

“Reflections on Key Ecclesiological Issues Raised in the Elizabeth Johnson Case”¹

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The Johnson dossier offers an instructive case study regarding the exercise of teaching authority in the Church. By the exercise of authority I mean not only the actions of the Committee on Doctrine but also those of Prof. Johnson. The exercise of an ecclesial teaching authority does not lie exclusively with the magisterium, that is, the doctrinal teaching authority of the pope and bishops. A careful study of the teaching of Vatican II reveals a much broader consideration of the Church’s teaching office. The Australian theologian, Ormond Rush, has called attention to the ecclesiological significance of the council’s employment of the threefold offices of Christ (priest, prophet and king) and the functions that correlate to them (sanctifying, teaching, governing) as a framework for reflecting on the life and mission of the Church.² Although the council was not entirely consistent and did not work out every detail of this correlation, the clear logic of its overall use of the *tria munera* suggests that we can no longer assign these offices, as John Henry Newman once did,³ to certain subsets within the membership of the Church.

The council’s ecclesiological vision leads us in a different direction. The entire baptized share, albeit in distinctive ways, in the exercise of these three offices. Just as the council teaches of a common priesthood of the faithful and a ministerial priesthood (LG 10), so too there are distinctive participations

in the Church's one prophetic (teaching) office, and each form of participation has its own proper "authority." Rush identifies three fundamental "authorities" in the Church's teaching office: the *sensus fidelium*, the community of theologians and the magisterium.⁴ Each authority draws from diverse sources. The proper authority of the *sensus fidelium* is grounded in baptism and the supernatural instinct for the faith (*sensus fidei*) offered to each believer by the Holy Spirit.⁵ The theologian's authority presupposes her own exercise of the *sensus fidei* but draws additionally on both academic expertise and a charism for theological reflection. The teaching authority of the bishops draws on both the exercise of the *sensus fidei* and the charism for pastoral leadership that presumably led to his episcopal ordination. That ordination, in turn, provides the special grace of the sacrament which can assist the bishop in his distinctive responsibility to preserve the integrity of the apostolic faith. Each of these authorities has a role to play in the exercise of the Church's teaching office and no one authority can properly fulfill its responsibilities apart from the others.

The documentation provided in the Johnson case draws our attention to the exercise of two of these three "authorities": the authority of theologians (reflected initially in Johnson's book and subsequently in her responses to the committee) and the authority of the bishops (reflected in the original statement of the Committee on Doctrine, its subsequent document, "Bishops as Teachers" and its final statement). Let us consider these two authorities in turn.

Assessing the Theologian's Exercise of the Church's Teaching Office

What are some essential characteristics of the participation of the theologian in the teaching authority of the Church? I would propose the following:

1) The teaching authority of the theologian must be undertaken within the heart of the Christian tradition and in fidelity to the apostolic faith.

The theologian must undertake the theological task in fidelity to the heart of the Christian tradition. The committee's March statement develops this in reference to Pope John Paul II's discussion of the *auditus fidei*, the "hearing of the faith" in his encyclical, *Fides et Ratio* (FR 65).⁶ To do theology within the heart of the Christian tradition means attending carefully to the testimony of Scripture, the fundamental creedal expressions of the Church's faith as normative (but not exhaustive) articulations of the apostolic faith, the witness of the liturgy, the work of the great theological voices of the tradition, the distinctive witness of saints and mystics and the more ordinary witness of believers past and present. Since the great tradition is a dynamic, living reality, theologians must also attend to new voices and theological currents which may reflect the movement of the Spirit in our Church today. For theologians, this fidelity does not preclude a certain experimental and provisional dimension to their work. Theologians do not merely excavate the great tradition; they participate in its ongoing development. Likewise, theologians must not be relegated to the role of mere expositors of magisterial teaching. They engage in the work of theology in part by bringing that tradition into conversation with the questions and issues facing our world today and the new insights the Spirit brings to God's people as they seek to live the Gospel in an ever changing world. The theologian best serves tradition not by functioning as a kind of museum curator but by the ongoing work of reinterpreting the tradition in ways that respond to the needs of our times, thus keeping alive the transformative power of the Gospel. As the late Cardinal Avery Dulles put it in one of his earlier works:

The theologian . . . cannot be rightly regarded as a mere agent of the hierarchical teaching authority. His task is not simply to repeat what the official magisterium has already said, or even to expound and defend what has already become official teaching, but even more

importantly, to discover what has not yet been taught. . . . The theologian . . . is concerned with reflectively analyzing the present situation of the church and of the faith, with a view to deepening the Church's understanding of revelation and in this way opening up new and fruitful channels of pastoral initiative. To be faithful to his vocation, the theologian often has to wrestle with unanswered questions and to construct tentative working hypotheses which he submits to the criticism of his colleagues.⁷

2) The exercise of the teaching authority of the theologian must be undertaken with a proper eschatological humility.

