

Magisterium, Theologians, and the Need for Dialogue

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Throughout history there have been theological tensions between official church teachers and church theologians, creating at times a divide between both the magisterium and theologians and also between theologians of different methodological approaches. We offer as examples of tension the declarations by the USCCB's Committee on Doctrine (CD) on the "inadequacies in the theological methodology and conclusions" of our book and of the books of three other contemporary theologians. These examples afford us the opportunity both to consider the theological tensions in general and to propose a solution to them. We establish some ecclesial context for dialogue with the CD, calling attention to four factors in this context: first, recent patterns of discourse between theologians and the magisterium in statements issued against particular theologians; second, an important change in the Catholic concept of church; third, an equally important change in how Catholic theologians set about doing theological ethics; and fourth, the reaffirmation of the importance of conscience by the Second Vatican Council in the 1960s and, more recently, by Pope Francis.

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Introduction

FROM the moment in Antioch when Paul opposed Peter "to his face" (Gal 2:11) in defense of his approach to the Gentiles, there have been theological tensions between official church

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teachers, commonly called the magisterium, and church theologians. Those tensions have regularly been exacerbated in the Catholic Church following ecumenical councils, including the Second Vatican Council in the 1960s, creating at times a divide between the magisterium and progressive theologians and also between theologians of different methodological persuasions. As an example of this tension, we offer the declaration by the USCCB's Committee on Doctrine (CD) on the "inadequacies in the theological methodology and conclusions" of our book *The Sexual Person*.¹ This example affords us the opportunity both to consider the theological tensions in general and to propose a solution to them. To those ends, we establish some ecclesial context for dialogue with the CD, calling attention to four factors in this context: first, recent patterns of discourse between theologians and the magisterium in statements issued against particular theologians; second, an important change in the Catholic concept of church; third, an equally important change in how Catholic theologians set about doing theological ethics; and fourth, the reaffirmation of the importance of conscience by the Second Vatican Council in the 1960s and, more recently, by Pope Francis.

Before embarking on our exploration, however, there arises an obvious question: Why now for this article? Why ten years after and not immediately after the CD's declaration on *The Sexual Person*? There are two answers to that question. The first answer is that, anticipating doctrinal difficulties, we responded proactively in this journal to any future declaration regarding the book, pleading for dialogue but, to avoid the kind of acrimonious argument we have always rejected because we believe it is unproductive, we did not overtly refer to the CD.² The second answers more specifically the question, why *now*: the new, more pastoral, theological, and dialogical climate created by Pope Francis is more conducive to dialogue between theologians and the magisterium than was the case during the papacies of Popes John Paul II and Benedict XVI. "Keep an open mind," Francis advises. "Don't get bogged down in your own limited ideas and opinions but be prepared to change or expand them. The combination of two different ways of thinking

¹ Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, DC: Georgetown University Press, 2008); United States Conference of Catholic Bishops, Committee on Doctrine, "Inadequacies in the Theological Methodology and Conclusions of *The Sexual Person: Toward a Renewed Catholic Anthropology* by Todd A. Salzman and Michael G. Lawler," September 15, 2010, 1.

² See Todd A. Salzman and Michael G. Lawler, "Theologians and the Magisterium: A Proposal for a Complementarity of Charisms through Dialogue," *Horizons* 36, no. 1 (2009): 7–31.

can lead to a synthesis that enriches both.”³ We believe that to be true, and that is the kind of dialogue we pleaded for prior to any declaration. It is also the kind of dialogue extensively analyzed in Bradford Hinze’s excellent book *Practices of Dialogue in the Roman Catholic Church*.⁴

Dialogue between Theologians and the Magisterium: Recent Ecclesial Patterns

Hinze writes, “*Dialogue ... is the back-and-forth movement in communication between individuals in which people are acting both as speakers and listeners and there is an exchange of messages that provide the condition for possible common understandings, judgments, decisions, and actions.*”⁵ The narrowest form of dialogue is that between two individuals, but dialogue can also take place in a broader sense among a group of people. Dialogue in the Catholic Church, Pope John Paul II insists, is “an outright necessity, one of the Church’s priorities,”⁶ not merely an exchange of ideas but an “exchange of gifts.”⁷ He attaches important Christian qualities to dialogue: it should be conducted with due respect, justice, and charity. The dialogue of charity should be reciprocal. “It is necessary,” the pope declares, “to pass from antagonism and conflict to a situation where each party recognizes the other as a partner ... For this to happen, any display of mutual opposition must disappear.”⁸ Unfortunately, this type of dialogue has frequently been promoted and extended by the magisterium *ad extra*, to perspectives outside the Catholic Church and not *ad intra*, to those within the Catholic tradition, especially to Catholic theologians.

More recently, however, at the two synods on the family that he characterized as having “a spirit of collegiality and synodality,” Pope Francis has promoted dialogue *ad intra*.⁹ Indeed, some see a defining characteristic of his

³ Pope Francis, *Amoris Laetitia*, §139, March 19, 2016, https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf.

⁴ Bradford Hinze, *Practices of Dialogue in the Roman Catholic Church: Aims and Obstacles, Lessons and Laments* (New York: Continuum, 2006).

⁵ *Ibid.*, 8; emphasis in original.

⁶ Pope John Paul II, *Ut Unum Sint*, §31, May 25, 1995, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html.

⁷ *Ibid.*, 28.

⁸ *Ibid.*, 29, emphasis in original.

⁹ Speech at the conclusion of the 2014 Synod on Marriage and the Family (October 18, 2014), at https://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141018_conclusionone-sinodo-dei-vescovi.html.

papacy as seeking to realize synodality, the ecclesiology of Vatican II that focuses on journeying together and listening to input from all quarters of the church, theologians, laity and clerics alike, to engage in charitable and constructive dialogue to discern God's will and the path the church must follow to live according to that will.¹⁰ The two synods that laid the foundation for *Amoris Laetitia* modeled this dialogue in a way that no synod in the past had done and serve as models for dialogue between theologians and the magisterium, as well as between theologians of different methodological persuasions. We now briefly consider here three examples of such statements and highlight patterns of dialogue that violate the dialogical process proposed by Popes John Paul II and Francis.¹¹ We then specifically respond to the CD's statement on *The Sexual Person* as a case study to critique both the process and content of its rebuke.

- Peter Phan: "Some Observations on the book by Rev. Peter C. Phan, *Being Religious Interreligiously: Asian Perspectives on Interfaith Dialogue* (New York: Orbis, 2004)," issued by the Congregation for the Doctrine of the Faith (CDF), July 20, 2005,¹² and "Clarifications Required by the Book *Being Religious Interreligiously: Asian Perspectives on Interfaith Dialogue* by Rev. Peter C. Phan," issued by the CD, December 17, 2007.¹³
- Elizabeth Johnson: "Statement on *Quest for the Living God: Mapping Frontiers in the Theology of God*, by Sister Elizabeth A. Johnson," issued by the CD, March 24, 2011,¹⁴ and "Response to Observations by Sr. Elizabeth Johnson, CSJ, Regarding the Committee on Doctrine's Statement about the Book *Quest for the Living God*," issued by the CD, October 11, 2011.¹⁵

¹⁰ The word "synod" is meaningful here. It derives from the Greek *sun*, meaning together, and *hodos*, meaning journey. It literally means, therefore, journeying together.

¹¹ This is a small sampling of theologians investigated by doctrinal committees of episcopal conferences. For a detailed list, see Bradford E. Hinze, "A Decade of Disciplining Theologians," in *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*, ed. Richard Gaillardetz (Collegeville, MN: Liturgical Press, 2012), 3-39.

¹² Peter C. Phan, *The Joy of Religious Pluralism: A Personal Journey* (Maryknoll, NY: Orbis, 2017), 1-2.

¹³ United States Conference of Catholic Bishops, Committee on Doctrine (Washington, DC: United States Catholic Conference, 2007), <http://www.usccb.org/about/doctrine/publications/upload/statement-on-being-religious-interreligiouly.pdf>.

¹⁴ United States Conference of Catholic Bishops, Committee on Doctrine (Washington, DC: United States Catholic Conference, 2011).

¹⁵ United States Conference of Catholic Bishops, Committee on Doctrine (Washington, DC: United States Catholic Conference, 2011). The entire Johnson dossier is available in

- Margaret A. Farley: “Notification on the Book *Just Love: A Framework for Christian Sexual Ethics* by Sr. Margaret A. Farley, RSM,” issued by the CD, March 30, 2012.¹⁶

Though issued by different church entities, these statements illustrate a pattern of episcopal discourse that violates the dialogue in charity and synodality of John Paul II and Francis, in process, theological task, and content. We consider each in turn.

First, the process of the CD and CDF investigations violates the procedures set forth in the USCCB’s document, *Doctrinal Responsibilities*, which was formulated in consultation with the Holy See.¹⁷ In its section entitled “Ecclesial Responsibilities,” which considers the rights and responsibilities of bishops and theologians, this document states the following: “It is inevitable that misunderstandings about the teaching of the gospel and the ways of expressing it will arise. In such cases, informal conversation [dialogue in charity] ought to be the first step towards resolution.”¹⁸ Referring to the CD’s assessment of her book, Elizabeth Johnson writes that “this book was discussed and finally assessed by the Committee before I knew any discussion had taken place;”¹⁹ “the opportunity to dialogue was bypassed.”²⁰ After receiving the CDF’s list of observations on his book, which, the CDF asserts, contains “serious ambiguities and doctrinal problems,” Phan asked for clarification from the CDF, including four specific questions, before responding to its observations. To this day, there has been no response to his letter.²¹ Failure

When the Magisterium Intervenes: The Magisterium and Theologians in Today’s Church, ed. Richard Gaillardetz (Collegeville, MN: Liturgical Press, 2012). Citations of the CD and her response will refer to pages in this text.

