 (1969): 162-73.

²⁹ Alfons Auer, "Nach dem Erscheinen der Enzyklika 'Humanae vitae'—Zehn Thesen über die Findung sittlicher Weisungen," *Theologische Quartalschrift* 149 (1969): 75-85.

³⁰ Louis Janssens, "Considerations of *Humanae vitae*," *Louvain Studies* 2 (1969): 231-53.

³¹ Walter Kerber, "Hermeneutik in der Moralthologie," *Theologie und Philosophie* 44 (1969): 42-66.

³² McCormick, *Notes on Moral Theology: 1965 through 1980*, 260ff.

he would insist on the analogous character of this competence. “One can be competent without being infallibly competent.”³³ This competence could not be put on a par with the magisterium’s competence as regards divine revelation because many of these concrete norms actually had more the character of applications of more general moral principles. As such, these applications, though proposed authoritatively by the magisterium, simply could not bind the consciences of the faithful to the same extent as divinely revealed teaching.³⁴

In order to grasp adequately the distinctive character of the magisterium’s teaching competency on concrete moral matters we must recognize that not only is the notion of competency to be understood as analogous, so too is the notion of the assistance of the Holy Spirit.³⁵ We must distinguish between that special assistance of the Spirit offered in those rare instances in which the church teaches infallibly in proclaiming divine revelation and that assistance operative in the teaching of the ordinary magisterium. In the latter instance it is vital that the assistance of the Holy Spirit be closely associated with the entire teaching-learning process. The doctrinal competency of the bishops to teach authoritatively but not infallibly regarding concrete moral matters is derived largely from the teaching process itself. Here McCormick re-directs attention away from a supernaturalist preoccupation with the *charisma veritatis* given to the bishops at episcopal ordination, and towards the way in which episcopal teaching articulates the fruit of the church’s corporate discernment. In other words, if the bishops do their job well, if they adequately gather evidence germane to the particular issue by

³³ McCormick, *Critical Calling*, 98; McCormick, *Corrective Vision*, 86-9.

³⁴ McCormick, *Corrective Vision*, 49.

³⁵ *Ibid.*, 90-3.

consulting a diversity of sources out of the conviction that these sources (e.g., the liturgy, the insights of diverse theological schools, the *sensus fidelium*) would yield the corporate wisdom of the church, and if they adequately consider the full implications of the evidence they gathered, then one could be confident that their teaching would represent a wisdom “which presumably surpasses the individual’s.”³⁶ This does not preclude a special influence of the Holy Spirit upon the bishops by virtue of orders, but it does suggest that 1) this assistance is realized in the processes of evidence gathering and assessing and 2) it is an assistance directed toward the articulation of the corporate consciousness of the church. McCormick writes:

Therefore who would doubt that when the magisterium actually draws upon the wisdom resident in the entire Church and actually submits itself to an adequate evaluative process, it is better positioned than any individual or group of individuals to relate this to Christian conduct? A prudent and sensitive Catholic would be willing to accept such conclusions precisely because (and providing that) he had the assurance that they proceeded from a store of wisdom far beyond the solipsism of his own insights.³⁷

I believe John Boyle, without any explicit dependence on McCormick, articulates a similar view when he writes:

³⁶ McCormick, *Notes on Moral Theology: 1965 through 1980*, 259.

³⁷ *Ibid.*, 263-4.

The role of authoritative teachers in this process of formulating pastoral directives is clearly one of discernment and articulation, a function fully in harmony with the gifts of the Spirit given to bishops by their ordination.³⁸

It is my contention that McCormick's distinctive contribution to this topic lies in his conviction that the bishops teach authoritatively by articulating, with the assistance of the Holy Spirit, the corporate faith consciousness and wisdom of the church.

V. Conclusion

In an essay of his entitled, "How My Mind has Changed," McCormick outlined a number of general areas in which he had "changed his mind." Every one of them could be traced to a shift in ecclesiology.³⁹ That shift constituted a move away from a more pyramidal ecclesiology in which power and truth trickled down from the apex to a view of the church as the people of God, the body of Christ, pilgrim church and temple of the Holy Spirit. This view of the church, however haltingly it was articulated at Vatican II, began with the dignity of the baptized and the spiritual communion which that sacrament constituted. In this nascent ecclesiology, power is manifested and truth disclosed in the communal life of the church in which all the baptized play a vital role. Within this vision of the church, one which served as the essential context for McCormick's own reflections, the ecclesiastical magisterium of the bishops (including the bishop of Rome) plays an essential role by authenticating, guarding and proclaiming the apostolic faith. Where the bishops teach beyond the ambit of divine revelation, they are given an assistance of the Spirit activated in the employment of the human processes at their

³⁸ John P. Boyle, *Church Teaching Authority: Historical and Theological Studies* (Notre Dame: University of Notre Dame Press, 1995), 61.

³⁹ McCormick, *Corrective Vision*, 47.

disposal for drawing out and articulating the corporate wisdom of the church. This wisdom serves as a provisional but real guide for Christian living. At the same time, because of its provisionality, it must be accepted that well meaning Catholics might legitimately, in spite of the best of their efforts, be unable to assimilate certain of these teachings into their religious stance. These believers, and in a special way, theologians who are unable to appropriate these teachings, are called by virtue of their baptism, to bring their reservations into the respectful public conversation of the church in service of that greater Truth to which the Spirit leads this halting pilgrim community.

There are serious ecclesiastical commentators who detect in the church today a certain restorationism, a return to a view of authority largely untouched by the work of the council. If there is some truth in that view, then I suggest that we still have much to learn from the insight of a theologian whose many contributions included among them a perceptive vision of the authentic exercise and proper limits of the magisterium informed by the teaching of Vatican II.