The theologian should undertake theological reflection and investigation with a profound spirit of humility in the face of the Holy Mystery of God. As *Dei Verbum* 8 taught, the Church is always moving "toward the plenitude of divine truth." Divine revelation is eschatologically conditioned. This means that the Church does not so much possess the truth as it lives within revealed truth, a truth that will always elude a final and comprehensive articulation in history. Honoring the eschatological character of divine revelation means renouncing any arrogance that would suggest that the theologian's views are above critique and represent the "final word" about the God of the Christian faith.

3) The theologian must exercise her vocation within the *communio* of the Church.

This *communio* is manifested at multiple levels. Proceeding from Christian faith and baptism, this *communio* is manifested most basically by the theologian's active participation in the life of the Church, that is, in its worship and in its mission in the world as a sacrament of the reign of God. For many Catholic theologians, the preeminent expression of their *communio* in the Church does not lie in the taking of some oath or the granting of a mandatum but in the act of participation in the Sunday Eucharist, a liturgical act that always includes the profession of the Creed. Participation in this mission is reflected as well in practices of Christian charity and the work for justice. Of course the theologian's life of faith is difficult to assess from the outside and ought to be presumed unless there are clear signs that

would call into question the theologian's sharing in the life of faith.⁸ At a second level, that which applies most directly to the teaching authority of the theologian, *communio* in the Church will include an attitude of respect toward the doctrinal teaching authority of the bishops and a determination to sustain communion with the bishops through practices of dialogue and mutual learning. Such communion may find juridical expression (e.g., through application for the *mandatum* or an *imprimatur* for one's work) but these expressions are by no means the only or even the best way to express this communion.

These characteristics are concerned with the proper *exercise of the teaching authority* of the theologian. This is not the same thing as judging the adequacy of a theological work. In other words, one could argue that a theologian has properly exercised his teaching authority and still take issue with the adequacy and/or coherence of a given theological argument. Theologians do not enjoy the charism of infallibility. In light of these characteristics of an authentic teaching authority for theologians, what might we say regarding Prof. Johnson's exercise of that authority?

Let us begin with the first characteristic. As regards the book under investigation, although Johnson's intention was to privilege new voices and "new frontiers" in her reflections, her book is clearly an exercise in theology undertaken by a scholar deeply immersed in our mainstream Catholic theological tradition. This was particularly evident in her responses to the committee. Although scholars are free to challenge her conclusions, and *Quest* is certainly foregrounding newer theological developments, there can be little doubt of Johnson's indebtedness, in particular, to the Thomistic theological heritage. *Quest* mostly presupposes the fundamental creedal commitments of the faith rather than explicitly engaging them, not because they are unimportant but because the book is dedicated to mapping new developments that challenge a series of theological devolutions that she refers to as "modern theism."

Johnson insists that in *Quest* the term “modern theism” is not synonymous with the received apostolic faith of the Church.⁹

This brings us to the committee’s fundamental criticism of her work, namely her failure to use the faith of the Church, the *auditus fidei*, as a necessary starting point for the theological task.¹⁰ This point is particularly important because, as we shall see, both theologians and the magisterium share this obligation to begin with the apostolic faith. But, where do we look for this “hearing of the faith”? While there is no evidence that Johnson rejects the normative value of church doctrine, she carefully avoids a reduction of revelation to formal doctrinal pronouncements and catechism definitions by including in the *auditus fidei* the witness of the whole people of God, the *sensus fidelium*. In her response to the committee, Johnson explicitly invokes the example of Blessed John Henry Newman on the importance of consulting the faithful on doctrinal matters.¹¹

Regarding the second characteristic, Johnson’s work certainly appears to be undertaken in a spirit of humility. Although she does not hesitate to offer her own judgments on the wisdom and helpfulness of various theological trajectories, she does not offer her reflections as the final word on the doctrine of God. Rather, she offers the reader, with a tentativeness appropriate to such new developments, a wide array of emerging theological insights. Her initial public statement expressed openness to criticism and willingness to dialogue with the bishops.

Finally, Johnson recognizes the importance of preserving *communio* within the Church by eschewing any academic elitism in favor of drawing on the insights of ordinary believers (manifesting a *communio* with God’s people) and by acknowledging the legitimate authority of the bishops. In fact, as one considers her long response to the committee, what becomes apparent is the way in which she models respectful interaction among the three authorities discussed above: the authority of theology, the authority of the *sensus fidelium* and the authority of the bishops. With regard to the latter, although it

is evident that she strongly disagrees with both the process of the investigation pursued by the committee and the substance of its judgments, at no point does she reject the committee's legitimate authority. Indeed, her patient and careful response exhibits her tacit acceptance of the bishops' magisterial authority.