- ¹⁶ Congregation for the Doctrine of the Faith (Rome: 2012), http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20120330_nota-farley_en.html.
- ¹⁷ United States Conference of Catholic Bishops, *Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings between Bishops and Theologians* (Washington, DC: United States Catholic Conference, June 17, 1989).
- ¹⁸ *Ibid.*, 4. See also Catholic Theological Society of America (CTSA), “Response of the Board of Directors of the Catholic Theological Society of America to the Statement on ‘Quest for the Living God: Mapping Frontiers in the Theology of God,’ by Sister Elizabeth A. Johnson,” issued March 24, 2011 (April 8, 2011),” <https://ctsa-online.org/resources/BoardStatements/BoardStatement.TheLivingGod.ElizabethJohnson.USCCBCommitteeDoctrine.4.8.11.pdf>.
- ¹⁹ James Martin, SJ, “Elizabeth Johnson’s Response,” *America*, March 31, 2011, <https://www.americamagazine.org/content/all-things/elizabeth-johnsons-response>.
- ²⁰ Elizabeth Johnson, “Statement of Elizabeth A. Johnson, CSJ,” in *When the Magisterium Intervenes: The Magisterium and Theologians in Today’s Church*, ed. Richard Gaillardetz (Collegeville, MN: Liturgical Press, 2012), 273.
- ²¹ Phan, *The Joy of Religious Pluralism*, 1–4.

to initiate or pursue dialogue matches our experience with the CD's assessment of *The Sexual Person*. There has as yet been no dialogue between us and the CD.²²

The principle guiding the process of CDF and CD investigations into theologians' writings seems to be what Ormond Rush, drawing from *Lumen Gentium*, explains as the threefold offices of Christ (priest, prophet, and king) and their correlating functions (sanctifying, teaching, and governing). One point is unambiguously clear: all Catholics, in and through baptism, share in the three offices and functions. The USCCB's document *Doctrinal Responsibilities*, which purports to provide guidelines for addressing misunderstandings between bishops and theologians, opts for a vision of the offices and functions that privileges bishops. The document "speaks of the responsibilities and rights of bishops explicitly in terms of the three offices of Christ, fails to affirm explicitly that theologians as *fideles* participate in all those offices, and in the teaching office in particular by virtue of their Spirit-given charism."²³ In fact, the theologian's task, as evidenced in the ecclesial responses to their scholarship, is often reduced to catechesis, the second concern with the CD and CDF statements.

The episcopal statements often conflate catechesis and theology. "Catechesis is an *education in the faith* ... which includes especially the teaching of Christian doctrine imparted ... in an organic and systematic way, with a view to initiating the hearers into the fullness of Christian life."²⁴ Though theology may include catechesis, it also goes beyond it. Theology uses scholarly principles and methods to communicate truths of the faith but also to explore new ways of articulating the faith drawing from other disciplines in dialogue with culture and the people of God. In her public statement to the CD,

²² Farley's case did represent a dialogue of sorts, in terms of back-and-forth requests by the Congregation for the Doctrine of the Faith (CDF) and responses to those requests by Farley. However, there was a lack of transparency in that dialogue and secrecy on the part of the CDF concerning the "commission of experts" judging that Farley's responses "did not adequately clarify the grave problems contained in her book" and the basis for that judgment. CDF, "Notification on the Book *Just Love: A Framework for Christian Sexual Ethics* by Sr. Margaret A. Farley, *RSM*," Introduction, 1, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20120330_nota-farley_en.html.

²³ Ormond Rush, "The Prophetic Office in the Church: Pneumatological Perspectives on the *Sensus Fidelium*-Theology-Magisterium Relationship," in *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*, ed. Richard Gaillardetz (Collegeville, MN: Liturgical Press, 2012), 90–95.

²⁴ *Catechism of the Catholic Church*, 5, emphasis in original, http://www.vatican.va/archive/ccc_css/archive/catechism/prologue.htm; see also, United States Conference of Catholic Bishops, *Co-Workers in the Vineyard of the Lord* (Washington, DC: United States Catholic Conference, 2005), 43.

Johnson faults it for reading *Quest* as a catechetical rather than as a theological text.²⁵ The CDF's response to Farley is largely a series of quotes from the *Catechism* that stand as doctrinal corrections to her nuanced, theological arguments that develop a sexual anthropology in dialogue with human experience. Merely reasserting doctrine is not a constructive response to the theological discipline that strives for deeper understanding of doctrine and can, and has, led to its "organic development."²⁶

Underlying both the CD and CDF statements, which seem to conflate catechesis and theology, is the implicit method used to formulate these statements. The CDF or CD statements against Phan, Johnson, Farley, and us explicitly state that our methods are inadequate and, consequently, lead us to different doctrinal conclusions than those of the magisterium. This raises the question of the method(s) utilized by the CDF and CD in formulating doctrine and responding to theologians. For the CD [and CDF], Phan notes, "theological method plays a pivotal role in theological elaborations."²⁷ In Johnson's case, the CD charges that she does not follow "the method proper to Catholic theology."²⁸ It cites *Fides et Ratio* (FR) to explain that method, which consists of two acts, *auditus fidei* (hearing the faith) and *intellectus fidei* (understanding the faith). "With the first," John Paul II explains, "theology makes its own the content of Revelation as this has been gradually expounded in Sacred Tradition, Sacred Scripture and the church's living magisterium. With the second, theology seeks to respond through speculative inquiry to the specific demands of disciplined thought" (FR §65). In its analysis of Johnson's book, the CD states that John Paul II's formulation is "the method proper to Catholic theology," and explains *how* it understands this method in relation to her book. "The basic problem with *Quest* ... as a work of Catholic theology is that the book does not take *the faith of the church as its starting point*. Instead, the author employs [methods] from outside the faith to criticize and to revise in a radical fashion the conception of God revealed in Scripture and *taught by the magisterium*."²⁹

²⁵ Johnson, "Statement of Elizabeth Johnson, CSJ," 274, 283, 286.

²⁶ Gerard O'Connell, "'Amoris Laetitia' Represents an Organic Development of Doctrine, 'Not a Rupture,'" *America*, April 8, 2016.

²⁷ Phan, *The Joy of Religious Pluralism*, 23.

²⁸ United States Conference of Catholic Bishops, Committee on Doctrine, "Statement on *Quest for the Living God*," March 24, 2011, available at United States Conference of Catholic Bishops, Committee on Doctrine, "Statement on *Quest for the Living God*," March 24, 2011.

²⁹ Committee on Doctrine, "Statement on *Quest*," in *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*, ed. Richard Gaillardetz (Collegeville, MN: Liturgical Press, 2012), 199, emphases added.

Phan comments insightfully, “it seems that according to the CD, the teachings of the church (‘as taught by the magisterium’), without exception, must—methodologically speaking—be where one begins one’s theologizing (the ‘starting point’), and in terms of content, they must also function as principles and the criteria of truth of Catholic theology (‘as taught by the church’s universal magisterium’).”³⁰ We fully agree with Phan on the logical implications of the CD’s statement for method and the content that flows from that method. Its identification of method with the magisterium as its starting point and catechesis as its content is clearly evident in the CDF’s notification to Farley, in the CDF and CD statements addressed to Phan and Johnson, and in the CD’s statements to us on the “inadequacies in the theological methodology and conclusions” of *The Sexual Person*.

Third, the statements often misrepresent an author’s carefully constructed theological arguments, even after the author’s responses to such statements. In July 2005, the letter Phan received from the CDF puts forward nineteen observations indicating where his book is “confused” on several points of Catholic doctrine and “contains serious ambiguities.” Phan comments that many of the nineteen statements by the CDF are “preposterous.”³¹ Though more diplomatic, Farley raises a similar concern regarding the accuracy of the CDF’s notification: “I only regret that in reporting my positions on select ‘Specific Problems’ in sexual ethics, the Notification does not also consider my arguments for these positions. Nor does it render my positions in terms of the complex theoretical and practical contexts to which they are a response. Hence, I fear the Notification—while clear in its conclusions—misrepresents (perhaps unwittingly) the aims of my work and the nature of it as a proposal that might be in service of, not against, the church and its faithful people.”³² Johnson responded to the CD’s invitation to respond to its original statement in an article entitled “Observations,” where she posed important questions on faith, revelation, biblical language, and theology, which she hoped would provide an opportunity for dialogue that “might clarify the content of the book and where it had been misrepresented” by the CD.³³ In

³⁰ Phan, *The Joy of Religious Pluralism*, 24–25.

³¹ John L. Allen, “Why Is Fr. Peter Phan under Investigation?” *National Catholic Reporter*, September 14, 2007, <https://www.ncronline.org/blogs/all-things-catholic/why-fr-peter-phan-under-investigation>.

³² Margaret Farley, “Statement by Mercy Sister Margaret A. Farley,” *National Catholic Reporter*, June 4, 2012, <https://www.ncronline.org/news/vatican/statement-mercy-sister-margaret-farley>.

³³ Elizabeth Johnson, “To Speak Rightly of the Living God: Observations by Dr. Elizabeth A. Johnson, CSJ, on the Statement of the Committee on Doctrine of the United States Conference of Catholic Bishops about Her Book *Quest for the Living God: Mapping*

its new statement, the CD did not engage any of the theological questions she raised. Commenting on the CD's response to her, Johnson observes that it "projects meanings, discovers insinuations, and otherwise distorts the text so that in some instances I do not recognize the book I wrote."³⁴ Johnson's experience of not recognizing the book she wrote in the CD's statement was also our experience with respect to our book.

