

within the church and at the church's borders, so that the church might learn from and be held accountable to the sense of all the faithful—including, I would argue, liminal members—who in distinct ways serve as prophetic guardians and witnesses of the apostolic heritage. These efforts honor the presence and power of God at work in the assembly gathered at the Eucharist and in all forms of synodal assembly. Affirming the importance of dissent and protest by the faithful and by liminal Catholics can help impel honest discourse and discernment of the *sensus fidelium* in their guardianship of the apostolic faith in synodality. Ignoring this dissent and protest risks stifling the Spirit of God at work in the living tradition of the church and in the world.

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II. Beyond Dissent: Reflections on the Possibilities of a Pastoral Magisterium in Today's Church

Our roundtable wishes to explore the need for the church today to move beyond what we might call *the orthodoxy/dissent binary*, that is, the assumption of one narrowly construed orthodox position, over against which all other construals of the Christian faith are presented as heretical or at least dissenting positions.¹¹ This binary presents, for many scholars today, insuperable difficulties. To begin with, it emphasizes doctrinal unity over theological diversity. It privileges office over charism, magisterium over the sense of the faithful, authoritative pronouncement over communal discovery. The dominance of the orthodoxy/dissent binary depends in turn on an account of doctrinal teaching authority still indebted to Pope Pius XII and his claim that when the ordinary papal magisterium has pronounced on a matter, it is no longer subject to open debate.¹² The solution, in the

¹¹ A revised and expanded version of this roundtable contribution was published in *Commonweal* magazine: Richard R. Gaillardetz, "Doctrinal Authority in the Francis Era: Toward a Pastoral Magisterium in Today's Church," *Commonweal*, December 19, 2016, <https://www.commonwealmagazine.org/doctrinal-authority-francis-era>.

¹² Pope Pius XII, Encyclical, *Humani Generis* (Concerning Some False Opinions Threatening to Undermine the Foundations of Catholic Doctrine), August 12, 1950,

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minds of some, lies in dispelling dangerous notions of orthodoxy, heresy, and dissent as intrinsically hegemonic terms that mask politically oriented power regimes. I am not inclined to dismiss entirely, however, claims to doctrinal normativity, even as I acknowledge the real danger of abuse.

What is needed is not the radical dismantling of claims to doctrinal normativity but rather an alternative account of the exercise of doctrinal authority, one that preserves the need for normative articulations of the shared faith of the church but that would remain open to doubt, questioning, debate, and disagreement.

Over five decades ago, at the opening of the Second Vatican Council, Pope Saint John XXIII had called for a “magisterium which is predominantly pastoral in character.”¹³ Sadly, this evocation of a pastoral magisterium was wrongly interpreted as either an alternative to a properly *doctrinal* teaching authority, as if the pastoral and the doctrinal stood in fundamental opposition, or simply a kinder, gentler form of doctrinal authority—magisterium with a smile! None of the four popes who followed John could fully grasp the distinctive character of an authentic, pastoral magisterium.

Pope Francis and the Emergence of a Pastoral Magisterium

Pope Francis’ exercise of his papal ministry, however, is offering us a promising new possibility for the exercise of a pastoral magisterium capable of overcoming the orthodoxy/dissent binary. The pastoral magisterium of Pope Francis is marked by six distinctive features.

1. A Pastoral Magisterium Serves a Synodal, Listening Church

In fall 2015, Pope Francis gave one of the most significant speeches of his pontificate on the principle of synodality, calling the church to overcome the neo-Scholastic separation of the people of God into two separate “churches”: the *ecclesia docens* or teaching church, and the *ecclesia discens* or learning church.¹⁴ A synodal church must be, whole and entire, a listening church that attends to the supernatural instinct for the faith, the *sensus fidei*, as a means of discerning God’s Word.

§20, http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_1208_1950_humani-generis.html.

¹³ Pope John XXIII, *Gaudet Mater Ecclesia*, English trans. from Walter M. Abbott, SJ, ed., *The Documents of Vatican II* (New York: Crossroad, 1989), 1:715.

¹⁴ Pope Francis, Address at Commemorative Ceremony for the 50th Anniversary of the Synod of Bishops, October 17, 2015, <http://saltandlighttv.org/blogfeed/getpost.php?id=66497&language=en>.

In *Evangelii Gaudium* Francis insisted on the constitutive role for the practice of consultation within a synodal church.¹⁵ This means more than gathering together safe voices into an ecclesiastical echo chamber (EG §31). An authentic ecclesial consultation that aspires to be more than a pragmatic public relations maneuver must attend to a wide range of voices, including those in ecclesial exile.

2. A Pastoral Magisterium Relies on the Symbolic Gesture More Than the Juridical Act

Pope Saint John Paul II was the first to master the use of the symbolic gesture—kissing the ground on a first visit to a country, praying with his would-be assassin—but those gestures were still accompanied by a sweeping program of doctrinal policing *within* the church. Francis too has demonstrated a knack for the symbolic gesture—appearing for the first time as pope on the central loggia of St. Peter’s where he sought the people of Rome’s blessing, moving out of the papal apartment, dramatically transforming the Holy Thursday washing-of-feet ritual, eschewing the baroque vestments of his predecessor, establishing Vatican showers for the homeless, and having refugees accompany him on a return trip to Rome. Yet unlike his Polish predecessor, Francis seems to understand that in a postmodern church it is best not to rely too heavily on more punitive exercises of authority. As but one example of this, consider the way in which he short-circuited the Vatican investigation of the Leadership Conference of Women Religious (LCWR).