Assessing the Committee on Doctrine's Exercise of the Church's Teaching Office

Now we turn to the Committee on Doctrine's distinctive participation in the Church's teaching office. Here too we can affirm certain characteristics that ought to accompany the authentic exercise of the teaching authority of the bishops.¹²

1) The teaching authority of the bishops must be undertaken within the heart of the Christian tradition and in fidelity to the apostolic faith.

This first characteristic is shared by both bishops and theologians. With respect to the bishops, this constitutes a reminder that they are to teach what they have received. Their teaching must be drawn from prayerful reflection on the biblical witness, the fundamental creedal expressions of the Church's faith, the witness of the liturgy, the work of the great theological voices of the tradition, the distinctive witness of saints and mystics, and the more ordinary witness of believers past and present. Since much of this is mediated through the work of theological scholarship, it should go without saying that they must also attend to the contributions of theologians.

2) The teaching authority of the bishops is fundamentally conservative in character.

Unlike theologians, the bishops are *not* charged with exploring new and provisional formulations of the faith. Rather, their task is to assess whether new formulations are reconcilable with the received

faith of the Church. Consequently they are to be concerned with assessing theological works with regard to the integrity of Christian doctrine. Again, Dulles writes: “The bishop’s task is to give public expression to the doctrine of the Church and thus to lay down norms for preaching, worship, and Christian life. His concern, therefore, is primarily and directly pastoral.”¹³ This task is quite different from assessing the adequacy and coherency of theological developments. The conservative nature of their ministry demands a clear distinction between theological and doctrinal judgments.

3. The bishops must exercise their teaching authority within the *communio* of the Church.

The bishops too must recognize that their ministry has to be undertaken within the Church’s *communio*. They do not function as an external governing board but rather must manifest *communio* first of all with the people of God. The *communio* proper to the bishops as teachers demands that they adopt the attitude of an attentive listener, eager to identify the unique contributions of the *sensus fidelium*. One thinks immediately of the injunction of St. Cyprian of Carthage: “. . . a man is teachable if he is meek and gentle and patient in learning. It is thus a bishop’s duty not only to teach but also to learn. For he becomes a better teacher if he makes daily progress and advancement in learning what is better.”¹⁴ This also requires that they maintain *communio* with theologians, seeking their expertise in relationships characterized by mutual respect. The Committee on Doctrine affirms this in their guide to the teaching responsibilities of the bishops: “. . . the bishop and the theologian have a special relationship that can and should be reciprocally enriching.”¹⁵

How well do the recent actions of the Committee on Doctrine reflect these basic characteristics of authentic episcopal teaching authority? What is not questioned here is the right and responsibility of the bishops to preserve the integrity of the apostolic faith through normative judgments. Johnson herself acknowledges this authority.

The first characteristic is concerned with fidelity to the apostolic faith, and it is a concern, understandably, that the Committee on Doctrine takes very seriously. Indeed one of the most damning accusations leveled against Johnson concerns her failure to start from the received faith of the Church in her theology. Yet we must ask: what theology of revelation is presupposed by the committee? Johnson herself has challenged this accusation, noting that her theology indeed draws on divine revelation but presupposes a different fundamental theology, one that does not equate revelation with doctrine but follows Vatican II in employing a more Trinitarian and personalist approach to revelation.¹⁶ In *Dei Verbum* the council had reappropriated a theology with deep roots in an early Christian tradition that viewed revelation more as a divine pedagogy aimed at the transformation of humankind. By contrast, the committee's critique suggests a quasi-propositional understanding of divine revelation more at home in the theological world of neo-scholasticism. Yet this was precisely what *Dei Verbum* sought to leave behind. In his commentary on the council's teaching a young Joseph Ratzinger writes:

The Council's intention in this matter was a simple one....The fathers were merely concerned with overcoming neo-scholastic intellectualism, for which revelation chiefly meant a store of mysterious supernatural teachings, which automatically reduces faith very much to an acceptance of these supernatural insights. As opposed to this, the Council desired to express again the character of revelation as a totality, in which word and event make up one whole, a true dialogue which touches man in his totality, not only challenging his reason, but, as dialogue, addressing him as a partner, indeed giving him his true nature for the first time.¹⁷

This neo-scholastic theology is what Juan Luis Segundo had in mind when he wrote of a "digital" presentation of church doctrine, one which purges doctrine of its imaginative and transformative character and renders it strictly informational and regulative.¹⁸ The substance of the committee's complaint appears to be that Johnson does not privilege central dogmatic formulations in *Quest*. They admit in their "Response to Observations" that "the task of theological reflection is never accomplished by the mere repetition of formulas,"¹⁹ but contend that the problem with Johnson's work is not that she

fails to cite doctrinal formulas but rather that her theology simply does not adequately express the faith of the Church. This needs to be considered further.