Our analysis of recent patterns of discourse between theologians and the magisterium in statements issued against particular theologians in no way challenges bishops' authority to exercise their teaching office. We unreservedly acknowledge the bishops' role as authorized teachers of Catholic doctrine and guardians of church unity and, therefore, approach their accusations with the "respect, compassion, and sensitivity" mandated toward LGBT persons in the *Catechism*.³⁵ Respect, compassion, and sensitivity must surely be shown not only to all LGBT persons but also to all human beings. They are to be shown, therefore, to Catholic bishops in their role as authorized teachers and promoters of ecclesial unity, and they are to be shown also to competent, conscientious Catholic theologians pursuing their theological task as authorized by the Second Vatican Council. That task, the council's *Gaudium et Spes* (GS) teaches, is "to hear, distinguish, and interpret the many voices of our age, and to judge them in the light of the divine *word* [not solely of non-definitive magisterial teaching]. In this way, revealed *truth* can always be more deeply penetrated, better understood, and set forth to greater advantage" (GS §44).³⁶ It goes on to invite theologians "to seek continually for more suitable ways of communicating doctrine to the men of their times. For the deposit of faith or revealed *truths* are one thing; the manner in which they are formulated without violence to their meaning and significance is another" (GS §62). We underscore the council's teaching that the theologian is to be committed to the "divine word" and "revealed truth" and insist that this commitment to revealed *truth* trumps any commitment to the teaching *office*.

The CD's declaration on our book (6) quotes a statement on *truth* from Pope John Paul II's *Fides et Ratio*: "Truth can never be confined in time

Frontiers in the Theology of God," in *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*, ed. Richard Gaillardetz (Collegeville, MN: Liturgical Press, 2012), 213–51.

³⁴ Johnson, "Statement of Elizabeth Johnson, CSJ," 274.

³⁵ *Catechism*, 2358, http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a6.htm.

³⁶ *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), December 7, 1965, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html.

and culture; in history it is known, but it also reaches beyond history" (FR §25). We absolutely agree. Pilate's question to Jesus, however, still is asked today: "What is truth?" (John 18:38). History shows that truth is something that is progressively discovered, and that divine truth is also something to be progressively penetrated ever more deeply to understand its implications for human life. We reject, therefore, any negative suggestion of *dissent* from truth taught by the CD. Theologians are, rather, we claim, positively and loyally doing the theologian's task as described by *Gaudium et Spes* and later verified by the Congregation for the Doctrine of the Faith: "to pursue in a particular way an ever deeper understanding of the word of God found in the inspired scriptures and handed on by the living tradition of the Church." That role, the CDF adds, is to be done "in communion with the Magisterium."³⁷ We have, we argue, critically examined *some* of the magisterium's sexual teachings, not all of them as the CD's declaration sweepingly implies, but we have sought to do so in communion with the whole communion-church and, we suggest, what we have concluded in communion with many other Catholic theological ethicists and laity is a fuller expression of contemporary Catholic sexual understandings than that found in the narrow church teachings we have critiqued.

There are, and there will continue to be, different Catholic understandings of sexual issues, and so there will continue to be need for dialogue in the church—but *dialogue* not *argument*.³⁸ Pope Francis clarifies the distinction between the two. "In an argument, one wins and the other loses or both lose. Dialogue is gentleness, the capacity to listen, it is to put oneself in the other's place, it is to form a bridge, and within the dialogue, if I have a different opinion, not to argue, but rather to seek to persuade with gentleness."³⁹ In an argument, one person seeks to convince another person that his or her truth is *the* truth. In a dialogue one person explains the truth he or she has reached through conscience formation with respect, compassion, and sensitivity, and the other person listens to that explanation with equal respect, compassion, and sensitivity. Such respectful dialogue is urgently needed, we believe, to bridge the theological and ethical divide that today

³⁷ Congregation for the Doctrine of the Faith, "Instruction on the Ecclesial Vocation of the Theologian," *Origins* 20/8 (1990): 117–26. All translations from the documents of the Second Vatican Council in the article are taken from Walter M. Abbott, ed., *The Documents of Vatican II* (El Monte, CA: New Win, 1966).

³⁸ For an explanation of why this is so, see Salzman and Lawler, *The Sexual Person*, 53–54.

³⁹ Pope Francis, "Address of His Holiness Pope Francis to Participants in the World Congress of the 'Schola Occurrentes' Pontifical Foundation," May 29, 2016, https://w2.vatican.va/content/francesco/en/speeches/2016/may/documents/papa-francesco_20160529_scholas-occurrentes.html.

exists in the Catholic Church. We shall make every effort in what follows to show respect, compassion, and sensitivity to the CD, not because the *Catechism* says we should but because it is a humanizing attitude illustrated in his gospel life by Jesus, whom we confess as the revelatory Christ of God. Our response derives from our faith in this Jesus seeking better understanding in the modern world; it derives, that is, by definition, from authentic Catholic theology.

The CD's Declaration: Contextual Considerations

We wish now to establish some ecclesial context for dialogue with the CD. We call attention to three factors in this context, the first an important change in the Catholic concept of church, the second an equally important change in how Catholic ethicists set about doing theological ethics, the third the reaffirmation of the importance of conscience by the Second Vatican Council in the 1960s and, more recently, by Pope Francis.⁴⁰ The council was by common agreement a momentous reforming event in the Catholic Church, but its *modus agendi* left many half-settled teachings and, therefore, unsettling tensions in the post-conciliar church. The first of those tensions, over the conception of church, is at work in the CD's declaration. The pre-Vatican II conception of church was articulated most clearly by Pope Pius X in his encyclical *Vehementer Nos* (8). "The Church," Pius writes, "is essentially an *unequal* society, that is, a society comprising two categories of persons, the pastors and the flock." The flock has "one duty ... to allow themselves to be led and, like a docile flock, to follow the pastors."⁴¹ That is the model of church at work in the CD's declaration; intelligent, competent, conscientious Catholic theologians are to obey like a flock of unthinking sheep. "In the final analysis" the CD writes (8), "all interpretation of Scripture is subject to the authoritative judgment by those responsible for the Church's deposit of faith." They forget or overlook the historical fact that, were it not for the honest research of theologians, the church would still be rebuking theologians for speaking of a writer of Genesis as the Yahwist, or for declaring slavery against human dignity, or for arguing that

⁴⁰ See *Gaudium et Spes*, 16; *Dignitatis Humanae* (Declaration on Religious Freedom), http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html, 3, and *Amoris Laetitia*, 37, 267, 303, 307. See also Michael G. Lawler and Todd A. Salzman, "Conscience and Experience: Choosing the True and the Good," *Irish Theological Quarterly* 81 (2016): 34-54.

⁴¹ Pius X, *Vehementer Nos*, February 11, 1906, http://w2.vatican.va/content/pius-x/en/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos.html, emphasis in original.

every “human person has a right to religious freedom” (*Dignitatis Humanae* [DH] §2).⁴²

The pre-Vatican II hierarchical model of church was only partially superseded by the council’s dogmatic constitution *Lumen Gentium* (LG) bequeathing major tension to the post-conciliar church. On the one hand, *Lumen Gentium* teaches that “in matters of faith and morals, the bishops speak in the name of Christ and the faithful are to accept their teaching and adhere to it with a religious assent of soul” (LG §25). On the other hand, it teaches that “The body of the faithful *as a whole*, anointed as they are by the Holy One (cf. John 2:20, 27), cannot err in matters of belief. Thanks to a supernatural sense of the faith (*sensus fidei*) which characterizes the People as a whole, it manifests this unerring quality when, from the bishops down to the last member of the laity, it shows universal agreement in matters of faith and morals” (LG §12). This represents a new model, or more accurately a *renewed* model, of church as a communion.⁴³ Yves Congar, arguably the greatest ecclesologist of the twentieth century, demonstrates that the communion model of church “prevailed effectively during the first thousand years of Christianity, whereas [the hierarchical model] dominated in the West between the eleventh-century reformation and Vatican II.”⁴⁴ Tensions remain in the interpretation of *Lumen Gentium* and its ecclesiological implications, depending on the theological perspective of the interpreter. Some of those tensions derive from the various models of the church found in the Vatican II documents.⁴⁵ A major tension between the CD and us, Johnson, Farley, and Phan—in addition to a tension over and understanding of doctrine or ethics—is an undergirding tension over models of the church. The CD functions with a hierarchical model of the church, while we and these other theologians function with a communion model that we now explain.

There are various versions of communion ecclesiology. Dennis Doyle introduces and considers the versions of Johann Möhler, Yves Congar, Henri de Lubac, Karl Rahner, and Hans Urs von Balthasar and isolates four “fairly constant” elements of communion ecclesiology. First, as we just

⁴² *Dignitatis Humanae*, 2.

⁴³ *Lumen Gentium*, 9–17. The translation is taken from Walter M. Abbott, *The Documents of Vatican II* (Washington, DC: University of America Press, 1966).

⁴⁴ Yves Congar, “Reception as an Ecclesiological Reality,” in *Election and Consensus in the Church*, eds. Giuseppe Alberigo and Anton Weiler (New York: Herder and Herder, 1972), 62.

⁴⁵ For a treatment and clarification of these tensions, see Bernard Hoose, ed., *Authority in the Roman Catholic Church: Theory and Practice* (Burlington, VT: Ashgate, 2002) and Richard R. Gaillardetz, *By What Authority: A Primer on Scripture, the Magisterium, and the Sense of the Faithful* (Collegeville, MN: Liturgical Press, 2003).

noted for Congar, “communion ecclesiology involves a retrieval of a vision of the church presupposed by the Christians of the first millennium.” Second, it “emphasizes the elements of spiritual fellowship or communion between human beings and God in contrast to juridical approaches that over-emphasize the institutional and legal aspects of the Church.” Third, it “places a high value on the need for visible unity as symbolically realized through shared participation in the Eucharist.” Fourth, and importantly in every dialogue with magisterial representatives, it “promotes a dynamic and healthy interplay between unity and diversity in the Church.”⁴⁶

We are in total agreement with Doyle. “Communion ecclesiology does not in and of itself directly resolve many important questions that face the Church today,” including theological and ethical questions. It does, however, offer undergirding “frameworks of inclusion that can allow various partisans to see the practical questions in a new light” and, in a dialogue of charity, can create an inclusive focus “on a large host of important presuppositions that are mutually shared” and are thoroughly Catholic.⁴⁷ We recall for all participants in such a dialogue St. Augustine’s dictum with respect to God and anything theologians of any stripe say of God: *Si comprehendis, non est Deus* (if you understand, it is not God). The CD functions out of a hierarchical model of church, with office-holders at the apex guarding “the truth,” and we function out of a communion model of church in which every believer has a prophetic responsibility for church belief that will enable all to move closer and closer, asymptotically in this life, to their final truth and end: union with God in whose image each person is created.⁴⁸ Given these different approaches to the understanding of church, there will, of course, be differences in both our methodological and ethical approaches, along with our conclusions.

