

THEOLOGICAL ROUNDTABLE

Dissenting Church: New Models for Conflict and Diversity in the Roman Catholic Tradition

The concept of “dissent” is of recent coinage and narrow use in Catholic theology. However, since rereadings of Catholic tradition through the lens of cultural studies have revealed its constitutive plurality, we are faced with a profound tension between a critical description of ecclesial polyphony and the normative ideals of unity and consensus. This interdisciplinary reappraisal of tradition raises far-reaching theological questions: Do we necessarily have to refer to inner-ecclesial polyphony as “dissent”? Does “dissent” silently rely on (and thus reinforce) established hierarchies of authority in the church? What could be counterhegemonic frameworks that resist entrenched power/knowledge regimes in the church? In which ways could “dissent” be reconceived to allow for a constructive approach to inner-ecclesial plurality? Once we raise questions such as these, we begin to see that Catholic theology lacks adequate models for a reflection of ecclesial polyphony in its full complexity. This roundtable addresses this lacuna: it offers critical case studies of historical and contemporary forms of “dissent” within the church, and it engages the theological and ecclesiological issues at stake.

Keywords: dissent, ecclesiology, magisterium, tradition, *sensus fidelium*, race

I. The Dissent of the Faithful in the Catholic Church

During the post-Vatican II era the dissent and protest of both faithful and liminal Catholics about official teachings and practices offer a graced impetus for the dynamic process of living tradition that is often resisted. Indeed, dissent and protest constitute a neglected theological source that has not been utilized in processes of synodality at all levels of the church. Church officials too often dismiss these as works of alien spirits, rather than considering them as inspirations of the Spirit of God. The challenge is for Catholics to exercise their prophetic office by discerning the authentic

This roundtable was originally presented at the American Academy of Religion’s 2016 meeting as “Protest and Dissent in the Catholic Church: A Roundtable.”

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sense of the faithful in relation to the apostolic faith of the church. I will introduce eight topics that can frame the brief interventions that follow.

Topic 1. Four phrases used at the Second Vatican Council are particularly relevant.

First, *Lumen Gentium* asserts that each person through baptism participates in the prophetic office and mission of the church.¹ As a result, the faithful possess the *sensus fidei* that enables them to recognize, receive, dynamically interpret, and apply the apostolic faith of the church. This *sensus fidei* of the people of God is a source of wisdom that should be utilized by bishops in synodal deliberations of the church.

Second, *Lumen Gentium* affirmed *the fundamental equality of all believers* (LG §32). Affirming equality in dignity amid diversity of office, the council asserted each person's right to participate in the mission of the church and urged the faithful to "eagerly collaborate with pastors and teachers," and the magisterium (LG §33).

Third, the *Decree on Ecumenism (Unitatis Redintegratio)* affirmed "a hierarchy of truths" in Catholic doctrine.² "When comparing doctrines with one another, [theologians] should remember that in Catholic doctrine there exists an order or 'hierarchy' of truths, since they vary in their relation to the foundation of the Christian faith" (UR §11).³

Fourth, echoing a classic axiom cited by Pope John XXIII, the *Decree on Ecumenism* stated that "all in the Church must preserve unity in essentials. But let all according to the gifts they have received enjoy a proper freedom, in their various forms of spiritual life and discipline, in their different liturgical rites, and even in their theological elaborations of revealed truth. In all things let charity prevail. If they are true to this course of action, they will be giving ever better expression to the authentic catholicity and apostolicity of the Church" (UR §4).

Topic 2. The use of the term "dissent" arose in the Catholic Church in response to the prohibition against the use of artificial contraception in Pope Paul VI's 1968 encyclical, *Humanae Vitae*.⁴ Without denying most of

¹ Pope Paul VI, *Dogmatic Constitution on the Church (Lumen Gentium)*, November 21, 1964, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

² Second Vatican Council, *Decree on Ecumenism (Unitatis Redintegratio)*, November 21, 1964, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html.

³ See William Henn, "Hierarchy of Truths Twenty Years Later," *Theological Studies* 48 (1987): 439-71.

⁴ Pope Paul VI, Encyclical, *Humanae Vitae* (On Regulation of Birth), July 25, 1968, http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae.html.

the doctrinal claims invoked in the document, many theologians and believers dissented from, rejected, or, in other words, did not receive the encyclical's stance on birth control.⁵ Dissent to aspects of *Humanae Vitae* paved the way for dissent and protest on a variety of moral issues and doctrinal issues.

Topic 3. During the papacies of John Paul II and Benedict XVI, dissent was disciplined, and open speech was limited: dissenting Catholic theologians were suppressed and denounced by the Congregation for the Doctrine of the Faith.⁶ A policy of restraint was articulated in the 1990 Instruction *Donum Veritatis: On the Ecclesial Vocation of the Theologian*, and implemented by the US Bishops in 1999 by means of a juridical instrument, the *mandatum*, whereby a bishop could grant a Catholic theologian authority to teach as a Catholic theologian if requested by the theologian.⁷ Restrictions were also placed upon free speech in synods of bishops, episcopal conferences, and at diocesan synods, and other public forums about contested issues.