Theology is, at its best, always a fragile enterprise. It moves forward tentatively, often exploring certain questions while leaving others behind. One finds in the committee's judgment, little appreciation for the way in which theology contributes to the development of doctrine precisely through its exploration of "new frontiers." As Newman once noted, truth "is the daughter of time."²⁰ The current magisterial tendency to rush to doctrinal judgment with every new theological foray forgets Newman's important insight: divine truth emerges only slowly, patiently and always with a certain tentativeness. The work of theology is akin to the ministrations of a midwife; it is the work of theology to assist patiently in the birthing of God's Word in our time. By contrast, the rush to doctrinal judgment is not unlike the frantic father wishing to hasten the birthing process even if it places mother and child at risk.

The principal justification for the committee's preemptive action was a familiar trope, the danger of confusing the faithful who were exposed to Johnson's ideas because her book was being used widely in college classrooms and parish study groups. This kind of argument has appeared with alarming frequency in contemporary exercises of the magisterium at both the local and universal levels and it has led to a dramatic expansion of the exercise of magisterial authority in the last few decades. The result has been an ecclesiastical impatience with the work of theology and an unwillingness to allow new theological developments to be both subject to academic critique from peers and tested by the *sensus fidelium*.

Now let us turn to consider the conservative nature of the exercise of episcopal teaching authority. The bishops are charged with the task of preserving the integrity of the faith by ensuring theology's congruence with our basic doctrinal commitments. This is not the same as the task of assessing the

coherence and adequacy of new theological trajectories. The bishops must, on occasion, pronounce judgments on theology but these judgments ought to be limited to an assessment of a theological project's congruence with church doctrine (its doctrinal "soundness"). One would expect in such judgments clear and compelling evidence that a theologian has rejected or seriously distorted church doctrine. Yet the committee believes it is legitimate to criticize not just the rejection or distortion of doctrine but also the failure to offer a clear and comprehensive defense of the faith. As Johnson insists in her final statement, it is certainly legitimate for the bishops to judge whether a theological work is in conformity with the basic creedal commitments of the Church, but it is not legitimate to criticize a theological work for not addressing every element of the Church's teaching as if it were a catechetical text.²¹

The genuinely conservative character of the bishops' teaching authority demands that the bishops honor the distinction between theology and doctrine. The committee consistently conflates the two. This happens at multiple levels. The committee skewers Johnson's book for its critique of "traditional Catholic teaching."²² Yet it is apparent to any reader not preoccupied with a hermeneutic of denunciation²³ that the object of Johnson's theological critique was, more often than not, problematic *theological formulations and imaginative construals* of the Church's doctrinal tradition and not the doctrine itself. Frequently she is content to summarize a range of theological perspectives.

Consider the issue of divine impassibility, where Johnson is accused of denying church doctrine. A careful reading of her text reveals a summary of diverse theological perspectives on the topic (Jürgen Moltmann and Dorothea Sölle on one side and Johann Baptist Metz on the other) with the author noting the valuable contributions made by each side, without committing herself decisively to one position or another. In her response to the committee, she admits to struggling with the question herself (in the company, she adds, of such distinguished theologians as Cardinal Walter Kasper).²⁴ In its final statement

the committee acknowledges her summary of the views of three theologians, but contends that only Metz's view is orthodox and then faults her for not siding with orthodox Catholic teaching (ignoring altogether Johnson's observation that Cardinal Kasper had raised similar theological questions!). Their judgment treats her work as a catechetical exposition of the entirety of the Church's faith rather than a tentative theological exploration.²⁵

This brings us to the heart of the issue. To read the committee statements is to feel as if one has been drawn into a dispute between diverse theological commitments, not a dispassionate assessment of the doctrinal soundness of a theological work. This feeling is strengthened when one considers the profound resonance between the judgments of the committee and the theological corpus of one of the principal theological advisors to the committee and its executive director, the Capuchin theologian, Fr. Thomas Weinandy. An accomplished theologian in his own right, many would be in sympathy with the theological arguments he has advanced in his own work, some of which implicitly challenge Johnson's own theological commitments.²⁶ And therein lies the problem: to the extent that both the Committee on Doctrine's initial and concluding statements echo Weinandy's own work (and in several instances key formulations found in the statement are clearly drawn from his own work), they ought more properly to have been advanced in theological journals and at academic conferences rather than in the court of doctrinal judgment.