The second factor is a change in how Catholic theological ethicists, whose name itself is a change from the more traditional “moral theologians,” go about the business of doing theological ethics. That change has been described by Bernard Lonergan as a change from a “classicist” to a “historically conscious” worldview.⁴⁹ The classicist worldview holds that nature is fixed, unchanging, essential, necessary, and universal, and acts prohibited

⁴⁶ Dennis M. Doyle, *Communion Ecclesiology* (Maryknoll, NY: Orbis, 2000), 13.

⁴⁷ *Ibid.*, 173.

⁴⁸ Karl Rahner, *Foundations of Christian Faith: An Introduction to the Idea of Christianity* (New York: Seabury, 1978), 65–71.

⁴⁹ Bernard J. F. Lonergan, “Dimensions of Meaning,” in *Collection: Papers by Bernard Lonergan*, ed. F. E. Crowe (New York: Herder, 1967), 252–67 and “Theology in Its New Context,” in *Theology of Renewal: Renewal of Religious Thought*, vol. 1, ed. L. K. Shook (Herder and Herder, 1968), 343–46.

in this natural worldview are prohibited always. Stability is a principal virtue in this worldview, change a principal vice. The historically conscious worldview holds that reality is dynamic, changing, evolving, and particular. It views each single thing as part of a larger whole waiting to be *fully* discovered. Stability that refuses to acknowledge obvious change is its principal vice, change that is a way of coming to fuller truth its principal virtue. Moral theology was the static approach found in the manuals to teach priests to be confessors in the pre – Vatican II era; theological ethics is the dynamic approach proposed in Vatican II to become more “scientific.”⁵⁰

Theological change is not to be viewed as imperfection, as in the classical worldview, but as a way of coming closer to truth, which is approached only asymptotically. The moral theological method used in the classicist worldview is deductive from abstract and ahistorical principles, and its conclusions are about *acts* that are always either prescribed or proscribed. Classicism presumes we can pellucidly grasp the essence of reality and human nature and provides us with practical ethical conclusions it claims are valid always and everywhere. The theological ethical method used in the historically conscious worldview is inductive from particular historical situations and experiences, and its conclusions focus on *persons* not on acts. It holds that its conclusions are not valid always and everywhere but will change as people, their cultures, and their relational experiences change. It looks to the human sciences to describe history and its changes. We function out of a historically conscious worldview, the CD functions out of a classicist worldview, and, of course, there will be differences in both our methodological approaches and conclusions.

The third, and critical, factor in the CD’s rebuke of our book is the Vatican II renewal (and more recent affirmation by Pope Francis) of the ancient Catholic doctrine of the freedom and inviolability of personal conscience. Already in the thirteenth century, Thomas Aquinas established the authority and inviolability of conscience. “Anyone,” he writes, “upon whom the ecclesiastical authorities, in ignorance of the true facts, impose a demand that offends against his clear conscience, should perish in excommunication rather than violate his conscience.”⁵¹ For any Catholic in search of the good and the true, no clearer statement of the authority and inviolability of personal conscience could be found. Seven hundred years later, the last hundred of which saw the rights of individual conscience much ignored

⁵⁰ Second Vatican Council, *Optatam totius* (Decree on Priestly Training), §16, October 28, 1965, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_optatam-totius_en.html.

⁵¹ Thomas Aquinas, *In IV Sent.*, dist. 38, q. 2, art. 4; translation by authors.

and even suppressed in the Catholic Church, Vatican II's Decree on Religious Freedom clearly asserted the authority and inviolability of conscience. "In all his activity a man [and also an equally human woman] is bound to follow his conscience faithfully, in order that he may come to God for whom he was created. It follows that he is not to be forced to act contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious" (DH §3). In the 1960s, those were unheard of words in Catholic magisterial circles, but they are words deeply rooted in the Catholic ethical tradition and constitutive of it.

From Aquinas' aforementioned words, we learn the connection of conscience and reason, which distinguishes humans from all other animals. All human knowledge begins with experience and proceeds through understanding to judgment, decision, and action.⁵² My conscience is me making the practical judgment that this action is what I *must* do or not do to be ethical in this concrete situation. Pope Francis complains in *Amoris Laetitia* (AL) that "individual conscience needs to be better incorporated into the church's praxis in certain situations which do not objectively embody our understanding of marriage." "Conscience can," he adds, "come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one's limits while not yet fully the objective ideal" (AL §303). He is speaking to couples who are cohabitating or who are divorced and remarried without annulment, but his words apply also to theologians conscientiously seeking renewed articulation of sexual ethical norms in the contemporary human context. His earlier words apply here and reflect a communion, rather than a hierarchical, model of church: "We have been called to form consciences not to replace them" (AL §37).

Conscience is not a law unto itself; it needs to be educated and informed before it makes its practical judgment that this is what I *must* do or not do. Bishops, of Rome and elsewhere, can help to inform conscience but, we would respectfully say to them, conscience is better informed and formed in charitable dialogue than in authoritarian rebuke or condemnation. It is fifty-seven years since Pope John XXIII opened the Second Vatican Council with an instruction about the approach the church should take. "Nowadays," he said, in distinction to preconciliar days, "the Spouse of Christ prefers to make use of the medicine of mercy rather than of severity. She considers that she meets the needs of the present day by *demonstrating*

⁵² See *Summa Theologiae*, I, 79, 2. For an excellent summary, see Kenneth L. Schmitz, "St. Thomas and the Appeal to Experience," *Proceedings of the Catholic Theological Society of America* 47 (1992): 1–20.

the validity of her teaching than by condemnation."⁵³ Pope Francis echoes those wise words in his call for mercy and his invitation to synodality, the ecclesiology of Vatican II that focuses on seriously journeying together and listening to the input from all quarters of the church, laity and clergy alike, to engage in charitable, honest, and constructive dialogue to discern God's will and the path the church must follow to live according to that will.

The CD's Declaration: Three Major Themes

For further clarification, we isolate three themes in the CD's declaration: ethical method, interpretation of Scripture, and natural law. The first is ethical method. The CD claims first that "applying a deficient theological methodology ... the authors reach erroneous conclusions on a whole range of issues," and second "the fact that the alternative moral theology of *The Sexual Person* leads to many positions in clear conflict with authoritative Church teaching is itself considerable evidence that the basic methodology of this moral theology is unsound and incompatible with the Catholic tradition." In other words, *because* our normative conclusions on *some* sexual ethical issues disagree with the normative conclusions of the magisterium, our method *must* be "unsound and incompatible." Where what is required is a demonstration of the validity of their own ethical method and an explanation of why our method does not measure up to it, we find only a fallback on the authority of office and circular reasoning.

The CD's declaration does two things. It fundamentally misrepresents our ethical method and fails to explain its own method. It seeks to ally our critique of a pre-contemporary approach to natural law, for instance, with Nietzsche's critique of natural law. Denying an objective natural law, Nietzsche posits instead an absolute law of human creativity that rejects moral truth and collapses moral claims into relativistic skepticism. The CD (6) identifies our position similarly as "a kind of historical relativism" whereby "truth is not stable but varies according to historical context." Their mistake is to confuse Nietzsche's historicism and perspectivism, which promotes relativism and skepticism, with Bernard Lonergan's historicism and perspectivism, which we espouse and which promotes historically conscious objectivism. Our method draws not from Nietzsche but from Lonergan, which we made very clear in our book (50–55).

Second, the CD claims (21) that we "explicitly reject the idea of a hierarchy among the sources of moral knowledge.... In this approach, there is no overall

⁵³ Cited from Floyd Anderson, ed., *Council Daybook: Sessions 1 and 2* (Washington, DC: NCWC, 1965), 27, emphasis added.

authority to resolve conflicts among the sources; there can only be ‘dialogue’” between the sources. This claim completely disregards our stated acceptance of the four traditional sources of moral knowledge, Scripture, tradition, reason/science, and experience, the so-called Wesleyan Quadrilateral, and of a dialogue between them when there is conflict between them. The CD asserts (22) that, in our method, “experience always has the last word,” that we prioritize it as the “principal authority” and hermeneutical lens that trumps all other sources of moral knowledge. It acknowledges (19) that “Catholic moral theology has traditionally recognized the importance of experience for developing a connatural ability to discern in particular situations what is in accord with virtue,” but their presentation of our position is disingenuous and unnuanced. Vatican II’s *Gaudium et Spes* teaches that “the Church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the gospel” (GS §4) and that “the human race has passed from a rather static concept of reality to a more dynamic, evolutionary one” (GS §5). This is a clear example of historical consciousness.

We explicitly name and accept in *The Sexual Person* the four traditional sources of moral knowledge in the Catholic tradition: Scripture, tradition, reason/science, and experience (214). We note, in agreement with Margaret Farley, that experience “is an *important* [neither a principal nor a sole] part of the content of each of the other sources, and it is always a factor (not *the* factor) in interpreting them,” but we do not assign it any priority.⁵⁴ The CD knows that experience has been magisterially accepted as an important source of ethical knowledge in the Catholic tradition, but they also seem to ignore that theological fact. The role of experience is vigorously affirmed in *Gaudium et Spes*, which calls for considering “some problems of special urgency ... in the light of the Gospel and of *human experience*” (§46; our emphasis). *Gaudium et Spes* also teaches, “The experience of past ages, the progress of the sciences, and the treasures hidden in the various forms of human culture, by all of which the nature of man himself is more clearly revealed and new roads to truth are opened, these profit the Church, too” (§44, emphasis added). Pope John Paul II has also affirmed and employed experience in his writings, for instance, on the family.⁵⁵ Louvain theological ethicist Joseph Selling reads *Gaudium et Spes* as “a manifesto for contemporary moral theology,” and we make explicit in our writing that an important,

⁵⁴ Salzman and Lawler, *The Sexual Person*, 232.