Topic 4. Various Catholic reform movements have not been fully engaged by official representatives of the church, such as We Are Church, Voice of the Faithful, Call to Action, Women's Ordination Conference, and Future Church.

Topic 5. The extent of dissent is indicated by burgeoning, survey-based sociological findings concerning church affiliation and disaffiliation, so-called liminal or marginal Catholics, Catholics' migration to other churches, other religions, and those who eschew religious affiliation altogether. Failure to make room for expression and discussion of dissent in the church encourages disaffiliation.

Topic 6. The theological category "Differentiated Consensus," introduced in ecumenical contexts in conjunction with the Lutheran and Roman Catholic Joint Declaration on the Doctrine of Justification in 1999, may provide a valuable resource for discussions of dissent in the church. The document reads:

⁵ Charles E. Curran and Richard A. McCormick stated: "It is our conviction ... that loyalty can coexist with dissent, indeed that there are times when loyalty inspires and demands the type of distancing and correction known as dissent"; and Curran wrote: "Yes, occasionally I have dissented from the official teaching on some aspect of specific issues, but this is within a more general and prevailing context of assent." Charles E. Curran and Richard A. McCormick, *Dissent in the Church* (New York and Mahwah, NJ: Paulist Press, 1988), 1, 365–66.

⁶ Bradford E. Hinze, "A Decade of Disciplining Theologians," in *When the Magisterium Intervenes: The Magisterium and Theologians in the Church Today*, ed. Richard R. Gaillardetz (Collegeville, MN: Liturgical Press, 2012), 3–39.

⁷ Congregation for the Doctrine of the Faith, Instruction, *Donum Veritatis* (On the Ecclesial Vocation of the Theologian), May 24, 1990, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html.

“The present Joint Declaration ... does not cover all that either church teaches about justification; it does encompass a *consensus on basic truths* of the doctrine of justification and shows that the *remaining differences* in its explication are no longer the occasion for doctrinal condemnations.”⁸ This formulation may provide a framework for affirming common core beliefs while acknowledging and even permitting confessional differences. It might also promote a mutual learning process across differences, as is associated with the practice of receptive ecumenism. Lutheran theologian Theodor Dieter has argued that “it would be more appropriate [to contrast differentiated] consensus “between *what is and must be* in the content, and [differentiating consensus] between *what can be different*, for example, the meanings of certain words, distinctions, forms of thought, and certain theological configurations.”⁹

Topic 7. Several influential contemporary philosophers, such as Michel Foucault, Jacques Rancière, and Judith Butler, have given special attention to the role of public dissent and protest in democratic society. They defend the importance of conflict, struggle, dissent, courageous speech, and public protest for democracy’s survival.¹⁰ These scholars raise legitimate questions and provide valuable resources for theological arguments about the nature of the church, tradition, and the exercise of the prophetic office of the faithful in the church.

Topic 8. In conclusion, Catholic Christianity’s traditional resources, especially its combined mystical and prophetic convictions and practices, ought to promote heeding, receiving, and responding to those who dissent and protest

⁸ The Joint Declaration on the Doctrine of Justification of the Lutheran Federation and the Pontifical Council for Christian Churches, 1999, §50, http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_31101999_cath-luth-joint-declaration_en.html; cf. §40. On Differentiated Consensus, see Harding Meyer, “Die Struktur ökumenischer Konsense,” in *Versöhnte Verschiedenheit: Aufsätze zur ökumenischen Theologie* (Frankfurt: Lembeck, 1998), 1:60–74, at 74; Harold Wagner, ed., *Einheit—aber wie? Zur Tragfähigkeit der ökumenischen Formel vom “differenzierten Konsens”* (Freiburg, Basel, and Vienna: Herder, 2000); Minna Hietamäki, *Agreeable Agreement: An Examination of the Quest for Consensus in Ecumenical Dialogue* (London: T&T Clark, 2010); Peter De Mey, “Die Hermeneutik des differenzierten/differenzierenden Konsensus: Einmaliges Zugeständnis oder breit einsetzbare ökumenische Methode für die römisch-katholische Kirche?” (forthcoming, in a book in honor of Theodor Dieter). Also see Jacob Karl Rinderknecht, *Mapping the Differentiated Consensus of the Joint Declaration* (New York: Palgrave MacMillan, 2017).

⁹ Theodor Dieter, “Zu einigen Problem ökumenischer Hermeneutik,” *Una Sancta* 70 (2015): 163–70, at 167.

¹⁰ See Torben Bech Dyrberg, *Foucault on the Politics of Parrhesia* (New York: Palgrave Macmillan, 2014); Judith Butler, *Notes toward a Performative Theory of Assembly* (Cambridge, MA: Harvard University Press, 2015); Jacques Rancière, *Dissensus: On Politics and Aesthetics*, ed. and trans. Steven Corcoran (London: Bloomsbury, 2010).

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

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

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

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

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

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