Finally, we must consider the extent to which the action of the Committee on Doctrine reflects the dialogical interdependence of the three authorities. The committee document, "Bishops as Teachers," rightly affirms that "the bishop and the theologian have a special relationship that can and should be reciprocally enriching." Yet the failure of the committee to approach Johnson privately with an invitation to offer clarifications of her views seems to violate the demands of a genuinely reciprocal and dialogical relationship. This failure is all the more striking when one considers that procedures for mediating such

disputes are already developed in the 1989 document, *Doctrinal Responsibilities*. The committee justified its decision to bypass these guidelines by noting that they were intended to mediate disputes between individual theologians and bishops.²⁷ Yet *Doctrinal Responsibilities* remains useful, not simply because of the specific procedures it offers for mediating disputes, but because it articulates ways in which a more general climate of mutual trust and respect can be cultivated. At the minimum, one would hope that the committee would heed the insistence in *Doctrinal Responsibilities* that the theologian's "right to a good reputation" be honored.²⁸

One explanation for the committee's non-dialogical approach to its exercise of authority may be found in "Bishops as Teachers."²⁹ There we discover a generally disappointing account of the bishop-theologian relationship. The document envisions a healthy, reciprocal relationship between bishops and theologians as one in which theologians would submit "their personal theological ideas for the bishop's evaluation." The model for this "reciprocity," the document suggests, is the process of applying for an *imprimatur* for one's work. Yet any author who has sought an *imprimatur* can confirm that there is very little in this process that is truly dialogical. The absence of genuine reciprocity is evident in a predictable asymmetry: theologians are encouraged to submit their work to a bishop for his *doctrinal* evaluation, yet nowhere do we find the suggestion that bishops should submit their work to theologians for *scholarly* evaluation (a legitimate expectation since the sacrament of orders does not confer scholarly expertise on the bishop).

In sum, it is difficult to avoid the conclusion that whereas Johnson appears to have properly exercised the teaching authority appropriate to theologians, the basic presuppositions and subsequent actions of the Committee on Doctrine were more problematic. Perhaps a final bit of light can be shed on the matter by considering an analogy offered by "Bishops as Teachers" to elucidate the bishop-theologian relationship, namely, the role of the referee/umpire in sports.

The Magisterium as Referee

We find the following passage in “The Bishops as Teachers”:

It is essential for the health and progress of theology, then that it take place within the context of a clearly articulated community of faith, that its creativity be channeled and maximized by boundaries delineated by the received revelation. Identifying these boundaries of the authentic faith constitutes the bishop’s contribution to the flourishing of the theological sciences. Saint Paul often uses examples from the realm of sports, and perhaps one would serve us well here. In any sporting match, football, tennis, baseball, there are referees and umpires. The game can only proceed with the supervision of a referee. In a tennis match, it is not the player who calls the ball “out of bounds” but the referee. The player may object that it was not his or her intention to hit the ball out of bounds. He or she may even question whether the ball was out of bounds. But it is the referee who must make the call. Otherwise, there can be no coherent game, no enjoyment of the match, no sense of progress in learning the sport: in short, the “tennis game” would devolve into a fruitless exchange of individuals hitting the ball at will.³⁰

This analogy has much to commend it.

First, it recognizes that the referee/umpire’s role is clearly circumscribed. He does not actually play the game but rather preserves the conditions (by enforcing the rules of the game) that allow for maximum creativity and healthy competition on the field of play. Indeed, some theologians (e.g., Lindbeck, Dulles, Tilley) have made use of a cultural-linguistic interpretation of doctrine as establishing the rules that govern theological discourse (e.g., one must not discuss the person of Jesus in such a way as to deny his divinity). This aspect of the analogy is useful with regard to our topic because it reinforces the distinction between doctrine (the rules of the game) and theology (the game itself). It is precisely this distinction that tends to be overlooked in many recent magisterial interventions. Consider the respective roles of umpires and players in the game of baseball. Imagine that a batter has decided to lay down a bunt at a crucial point in the game. An umpire can legitimately rule on whether, in the process of laying down the bunt, the batter prematurely stepped out of the batter’s box (a violation of the

rules) but he cannot challenge the batter's decision to bunt in that situation. The batter's decision can be legitimately challenged by his teammates, coaches and even fans, but such criticism is *not* the prerogative of the umpire! In the Johnson case, I would argue that the theological debates regarding the adequacy of God-language and the meaning of divine impassibility are more akin to debates regarding the decision to lay down the bunt rather than a the ruling on whether the bunt was legal.

Second, referees/umpires are fallible. They occasionally make mistakes and the best among them recognize that when they admit their mistakes their reputation is enhanced rather than diminished. Professional baseball fans will recall the poignant missed call in June of 2010 by the first base umpire, Jim Joyce, which deprived the Detroit Tiger pitcher, Armando Galarraga, of one of the most statistically rare accomplishments in baseball, the perfect game. Joyce, soon after the game, admitted that he blew the call and Galarraga graciously accepted his apology. Many baseball players and coaches voiced their appreciation of Joyce's admission of error and defended his sterling reputation as an umpire. In striking contrast, bishops (including popes) seldom if ever admit their mistakes in acts of doctrinal or pastoral judgment and, predictably, their reputation and credibility is often diminished in consequence.³¹