⁵⁵ See, for example, *Familiaris Consortio*, passim, esp. 32, November 22, 1981, http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html.

not a primary, element in that manifesto is the critical role assigned today to human experience in Catholic theological ethics.⁵⁶

In *The Sexual Person* we argued, and in this current essay we are confirming, a traditional Catholic methodological approach to, and consideration of, the interrelationship of the four sources of moral knowledge in their entirety and complexity in particular ethical situations. It is simply not the case, as the CD claims (22), that *The Sexual Person* discredits “Scripture, natural law, and Church teaching” and posits “contemporary experience” as the “principal authority” of the sources of moral knowledge. We posit all four sources as accepted sources of Catholic theological ethics. We are aware that our ethical method and our approach to normative theological ethics might appear different from the Tridentine Catholic method and approach, but we assert that they are not different *tout court*. Our method has easily recognizable elements. It is historically conscious, critically open to the Catholic scriptural and theological/ethical tradition, follows a Thomistic and contemporary personalist reinterpretation of natural law, is based on and seeks to facilitate human and sexual dignity, is rooted primarily in the human person rather than in his or her acts, is articulated from a Christian perspective, accepts the four ethical sources articulated in the Wesleyan Quadrilateral, is inductive rather than deductive, is virtue ethical, and accepts the authority and inviolability of a properly informed conscience. Given more space, we could expand on each of those methodological elements.

A missed teaching and learning opportunity in the CD’s declaration is the failure to correct our “deficient theological methodology” (1) by explaining their own theological methodology. Here they are in step with Pope John Paul II’s same failure in his encyclical *Veritatis Splendor*. The encyclical seeks to answer the question “What is moral truth?” but it never confronts the methodological question of how moral truth is to be reached. Both the pope and the CD just know “the truth”⁵⁷ regardless of methodological considerations. The absolute truth of magisterial teachings, against clear historical evidence of errors, is assumed and, since our method leads to different

⁵⁶ Joseph A. Selling, “*Gaudium et Spes*: A Manifesto for Contemporary Moral Theology,” in *Vatican II and Its Legacy*, Mathijs Lamberigts and Leo Kenis, eds. (Leuven, Belgium: Peeters Press, 2002), 145–62.

⁵⁷ Charles E. Curran, “*Veritatis Splendor*: A Revisionist Perspective,” in *Veritatis Splendor: American Responses*, ed. Michael E. Allsopp and John J. O’Keefe (Kansas City, MO: Sheed and Ward, 1995), 239, and Charles E. Curran, *Catholic Moral Theology in the United States: A History* (Washington, DC: Georgetown University Press, 2008), 88.

truth, the CD concludes, without offering any theological rebuttal, that our method is “unsound.”⁵⁸

In *Veritatis Splendor* and *Evangelium Vitae*, John Paul II notes that the magisterium has not committed itself to any “philosophical affirmations” or specific methodology.⁵⁹ The implicit methodology espoused, however, in both John Paul’s two encyclicals and the CD’s assessment of our book is an authoritarian, hierarchical methodology summed up in the following statement (18): “The Church’s Magisterium has taught clearly and consistently that [homosexual behavior, premarital sex, contraception, and artificial insemination] are morally wrong.” *Roma locuta est, causa ergo finita est*. Although both John Paul II and Benedict XVI often reverted to this methodological approach to settle moral, doctrinal, and methodological disputes, it is no longer a credible approach in contemporary Catholic theology and has been discouraged by Pope Francis, who promotes open and honest dialogue. The Vatican’s own International Theological Commission, which interestingly the CD has largely ignored, recognizes a “plurality of theologies” and specifies a number of perspectives, principles, and criteria, including methodological criteria, for doing theology.⁶⁰ This plurality is often reflected in magisterial statements on social morality, but up until Pope Francis’ *Amoris Laetitia* it is never reflected in statements on sexual morality.⁶¹

The USCCB’s own document, *The Challenge of Peace*, recognizes this pluralism when it teaches both that there are various levels of church teaching and that the application of those teachings is complex. “At times we reassert universally binding moral principles,” the bishops write, “at still other times we reaffirm statements of recent Popes and the teaching of Vatican II. Again, at other times we apply moral principles to specific cases.” “When making application of principles,” they continue, “we realize—and *we wish readers to recognize*—that prudential judgments are involved based on specific circumstances which can change or which can be interpreted differently

⁵⁸ See John T. Noonan, *A Church That Can and Cannot Change* (Notre Dame, IN: University of Notre Dame, 2005) and John T. Noonan, “Development in Moral Doctrine,” *Theological Studies* 54 (1993): 662–77. See also Charles Curran, ed., *Change in Official Catholic Moral Teachings* (Mahwah, NJ: Paulist, 2003).

⁵⁹ Curran, *Veritatis Splendor*, 29; John Paul II, *Evangelium Vitae*, March 25, 1995, 60.

⁶⁰ International Theological Commission, *Theology Today: Perspectives, Principles, and Criteria* (Washington, DC: Catholic University of America Press, 2012), 5.

⁶¹ Todd A. Salzman and Michael G. Lawler, “*Amoris Laetitia*: Towards a Methodological and Anthropological Integration of Catholic Social and Sexual Ethics,” *Theological Studies* 79, no. 3 (2018): 634–52.

by people of good will.”⁶² In this document, and also in their documents on the economy and the concerns of women in the church, the USCCB recognizes that church teachings operate on a variety of levels of moral authority and that an informed conscience must distinguish between these levels in the process of prudentially discerning a specific response to a specific ethical issue.

The CD, we respectfully suggest, is methodologically inconsistent. On the one hand it admits a pluralism of interpretation in social ethics and, on the other hand, a rigid one-size-fits-all absolutism in sexual ethics and in their questions about our work and the work of others we have cited. They employ a dialectical method in social ethics and a strictly authoritarian method in sexual ethics, with authority as the sole hermeneutical lens for the selection, interpretation, prioritization, and integration of the sources of moral knowledge. The suggestion by the CD (2) that to respond to our methodology “it would be a simple matter to cite the texts presenting magisterial teaching on these issues” is an illuminating statement about that authoritarian method. Ten years on from the CD’s declaration on our book, Pope Francis’ *Amoris Laetitia* calls this uncritical reliance on prior church texts “stones to throw at people’s lives” (AL §305). He takes a dialectical approach to the issues of cohabitation, divorce and remarriage, and contraception, balancing the well-known condemnations of them against the circumstantial experience and weakness of Catholics involved in them (AL §53; §154; §222; §294; §§307–312).

Though it makes no effort to outline its own theological ethical method, the CD implicitly reveals its established hierarchy in the selection, interpretation, prioritization, and integration of the sources of moral knowledge. It notes that there is the need for an ultimate authority to resolve conflicts among contemporary experience, natural law, scripture, and Catholic tradition. Since our conclusions and method lead to different conclusions from “authoritative [but non-definitive] church teaching,” they cannot be, it judges, “authentic expressions of Catholic theology” (22–23). This is neither a methodological nor a theological argument but an unsubstantiated and authoritarian assertion. Our presentation on virtuous perspectives in chapter four of *The Sexual Person* accounts for different perspectives that guide both conservative and progressive theological ethicists in the selection, interpretation, prioritization, and integration of the sources of moral knowledge. One crucial factor in that discernment process is the *sensus fidelium*

⁶² United States Conference of Catholic Bishops, *The Challenge of Peace: God’s Promise and Our Response* (Washington, DC: United States Catholic Conference, 1983), 9–10, emphasis added.

of the whole people of God, “the instinctive capacity of the *whole Church* to recognize the infallibility of the Spirit’s truth.”⁶³ *Sensus fidelium* is a spiritual charism of discernment, possessed by the whole church, which knows and receives a teaching as apostolic truth and, therefore, to be believed. The concept was sharply focused for moderns by John Henry Newman’s famous essay *On Consulting the Faithful in Matters of Doctrine* and was explicitly taught by the Second Vatican Council.

Newman suggested that *sensus fidei* was a sort of instinct possessed by each individual believer “deep in the bosom of the Mystical Body of Christ,” and cited with approval Möhler’s opinion that the Spirit of God arouses in all the faithful together “an instinct, an eminently Christian tact, which leads it to all true doctrine.”⁶⁴ That instinct possessed by *all the faithful together* is what we mean by *sensus fidelium*. The Second Vatican Council made this theological opinion an official doctrine of the Catholic Church, teaching that:

The holy People of God shares also in Christ’s prophetic office.... The body of the faithful *as a whole*, anointed as they are by the Holy One, cannot err in matters of belief. Thanks to a supernatural sense of the faith [*sensus fidei*] which characterizes the People *as a whole*, it manifests this unerring quality when, from the bishops down to the last member of the laity, it shows *universal agreement* in matters of faith and morals.⁶⁵ (LG §12; our emphases)

Two important conclusions are derived from this teaching.

The first conclusion, deriving from the teaching that the *sensus fidelium* embraces “the bishops down to the last member of the laity,” is that “it is important to resist the temptation to reduce the *sensus fidelium* to [only] the laity.”⁶⁶ The faithful in the church are not only the laity; officeholders, sometimes called hierarchy, are also included in the faithful and they too, along with the laity, are called to discern and learn what the Holy Spirit is teaching the church. The second conclusion, deriving from the infallibility of the faithful as a whole, is that, if it is a mistake to restrict *sensus fidelium* to only the laity, it is a mistake to restrict *magisterium* to only officeholders.

⁶³ John E. Thiel, *Senses of Tradition: Continuity and Development in the Catholic Faith* (New York: Oxford University Press, 2000), 47, emphasis added.

⁶⁴ John Henry Newman, *On Consulting the Faithful in Matters of Doctrine* (New York: Sheed and Ward, 1961), 73.

⁶⁵ *Lumen Gentium*, 12.

⁶⁶ Richard R. Gaillardetz, *Teaching with Authority: A Theology of the Magisterium of the Church* (Collegeville, MN: Liturgical Press, 1997), 234; see also Gaillardetz, *When the Magisterium Intervenes*.