3. A Pastoral Magisterium Is Committed to the Decentralization of Authority

In *Evangelii Gaudium* Francis insisted that the pope should not be expected to offer a definitive pronouncement on every issue facing the church. He called instead for a substantive decentralization of teaching authority (EG §16) away from the Vatican and toward neglected institutional expressions of collegiality, such as the synod of bishops and regional episcopal conferences. In fact, he cites the documents of regional episcopal conferences ten times in *Amoris Laetitia*,¹⁶ and twenty times in *Laudato Si*.¹⁷

¹⁵ Pope Francis, Apostolic Exhortation, *Evangelii Gaudium*, November 24, 2013, http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html.

¹⁶ Pope Francis, Post-synodal Apostolic Exhortation, *Amoris Laetitia*, March 19, 2016, https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf.

¹⁷ Pope Francis, Encyclical, *Laudato Si'* (On Care for Our Common Home), May 24, 2015, http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_encyclica-laudato-si.html.

Although Francis continues his efforts at curial reform, his program for decentralization may be better reflected in the way in which he has simply circumvented the curia. In his papacy the flow of ecclesiastical texts emanating from Vatican dicasteries has been reduced to a trickle.¹⁸

4. A Pastoral Magisterium Exhibits an Appropriate Doctrinal Humility

The teaching of Vatican II evoked a new form of doctrinal humility. As Catherine Cornille has noted, this is not a humility *toward* doctrine as much as a humility *about* the truth of doctrines.¹⁹ It proceeds from the council's conviction that the church does not possess the truth so much as it is "moving toward the fullness of divine truth" (DV §8). This doctrinal humility is evident in the council's teaching that there exists a hierarchy of truths (UR §11), such that dogmas must be grasped in relation to a more fundamental reality, "the foundations of the Christian faith." Francis is the first postconciliar pope to retrieve this insight from that dank papal closet where uncomfortable council teachings have been carefully stored away. He understands well that beyond the necessary mediation of doctrinal formulations is the simplicity and evangelical power of the gospel.

5. A Pastoral Magisterium Serves the Practice of Discernment and the Formation of Conscience

Francis invites us to move beyond the rigorous application of juridical norms in favor of the primacy of personal moral discernment and conscience formation. Early in *Amoris Laetitia* he lamented that church leaders "find it hard to make room for the consciences of the faithful, who very often respond as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations. We have been called to form consciences, not to replace them" (AL §37).

Chapter 8 of *Amoris Laetitia* is the most well-developed reflection on the character of moral discernment and conscience formation to ever appear in an ecclesiastical document. *Pace* his recent ecclesiastical detractors, this is not a repudiation of church doctrine; it is what doctrine looks like when it is actually put to the service of the life of ordinary believers.

¹⁸ Robert Mickens, "Francis Is Reforming Roman Curia by Circumvention," *Roman Observer* (blog), NCR Online, June 6, 2016, <http://ncronline.org/blogs/roman-observer/francis-reforming-roman-curia-circumvention>.

¹⁹ Catherine Cornille, *The Im-possibility of Interreligious Dialogue* (New York: Crossroad, 2008), 27–28.

6. *A Pastoral Magisterium Is Reluctant to Pronounce Prematurely on Controverted Issues*

At the recent synodal assemblies, Francis insisted that controversial topics not be removed from consideration. He encouraged the synod participants not to be afraid of disagreement. Later, in *Amoris Laetitia*, the pope called for open discussion of controverted issues (AL §2) and insisted that “not all discussions of doctrinal, moral or pastoral issues need to be settled by interventions of the magisterium” (AL §3). It is worth noting that Francis seldom employs the language of “heresy” or “dissent.” He presumes real limits to the scope and necessity of a more juridically inflected magisterium.

I recall a conservative Catholic journalist writing me after one of Francis’ famous in-flight interviews, asking what “theological note” should be attached to these “off-the-cuff” statements. I admitted that, if we understand magisterial teaching in a juridical key, as the neo-Scholastic manualists trained us to do, such statements carry little if any authority. But what if we see in Francis’ many interviews a subtle reimagining of papal teaching authority? What if these interviews are not an alternative to magisterial pronouncements but instead represent a new form of the magisterium, one that is explicitly dialogical, improvisational, and provisional?

Conclusion

Pope Francis’ distinctive exercise of his papal teaching authority is nudging the church beyond the orthodoxy/dissent binary to offer a rather different ecclesial posture toward the authority of doctrine. For Francis, disagreement and debate do not fall quite as easily into the ambit of heresy/dissent. What we are witnessing in Pope Francis is far from his predecessor’s call for a smaller, purer church. In his distinctive exercise of authority, Francis is witnessing to the possibility of a wider, more hospitable church, a church with a strong center, permeable boundaries, and, in between, a substantial space for robust conversation, questioning, and disagreement.

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