Third, in professional sports, there is usually an established system for evaluating referees/umpires. Only those who have passed rigorous evaluations are allowed to work at the highest levels of a sport. Although the system is far from perfect, theologians are held accountable in their profession through peer review of their scholarship. The complaint that the magisterium must intervene because theologians are not taking this element of their profession seriously enough does not hold up to scrutiny. Attendance at professional associations like the College Theology Society or the Catholic Theological Society of America would reveal lively and often quite critical exchanges among theologians. Unfortunately, no analogous form of accountability can be found that ensures that bishops have an adequate grasp of contemporary theological trajectories and are skilled in assessing the doctrinal

integrity of a given theological project. The Catholic Church has no such system of accountability for bishops save the threat of Vatican intervention in the case of bishops who exhibit an openness to reconsider certain important doctrinal/theological issues.

Finally, the skills required for referees/umpires are not the same as the skills required for athletes. Yet refereeing, in almost any sport, *is a skill* with clear standards of excellence that demand much more than simply knowing the rules of the game. A baseball umpire can grasp the rule that establishes the dimensions of the strike zone, but that does not mean that he can accurately judge whether a 98 mph fastball is, in fact, a strike. Following the analogy, the bishops must not only know church doctrine, they must also be well versed in the dynamics of advanced theological discourse without necessarily being scholars themselves. This last point merits further development.

It may seem odd to speak of “skills” with respect to the office of the bishop. After all, it is Catholic teaching that the bishops are aided by an assistance of the Holy Spirit in the exercise of their office. This divine assistance, however, must be interpreted in light of the Thomistic maxim that grace brings nature to its perfection. In that light we can legitimately speak of the need for a set of “natural” skills proper to the task of doctrinal judgment. Just as the theologian must first possess the proper intellectual aptitude and academic training necessary to fulfill her theological vocation, this too should apply, *mutatis mutandis*, to the office of the bishop. But where then does the assistance of the Holy Spirit come into play? The late John Boyle once noted the “absence in most theological discussions of church teaching authority of any extended consideration of the work of the Holy Spirit. . .”³² As Thomas O’Meara has observed, when we do encounter references to the assistance of the Holy Spirit, particularly in ecclesiastical documents, it often betrays Baroque theology’s preoccupations with “actual graces.” Consequently “a mechanics of grace has colored the sparse theology of the Spirit enabling the ordinary

magisterium of bishops.”³³ O’Meara calls for the recovery of a theology of grace that is more attentive to St. Thomas’ concern to preserve legitimate human freedom.

The late Jesuit moral theologian Richard McCormick remarked on the importance of avoiding two extremes in our consideration of the role of the Holy Spirit in the exercise of the magisterium’s teaching responsibilities. First, we must avoid any explanations which overlook the important role of ordinary human processes for discovering truth, and second, we must avoid any approach which would reduce this assistance to the exercise of human processes by themselves.³⁴ If the assistance of the Holy Spirit bypassed human processes, we would have no alternative but to recognize in every hierarchical teaching act the charism of infallibility. If the official teachers of the Church had access to divine truth wholly apart from human processes, it would be difficult to imagine the possibility of error. On the other hand, the second extreme reduces the activity of the Spirit to the exercise of human investigation and can lead to a kind of rationalism.

In between these two extremes it is possible to imagine a real assistance of the Spirit as an immanent principle active within the exercise of human processes.³⁵ This full employment of the human processes was alluded to at the Second Vatican Council in *Lumen Gentium*: “The Roman pontiff and the bishops, in virtue of their office and the seriousness of the matter, work sedulously through appropriate means duly to investigate this revelation and give it suitable expression” (LG 25). The assumption is that the divine assistance promised the Church is only effective when conjoined with the proper cooperation of the Church’s ministers.

But what are these “appropriate means”? McCormick divides the relevant human processes into two categories: evidence gathering and evidence assessing. *Evidence gathering* refers to the manifold ways in which the human person inquires after the truth through study, consultation and investigation. With respect to the exercise of the teaching authority of the bishops, this would involve a study of the

Church's tradition (giving primacy of place to the testimony of Scripture), a consultation of scholars and theologians (representing diverse schools of thought and theological/historical perspectives), a consideration of the insights of pertinent related fields (e.g., the contributions of the social sciences, genetics), and an attempt to discern the *sensus fidelium*, the sense of the faithful in and through whom the Spirit speaks. Insufficient attention to this evidence-gathering can hamper the activity of the Spirit in bringing forth wisdom and insight.