When we think of *magisterium* available in the Catholic Church, we should never overlook the *sensus fidelium* of the virtually whole church. The whole church must be involved in any contemporary discernment of what is or is not a credible Catholic theological/ethical method and what are or are not credible anthropological and normative conclusions induced by that method.⁶⁷ This discernment, we suggest, should be undertaken by the whole people of God in dialogue, not dictated by the authority of office-holders. Francis Sullivan suggests, and we agree, that *sensus fidelium* is better conceived as *consensus fidelium*.⁶⁸ That *consensus* will be very difficult to demonstrate, and there is a general theological consensus that it is not demonstrated by polling, but that does not negate either its importance for belief in the church or the necessity of establishing it.

The second theme in the declaration is the interpretation of Scripture. That this might be the real problem the CD has with our book is revealed, not by any consideration of our ethical method that sustains our conclusions (48–161), but with an immediate attack on our answer to a question posed on page 216: “Does the Scripture say anything about *homosexuality* [not homosexual acts] as we understand it today?” Our answer to that question is no, which we explain following the instruction of Vatican II’s *Dei Verbum*. The exegete, it teaches, “must look for that meaning that the sacred writer, in a determined situation and given the circumstances of his time and culture, intended to express and did express through the medium of a contemporary literary form” (DV §12). Historical and cultural consciousness is a factor in every Catholic interpretation of the scriptural word of God. We believe with all the Christian traditions that the sacred Scriptures are God’s word of revelation to us, but as the Pontifical Biblical Commission states, “this does not mean, however, that God has given the historical conditioning of the message a value which is absolute. It is open both to interpretation and to being brought up to date.”⁶⁹ The CD concedes (2) that “the authors correctly point out that the Scriptures do not provide ‘a systematic code of sexual ethics,’ ” but add that “the authors strive to show that what the Scriptures say is not relevant to our present questions.” We never strive to show any such thing. What we do strive to show is that what the Scriptures say is judged to be relevant to our present questions *only* after interpretation that

⁶⁷ For a fuller discussion of this topic than is possible here see Peter C. Phan and Bradford E. Hinze, *Learning from All the Faithful: A Contemporary Theology of the Sensus Fidei* (Harrison, NY: Pickwick, 2016).

⁶⁸ Francis A. Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (Mahwah, NJ: Paulist, 1983), 21–23.

⁶⁹ Pontifical Biblical Commission, “The Interpretation of the Bible in the Church,” *Origins* 23/29 (1994): 407–524, 2.

seeks out “that meaning that the sacred writer, in a determined situation and given the circumstances of his time and culture, intended to express and did express through the medium of a contemporary literary form” (DV §12).

We argue on the literal reading of the Sodom text (see Gen 19:8) that the evil threatened by the men of Sodom is the violation of the biblical law of hospitality (Lev 20:33–34), a reading supported by Jesus’ later words about inhospitality: “Whenever you enter a town and they do not receive you ... I tell you it shall be more tolerable on that day for Sodom than for that town” (Luke 10:10–12; cp. Matt 10:14–15). We argue based upon the historical reading of the text that, since at the time there was no understanding of what today is known as a *homosexual* or a *homosexual orientation*,⁷⁰ if the evil threatened by the men of Sodom was rape of the visitors it would be rape carried out by men presumed to be perverted *heterosexuals*. It would be presumed to be heterosexual not homosexual rape.

We further support our answer of no to our question with another historical and cultural analysis, this time of the Levitical text “you shall not lie with a male as with a woman; it is an abomination” (Lev 18:22 ESV). There is no doubt about the literal meaning of the text. It definitely prohibits what we would understand to be male homosexual *behavior*: female homosexual behavior is never prohibited anywhere in the Old Testament. That double fact is hermeneutically important. Again, we recall the historical context, all men are believed to be heterosexual. They are also believed to be the sole source of human life, to have seed that contains the whole of life, a veritable *homunculus*. Women simply provide the “field” in which the seed is sown to develop into a fully fledged human.⁷¹ To spill that seed anywhere it could not develop into a human being, on the ground or in a male body, for instance, was regarded as murder, which, as the deliberate killing of an innocent human being, was held to be an abomination. The penalty for murder was the penalty prescribed in the Leviticus text, namely, death (Lev 24:17). It was because women cannot waste life as a man can, and also because

⁷⁰ The word “homosexual” was coined only in the nineteenth century in Germany. Among sexologists in the twentieth century, it became one of three sexual orientations, heterosexual, homosexual, bisexual. Bernadette Brooten points out that in English “homosexual” often has masculine connotations. See Bernadette Brooten, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago: University of Chicago Press, 1996), 8.

⁷¹ For Jewish society, see Sirach 26:19 and *Mishnah, Ketuboth* 1:6; for Greek society, see Page duBois, *Sowing the Body: Psychoanalysis and Ancient Representations of Women* (Chicago: University of Chicago Press, 1988), 39–85; for Muslim society, see Carol Delaney, *The Seed and the Soil: Gender and Cosmology in Turkish Village Society* (Berkeley: University of California Press, 1991).

women in that highly patriarchal society were not worthy of consideration, that female homosexual behavior is not considered in Leviticus or anywhere else. That introduces a cultural consideration that is an important consideration for our question.

In the West we live in an individualistic society; each individual is an exemplar of the human being. It was not so in scriptural times and places. Society of that time was communal and especially familial. Extended family was and is “the primary economic, religious, educational, and social network.”⁷² Extended family was also the locus of honor, borne and protected exclusively by males, especially the patriarch who headed the family. Any passivity of a male, who was expected to be active in all things, threatened the honor of not only the passive male but of all the males in his extended family, all of whom were then obligated to avenge the dishonor, frequently by killing the person who caused it. For a presumed-to-be heterosexual male to engage in homosexual acts, to act passively like a female, seriously compromised male honor and was, therefore, considered an abomination. It is an abomination, however, not *qua* homosexual act but *qua* passive act that dishonors the entire extended family.⁷³ All those considerations hold for the biblical context.

But what, we asked, of a different social context, a context in which not every human being is presumed to be heterosexual, in which male honor is not a dominant concern, in which male and female are scientifically known to contribute equally to the procreation of new human life? In such a context, male homosexual acts need not be judged as a perversion of a universal heterosexual condition and *ipso facto* immoral and dishonorable, and the spilling of male semen cannot reasonably be judged to be the spilling of human life, murder, and therefore *ipso facto* an abomination and immoral. In short, when the interpreter considers both what the Old Testament says about the homosexual acts of presumed-to-be heterosexual men and the sociohistorical context in which it says it, it is difficult to consider that it is saying anything about the homosexual acts of naturally homosexual men or anything more binding than what it says about *kosher* laws. “The hare, because it chews the cud but does not part the hoof, is unclean to you. And

⁷² Bruce J. Malina and Richard L. Rohrbaugh, *Social Science Commentary on the Synoptic Gospels* (New York: Fortress Press, 1992), 202. See also Carolyn Osiek and David L. Balch, *Families in the New Testament World: Households and House Churches* (Louisville, KY: Westminster John Knox, 1997).

⁷³ The same system of honor and shame existed among the Greeks. Though it was acceptable for a young boy to behave passively sexually, it was not acceptable for an adult male. See Michel Foucault, *The Use of Pleasure: The History of Sexuality*, vol. 2 (New York: Pantheon, 1985), 187–225.

the swine, because it parts the hoof and is cloven-footed but does not chew the cud, is unclean to you. Of their flesh you shall not eat and their carcasses you shall not touch; they are unclean to you” (Lev 11: 6–8, RSV). No Catholic, including no bishop, would ever think of those biblical prohibitions when dining on succulent rabbit stew or pork chops. Similarly, in the contemporary sociohistorical context, male homosexual acts may or may not be immoral, but the judgment of their immorality cannot be based on what the Old Testament says in the cultural context of its own time and place.

The CD concedes the obvious, that “the scriptures are historical documents and that studying them using historical methods will contribute to a better understanding of their meaning” (7). There is one truth we share in common with the CD and that a dialogue in charity could illuminate, for that is precisely what we argued and continue to argue, namely, that precisely *because* the scriptures are historical documents they need to be interpreted to communicate truth to contemporary believers. History, the CD says, “is not an impassable barrier for communication of God’s truth through scripture” (7). We totally agree and never suggested otherwise. Despite the many misrepresentations, we have never said, and are not saying now, that *all* same-sex acts *tout court* are ethical. All same-sex acts, like all other human acts, are subject to the rules for morality set out in the *Catechism*: “For a sin to be mortal, three conditions must together be met. Mortal sin is sin whose object [act/behavior] is grave matter and which is also committed with full knowledge [of the sinfulness of the act/behavior] and deliberate consent.”⁷⁴ We have said before and now say again, we hope unambiguously, that, when judged against those three conditions, *some* homosexual acts might be judged moral and *some* homosexual acts might be judged immoral.

The third theme the CD has problems with is our approach to natural law. In our view, they charge, “natural law moral judgments have no objective basis in knowledge of the order of nature” (9). That charge is simply false. Our ethical method most certainly does embrace the natural law, but the natural law as widely interpreted in both ancient and contemporary Catholic theological ethics. There are two broad interpretations of natural law in the Catholic ethical tradition—one physical, the other rational. The physical interpretation, which was the interpretation widespread in the neo-Thomism of the past three centuries and in the Manuals of Moral Theology many current officeholders would have used in their seminary training, views nature as “already, out, there, now, real.” It is *already* for it is prior to any human attention to it; it is *out* for it is outside human

⁷⁴ *Catechism*, 1857, http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c1a8.htm.

consciousness; it is *there* for it is spatially located; it is *now* for it exists and is attended to in time; it is *real* for it is bound up with real human living and acting and so “must be just as real as they are.”⁷⁵ The rational interpretation is different and well described by a variety of diverse ethicists.