Evidence assessing involves the proper consideration and assessment of the “evidence” gathered. Here again recourse to a diversity of theological scholarship will be important, but so will patient reflection and authentic conversation in contexts where the free exchange of views is clearly welcomed. The value of real conversation and deliberation as a prelude to authoritative teaching was demonstrated at Vatican II. The vast majority of the bishops who traveled to Rome in the fall of 1962 were content to participate in a relatively quick council which would, by and large, continue the *status quo*. That this *status quo* was not maintained can be attributed to the conversation and deliberation in which the council bishops were engaged and the freedom of inquiry and disagreement that was preserved against the coercive intentions of a few. New insight, a new penetration into divine truth, resulted from the council’s free and extended interaction.

The emphases on evidence gathering and assessing should not be seen as preludes to the assistance of the Spirit, as if they were mere “natural” processes necessary before the work of the Spirit could “kick in.” Rather, the claim here is that the Spirit is operative in and through these human processes. If the teaching ministry of the Church is to be an expression of the Church's essential nature as a communion, then the processes engaged in the teaching ministry must reflect this *communio*. An authentic theology of the assistance of the Spirit precludes seeing the authoritative teaching of the Church as isolated ecclesial acts engaged by autonomous authority figures. Consultative activities, dialogue, and

deliberation are constitutive of *communio*. These are the means by which the Spirit brings the Church to truth. For this reason, when bishops engage in true consultation--with fellow bishops, theologians and the faithful--they are not merely engaging in prudent gestures and they are certainly not, as some might suggest, compromising their own teaching authority. In the fulfillment of their teaching ministry they must make themselves available to that Word as it emerges within the whole Christian community. Consultation and conversation are integral to the teaching process, and must be acknowledged as one of the privileged instruments of the Spirit. In conclusion, the assistance of the Holy Spirit given to the bishops at sacramental ordination cannot become an excuse to avoid the demands of their teaching authority; they must cultivate the skills proper to their office.

We live in a time in which authority is almost habitually viewed with suspicion. Yet Catholics believe that there is an need for authentic teaching authority in the Church that can assist the pilgrim people of God on its earthly journey. That authority is pluriform in nature; all Christians are called to exercise the distinctive authority that derives from their baptism just as theologians and bishops must fulfill their own obligations to “teach with authority.” Sadly, the Johnson case demonstrates what happens when the diverse forms of ecclesial teaching authority are not honored and exercised in a genuinely collaborative form. In this case, the reputation of a respected theologian has been tarnished and the credibility of the bishops’ own authority has been undermined. The Church is the poorer for it.

¹ This essay is a significantly expanded version of a shorter piece that appeared in *Horizons* 38/2, (Fall 2011).

² See both Rush’s essay in this volume and his book length work, *The Eyes of Faith: The Sense of the Faithful and the Church’s Reception of Revelation* (Washington D.C.: CUA Press, 2009), especially Part Three.

³ Newman seems to locate the priestly function of the Church in the ministry of the priest and the laity in the parish community, the prophetic function in the *schola theologorum*, and the governing function in the ministry of the bishops. See John Henry Newman, *Via Media of the Anglican Church* (1877), ed. H. D. Weidner

(NY: Oxford University Press, 1990), I: xl. See also: *An Essay on the Development of Christian Doctrine*. Sixth Edition (Notre Dame: University of Notre Dame Press, 1989), chapter II, 2, 76-77.

⁴ Rush, *Eyes of Faith*, 175.

⁵ See *Lumen Gentium* 12.

⁶ USCCB Committee on Doctrine, "Statement on Quest for the Living God: Frontiers in the Theology of God by Sister Elizabeth A. Johnson." The committee statement is included in this volume but can also be found on the USCCB website at: <http://old.usccb.org/doctrine/statement-quest-for-the-living-god-2011-03-24.pdf>. This reference to *Fides et Ratio* is found on page 2 (Pagination here will refer to the on-line version).

⁷ Avery Dulles, *The Survival of Dogma* (New York: Crossroad, 1982), 98, 101.

⁸ This inability to judge the theologian's interior dispositions in the life of faith explains the negative reaction of many theologians to the address of Fr. Weinandy to the Academy of Catholic Theology in which he consistently called into question the sincerity of faith of many theologians today. See Thomas Weinandy, "Faith and the Ecclesial Vocation of the Catholic Theologian," *Origins* 41: 10 (July 21, 2011): 154-63.

⁹ Elizabeth A. Johnson, "To Speak Rightly of the Living God," *Origins* 41:9 (July 7, 2011): 129-47, at 136. Although this statement is included in this volume, future references to this statement will use the pagination from the *Origins* edition.

¹⁰ Committee on Doctrine, "Statement . . .," 2-3.

¹¹ Johnson, "To Speak Rightly of the Living God," 132-3. See John Henry Newman, *On Consulting the Faithful in Matters of Doctrine* (Kansas City: Sheed & Ward, 1961).