The Scholastics in general considered human nature to be distinct from all other animal natures by being *rational*. They considered the specific difference to be human reason and frequently speak of the natural law as being tantamount to reason. Aquinas, for instance, argues that what is distinctive about the human person is the capacity for rational self-direction and that, while every creature *acts* in accordance with principles established by the creator, only rational creatures are capable of *discerning* rational principles and rationally following them.⁷⁶ This Thomistic perspective, Jean Porter notes, is encapsulated in the phrase “reason as nature.”⁷⁷ In 1188, the distinguished canonist Huguccio of Ferrara sums up this stance nicely: “The natural law is said to be reason, that is, a natural power of the soul by which the human person distinguishes between good and evil, choosing good and rejecting evil. And reason is said to be a law because it commands.” It is said to be natural “because reason is one of the natural goods, or because it agrees with the highest nature [God’s nature], and does not dissent from it.”⁷⁸ To embrace reason as a source of moral wisdom, Huguccio says, is to embrace natural law, and this is precisely what we and many contemporary Catholic theological ethicists do. We argue in *The Sexual Person* (62) that “natural law is the participation of humans in the eternal law [of God] through reason. It is a rational appetite that provides human beings with knowledge of inclinations that direct them toward ends, including both the final end, human fulfillment or friendship with God, and proximate ends, human actions that facilitate attainment of the final end.”

After two hundred years of neo-Thomist fixation on physical nature, a variety of prominent ethicists are reclaiming this Scholastic tradition of natural law as reason. The Catholic philosopher Martin Rhonheimer describes natural law as “the *law of the practical reason*, and this is why a theory of the *lex naturalis* is precisely a theory of the practical reason.”⁷⁹ We cannot draw direct conclusions from what physically *is* to what ethically *ought to be*, from the presumed physical structure of the sexual act, for

⁷⁵ Bernard J. F. Lonergan, SJ, *Method in Theology* (New York: Herder, 1972), 263.

⁷⁶ Aquinas, *ST*, I-II, 1, 6; *ST*, I-II, 91, 2, ad 3.

⁷⁷ Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids, MI: Eerdmans, 1999), 87.

⁷⁸ Cited from Porter, *Natural and Divine Law*, 88–89.

⁷⁹ Martin Rhonheimer, *Natural Law and Practical Reason: A Thomistic View of Moral Autonomy* (New York: Fordham University Press, 2000), viii–ix.

example, to sexual ethical obligation, for even after determining what physically *is* we still have to reasonably determine what it *means* and whether it is ethical or unethical. To draw a conclusion from physical fact to ethical obligation, we argue, is both a logical and a theological fallacy. Jean Porter, a leading Catholic natural law theorist, notes that, in contradistinction to the neo-Thomists of the past three centuries, medieval natural law theorists, including Aquinas, “did not attempt to derive ethical principles from a supposedly self-evident and fixed conception of human nature.” For them, the natural law was identified with reason.⁸⁰ Charles Curran and Richard McCormick comment that “from the viewpoint of moral theology or Christian ethics anyone who admits human reason as a source of moral wisdom adopts a natural law perspective.”⁸¹ This is precisely what many Catholic theological ethicists have always insisted, that it is right reason (*recta ratio*) that is the norm of ethical behavior in the world. The “light of the gospel and of human experience” (GS §46) helps to illuminate reason, but it is always right reason, and not Christian faith alone, that judges and decides what is right behavior in the world. We follow this ancient tradition of natural law in *The Sexual Person*. If the CD adopts a different, physicalist approach to natural law, then the differences between us will be easily explicable.

Jean Porter judges that “a contemporary appropriation of the Scholastic concept of the natural law would undoubtedly go beyond the Scholastics in recognizing the element of *human construction* in the development of social practices and mores.” This judgment applies also to those precepts of the natural law revealed by God, which “cannot be translated directly into social practices without a considerable degree of interpretation,” that is, in the language of the sociology of knowledge, without some human construction.⁸² “The potter, and not the pot,” Alfred North Whitehead once commented metaphorically, “is responsible for the shape of the pot.”⁸³ Natural human reason, not uninterpreted physical nature, we comment, is responsible for the understanding of nature in which human beings actually live and have their cultural and theological being. Both we and the CD need to discern both that fact and its meaning for the ethical life we all seek to live in imitation of Jesus, whom we confess as the Christ.

⁸⁰ Porter, *Natural and Divine Law*, 17.

⁸¹ Charles E. Curran and Richard A. McCormick, SJ, eds., *Natural Law and Theology*, Readings in Moral Theology, vol. 7 (New York: Paulist, 1991), 1.

⁸² Porter, *Natural and Divine Law*, 307, emphasis added.

⁸³ Alfred North Whitehead, *Symbolism: Its Meaning and Effect* (New York: Putnam, 1959), 8.

The Helpfulness of Dialogue

Returning to the issue of “dialogue,” the CD only partially quotes *The Sexual Person* when accusing us of being vague in our invitation to dialogue (21–22). Our full statement is as follows: “Though there is a presumption of truth in favor of magisterial teaching, that teaching is to be critically reflected upon in light of theologically sound scriptural exegesis, the reasonable input of the sciences in areas where they have competence, and the cultural, historical, and relational experiences of the faithful.” When there is a conflict between these sources, we add, “a process of research, dialogue, and discernment must be undertaken to determine right understanding of divine law. This is a complex and involved process, which takes time, patience, and a commitment to dialogue.”⁸⁴ It is unclear to us how this invitation to dialogue is vague. In fact, we lay out in *The Sexual Person* and elsewhere criteria for conducting this dialogue, the medieval *quaestio disputata*.⁸⁵

The CD acknowledges our invitation to engage in a scholarly dialogue, but contrasts our approach to the medieval approach, which “took place in a framework provided by Catholic faith, requiring a recognition of the authority of Sacred Scripture and authoritative Church teaching and a knowledge and appreciation for the Catholic theological tradition” (22). There is no evidence in the declaration that we have violated any of these criteria. Our argument certainly takes place within “a framework provided by the Catholic faith,” but the faith of the *whole* church. All the declaration comes down to is that, since our method leads to different anthropological and normative conclusions than official magisterial teaching, our method must be inadequate. That is a gross non sequitur, and it is, as the recent letter to the CDF by bishops and theologians indicates, not the only non sequitur in magisterial condemnations of Catholic theologians.⁸⁶ The CD’s rebuke is a caricature of our work that fails to engage our philosophical and theological nuances and to state its own method for adjudicating theological claims, aside from emphasizing the official magisterium’s authority to know what is true and to rebuke, without due process, anyone who questions that authority.

There is clearly a principled tension between us—two competent, conscientious Catholic theologians—and the CD. We again unreservedly

⁸⁴ Salzman and Lawler, *The Sexual Person*, 214–15.

⁸⁵ *Ibid.*, 4–5; Salzman and Lawler, “Theologians and the Magisterium”; Todd A. Salzman and Michael G. Lawler, “*Quaestio Disputata*. Catholic Sexual Ethics: Complementarity and the Truly Human,” *Theological Studies* 67 (2006): 625–52.

⁸⁶ See Joshua J. McElwee, “In Letter to CDF, Theologians and Bishops Call for Reform of Vatican Doctrinal Investigations,” *National Catholic Reporter*, April, 19, 2016, <http://nronline.org/news/vatican/letter-cdf-group-calls-reform-vatican-investigations>.

acknowledge bishops as authorized teachers of Catholic doctrine, but we also acknowledge that history abundantly demonstrates that there is such a thing in the church as erroneous and, therefore, reformable teaching. We believe it is our responsibility and duty as competent Catholic theologians to pursue our task of critically examining nondefinitive ethical teachings for their truth or falsehood. We ask, therefore, is there anything that can be done to resolve the theological and ethical tensions in the church, and we answer again that Pope John Paul II has pointed out a way with his dialogue in charity. Dialogue, John Paul insists, is “*an outright necessity, one of the church’s priorities.*”⁸⁷ The dialogue in charity demands respectful and sensitive reciprocity. “It is necessary to pass from antagonism and conflict to a situation where each party recognizes the other as a *partner*. When undertaking dialogue, *each side must presuppose in the other a desire for reconciliation, for unity in truth*. For this to happen, any display of mutual opposition must disappear. Only thus will dialogue help to overcome division and lead us closer to unity.”⁸⁸ *Gaudium et Spes* had already explained that fruitful dialogue “requires in the first place that we foster within the Church herself mutual esteem, reverence and harmony through the full recognition of lawful diversity. Thus, all those who compose the one People of God, both pastors and the general faithful, can engage in dialogue with ever-abounding fruitfulness.” It concludes these sentiments with the ancient Catholic instruction “Let there be unity in what is necessary, freedom in what is doubtful, and charity in everything” (92). Dialogue, we warn again, is not to be confused with argument.

Some forty years ago, Cardinal Bernardin wrote that in the relationship between the church’s magisterium and her theologians two extremes are to be avoided: on the one hand, any imperialism in which the magisterium co-opts theologians as mere mouthpieces for defending and propagating its teachings and, on the other hand, any secession by theologians that grants them absolute autonomy and freedom from accountability. Rather, Bernardin suggested, there should be an unambiguous notion of complementarity between the two “in the work of arriving at magisterial teaching.”⁸⁹ If that complementarity is ever to be realized, the model of dialogue in charity must be allied to a development in the understanding of the respective

⁸⁷ John Paul II, *Ut Unum Sint*, May 25, 1995, 31, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html; emphasis in original.

⁸⁸ *Ibid.*, 29, emphasis added.

⁸⁹ Joseph Bernardin, “Magisterium and Theologians: Steps Towards Dialogue,” *Chicago Studies* 17 (1978): 158.

charisms of the magisterium and theologians. Complementarity intends that different realities belong together and produce together a reality that neither produces alone. The complementarity of the charisms of theologians and magisterium will produce in the whole church communion a deeper understanding of the truth revealed in Christ. We conclude this essay by suggesting a few of those complementary charisms.

Conclusion

First, few Catholic theologians challenge the charism of infallibility as defined by the First Vatican Council; many challenge the theologically unwarranted extension of that charism to clearly non-infallible magisterial teaching. To refer to the charism of magisterial infallibility in reference to non-infallible teaching is theologically misplaced.⁹⁰ John Paul II notes that the fact that the dogmatic development that culminated in the solemn definition of the First Vatican Council has stressed the magisterium's charism of infallibility and also clarified that the conditions of its exercise "must not lead to the Magisterium's being considered only from this standpoint."⁹¹ This is a particularly trenchant warning in the case of non-infallible church teaching. We gladly grant a presumption of truth for such non-infallible teaching, but the reality remains that some such teachings may be, and historically have been, judged to be in error and in need of reform.⁹² It would be disingenuous, of course, and a denial of history to presume that only the magisterium has made theological mistakes; theologians have also made them over the centuries. Hence the absolute necessity for both to engage in dialogue to promote the search for the truth into which the Spirit of God is seeking to lead the Catholic Church.

In light of these facts, we propose that any talk of "the charism of infallibility" be eliminated from all discussions of non-infallible teaching and be replaced with the "charism of learner-teacher," and that that charism be seen as gifted to the whole people of God—bishops, theologians, and laity alike.⁹³ A Scholastic rule exemplifies our meaning here. The Scholastic

⁹⁰ See Gaillardetz, *Teaching with Authority*, 101–28, for the gradations of church doctrine.

⁹¹ Pope John Paul II, "Magisterium Exercises Authority in Christ's Name," *L'Osservatore Romano*, English Edition (November 29, 1995), 3, <https://www.ewtn.com/faith/teachings/papadi.htm>.

⁹² See John T. Noonan, *A Church that Can and Cannot Change: The Development of Catholic Moral Teaching* (Notre Dame, IN: University of Notre Dame Press, 2005).

⁹³ See Ladislav Örsy, SJ, *The Church Learning and Teaching: Magisterium, Assent, Dissent, Academic Freedom* (Collegeville, MN: Liturgical Press, 1991).

master had three tasks: *lectio*, or commentary on the Scriptures; *disputatio*, or teaching by objection and response; *praedicatio*, or communication of the theological word. “It is [only] after the *lectio* of scripture and after the examination of the doubtful points thanks to the *disputatio*, and not before, that we must preach.”⁹⁴ Learning must always precede teaching and must involve a broad consultation embracing bishops, theologians, and laity living out their faith in a particular sociohistorical context.

Second, the charism of teaching, as it relates to bishops, needs clarification. The “Working Paper for the Tenth Ordinary Assembly of the Synod of Bishops” notes that “the episcopal charism of teaching is uniquely the responsibility of each Bishop,” and it goes on to identify this charism as “proclaiming and living the word of God.”⁹⁵ This statement is contained in the section entitled “Committed to Catechesis,” which raises the distinction between catechesis and theology. Cardinal Newman highlighted the importance of the interaction between the prophetic, priestly, and ruling offices in the church, prioritizing the prophetic office over the others to correct their potential excesses. Within the prophetic office, he distinguished between preaching and teaching, ascribing preaching to the magisterium and teaching to the *schola theologorum*, that is, to theologians.⁹⁶ Following Francis Sullivan, we believe it to be demonstrably true that many contemporary lay theologians “are more competent to have an informed opinion on a theological question than are many Bishops,”⁹⁷ and the working paper evidenced wisdom by identifying the teaching of bishops with catechesis. We make that statement, however, without prejudice to what we asserted previously, namely, that the charism of learner-teacher extends to everyone in our tripolar, but united-in-Christ church—bishops, theologians, and laity.

Third, the charism of competent Catholic theologians also needs clarification, and we can glean some insight into it by describing the theologian’s ecclesial role. We repeat here *Gaudium et Spes*’ description of that role already noted: “to hear, distinguish, and interpret the many voices of our

⁹⁴ Peter Cantor, *Verbum abbreviatum*, in *Patrologia Latina*, ed. J. P. Migne (Paris: Migne, 1855), Vol. 205, 25. Translation by the authors.

⁹⁵ Vatican Synod Secretariat, “The Bishop: Servant of the Gospel of Jesus Christ for the Hope of the World,” Working Paper for 10th Ordinary Assembly of the Synod of Bishops, *Origins* 31 no. 5 (2001): 65, 67–104, 105.

⁹⁶ John Henry Newman, *The Via Media of the Anglican Church*, 2 vols. (London: Longmans, 1906), 1: xlvi.

⁹⁷ Francis A. Sullivan, SJ, “The Sense of the Faith: The Sense/Consensus of the Faithful,” in *Authority in the Roman Catholic Church: Theory and Practice*, ed. Bernard Hoose (Burlington, VT: Ashgate, 2002), 90.

age, and to judge them in the light of the divine *word*" (GS §44, emphasis added). It goes on to invite theologians "to seek continually for more suitable ways of communicating doctrine to the men of their times. For the deposit of faith or revealed *truths* are one thing; the manner in which they are formulated without violence to their meaning and significance is another" (GS §62). Through training, competence and leisure to study, theologians are charged with discerning what ought to be taught and done in new circumstances. The theologian's role implies a corresponding charism, and this charism suggests that any identification of the charism of the theologian with catechesis is incomplete. Its identification with catechesis, teaching what the church teaches, ignores the nature of scientific theology and its task of exploring new questions with methods appropriate to that exploration. Theologians are called to serve the church through the charism of theological investigation. Such a charism needs to be exercised with prudence and caution, but it needs to be exercised, in service of the church seeking an ever more profound understanding and formulation of what the Spirit of God is calling Catholic believers to be and to do.

The changing demographics of laity, theologians, and clergy within the Catholic Church makes it even more critical to verify charisms so that they can be exercised without undue restraint by those who are discerned to be gifted with them. A more educated laity demands that the charism of teacher-learner be discerned and perhaps redefined by laity, theologians, and bishops in dialogue. That charism demands a balance between presenting new ideas that address the contextual needs, concerns, and questions of the faithful and not causing scandal to the weaker among them. As clerical vocations continue to decline, and laypeople continue to be more educated and active in the church, church governance should reflect these changes. The principle of subsidiarity in leadership and church governance demands the discernment of the charism of leadership not only in clerics but also in educated laity and theologians. The exclusion of the full spectrum of voices from the table of decision-making risks silencing voices that really need to be heard in the process of ongoing dialogue.

Related to the principle of subsidiarity is the process of consultation by the official magisterium *before* making magisterial pronouncements. Pope Francis has provided a model for this consultation in the processes of the 2014 and 2015 Synods on Marriage and the Family, and he has personally modeled commitment to dialogue. "Dialogue," he teaches:

is born from an attitude of respect for the other person, from a conviction that the other person has something good to say. It assumes that there is room in the heart for the person's point of view, opinion, and proposal.

To dialogue entails a cordial reception, not a prior condemnation. In order to dialogue, it is necessary to know how to lower the defenses, open the doors of the house, and offer human warmth.⁹⁸

Consultation should embrace not only Vatican theologians but all the members of the church—clerics, theologians, and laity—both those who may agree or disagree with official positions on specific issues.

The official magisterium must learn to appreciate theological diversity and to consider its positive contributions as a manifestation of the Spirit at work in the church, not as a threat to be silenced. Although the introduction of ideas that challenge official teaching may cause tension, that is no more than a way for a pilgrim church to move toward a fuller possession of the truth about the God it believes in and what the Spirit of God may be asking of it in a plural world. Pope Francis offers an exemplary statement on this journey toward truth, through dialogue, in his statement on Catholic and Orthodox relations. “I am comforted to know that Catholics and Orthodox share the same concept of dialogue, which ... is based on deeper reflection on the one truth that Christ has given His church and that we do not cease to understand ever better, moved by the Holy Spirit.” We must not be afraid, he continues, “of meeting and of true dialogue. It does not distance us from the truth, rather, through an exchange of gifts, it leads us, under the guidance of the Spirit of Truth, to the whole Truth (cf. John 16:13).”⁹⁹ Dialogue, of course, is not itself the end point. The end point is the truth into which the Spirit of God is guiding the church. That truth, the Second Vatican Council teaches, “cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power.”¹⁰⁰

We conclude with a statement from the International Theological Commission. “The exercise of their tasks by the Magisterium and by theologians often gives rise to a certain tension. This is not surprising, nor should one expect that such tension can ever be fully resolved here on earth. On the contrary, wherever there is genuine life, tension also exists. Such tension need not be interpreted as hostility or real opposition but as a vital force and an incentive to a common carrying out of their respective tasks

⁹⁸ United States Conference of Catholic Bishops, “A Compilation of Quotes and Texts of Pope Francis on Dialogue, Encounter, and Interreligious and Ecumenical Relations,” <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/resources/upload/Quotes-of-Pope-Francis-on-dialogue-encounter-ecumenical-and-interreligious-affairs-12042013.pdf>.

⁹⁹ *Ibid.*

¹⁰⁰ *Dignitatis Humanae*, 1.

by way of dialogue.”¹⁰¹ We wholeheartedly endorse that statement and invite the whole communion church, laity, theologians, and clerics as one, to join with us in that endorsement. We offer Joan Chittister’s oyster parable and its charism of irritation as a perfect illustration of how it all works. “During the spawning season ... when the sand invades the oyster, the oyster emits a gel to protect itself from the sand.... The more sand that comes in, the more gel is excreted. So at the end of the process ... you have a pearl, [and] the oyster is more valuable.”¹⁰² If it is through irritation by sand that pearls are created, so too it is through irritation by faithful and loyal criticism that doctrinal pearls are created.

¹⁰¹ International Theological Commission, *Theses on the Relationship Between the Ecclesiastical Magisterium and Theology* (Washington, DC: United States Catholic Conference, 1977), 7. The commission cited this judgment again in its International Theological Commission, *Theology Today: Perspectives, Principles, and Criteria* (November 29, 2011), 42, http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_doc_20111129_teologia-oggi_en.html.

¹⁰² Angela Bonavoglia, *Good Catholic Girls* (New York: Reganbooks, 2005), 7.