¹² A clarification regarding the authoritative status of the Committee on Doctrine's statement might be helpful. Pope John Paul II's apostolic letter *Apostolos Suos* granted a doctrinal teaching authority to documents issued by an episcopal conference in either of two situations: 1) the document is approved unanimously by the entire conference or, 2) the document is approved by a 2/3 majority and receives a *recognitio* from the Holy See. [The document can be accessed on the Vatican website at, http://www.vatican.va/holy_father/john_paul_ii/motu_proprio/documents/hf_jp-ii_motu-proprio_22071998_apostolos-suos_en.html.] Article 2 of the Complementary Norms issued in that

document explicitly rejects the possibility of a body of the episcopal conference outside the plenary assembly issuing a document as a properly magisterial teaching act. Rather, the March committee statement appears to come under article 3 which refers to “statements of a different kind” which are offered by the conference’s “doctrinal commission” and only when “authorized explicitly by the permanent council of the conference.” This authorization is referred to in the letter of Archbishop Dolan to the president of the CTSA (mentioned in the introduction to Part Three of this volume). The precise manner in which such “statements of a different kind” are to be seen as exercises of the bishops’ teaching office is not clear. They can certainly be interpreted as an exercise of the bishop’s disciplinary authority. However, I think there can be no question, but that the Committee on Doctrine would consider their statement, even if lacking the authority of a positive magisterial teaching act, as a broader expression of the responsibility of the bishops to protect the integrity of the apostolic faith. My thinking through this question was assisted by several helpful conversations with Francis Sullivan.

¹³ Dulles, *The Survival of Dogma*, 101.

¹⁴ *Epistle*, 74, 10.

¹⁵ USCCB Committee on Doctrine, “Bishops as Teachers,” 5. Available on the USCCB website:

<http://old.usccb.org/doctrine/BISHOPS-AS-TEACHERS-%20CARDINAL-WUERL-4-18-11.pdf> . Pagination will be to this online version.

¹⁶ Johnson, “To Speak Rightly of the Living God,” 132-4.

¹⁷ Joseph Ratzinger, “Dogmatic Constitution on Divine Revelation, Origin and Background,” in *Commentary on the Documents of Vatican II*, vol. III, 155-98, at 172.

¹⁸ Juan Luis Segundo, *The Liberation of Dogma: Faith, Revelation and Dogmatic Teaching Authority* (Maryknoll: Orbis, 1992), 108.

¹⁹ “Response to Observations by Sr. Elizabeth A. Johnson, C.S.J. Regarding the Committee on Doctrine’s Statement About the Book *Quest for the Living God*,” 10. The October committee statement is included in this volume but it can also be found on the USCCB website at:

<http://www.usccb.org/about/doctrine/publications/upload/statement-quest-for-the-living-god-response-2011-10-11.pdf> . Pagination will refer to the on-line version.

²⁰ John Henry Newman, *An Essay on the Development of Christian Doctrine* (6th edition, Notre Dame: University of Notre Dame Press, 1989), 47.

²¹ See her brief public statement included in the dossier.

²² Committee on Doctrine, "Statement . . . ," 4-5.

²³ A practice of interpretation that begins with a set of a priori convictions regarding the presumed deficiencies of a text and which is undertaken with a determination to build an argument in support of those prior convictions.

²⁴ Johnson, "To Speak Rightly of the Living God," 139-40.

²⁵ Committee on Doctrine, "Responses to Observations," 8.

²⁶ See Thomas G. Weinandy, *Does God Change?* (Still River, MA: St. Bede's Publications, 1985); *The Father's Spirit of Sonship* (Edinburgh: T & T Clarke, 1995); *Does God Suffer?* (Notre Dame: University of Notre Dame Press, 2000).

²⁷ *Ibid.*, 12.

²⁸ NCCB, *Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings between Bishops and Theologians* (Washington, DC: National Catholic Conference of Bishops, 1989), 8.

²⁹ Committee on Doctrine, "Bishops as Teachers," 8.

³⁰ *Ibid.*, 6-7.

³¹ This does not constitute a challenge to Catholic teaching on infallibility since the charism of infallibility is only rarely exercised in magisterial teaching.

³² John Boyle, *Church Teaching Authority: Historical and Theological Studies* (Notre Dame: University of Notre Dame Press, 1995), 167.

³³ Thomas F. O'Meara, "Divine Grace and Human Nature as Sources for the Universal Magisterium of Bishops," *Theological Studies* 64 (2003): 683-706, at 688-9.

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- ³⁴ I will largely follow McCormick's reflections on this topic which can be found in his collection, "Notes in Moral Theology" which appeared in *Theological Studies* for so many years. See Richard A. McCormick, *Notes on Moral Theology: 1965 through 1980* (Lanham, MD: University Press of America, 1981), 261ff.
- ³⁵ Much of the work of Karl Rahner can be read as an attempt to develop a theology of grace in which grace functions precisely as this kind of immanent principle.