

## THE ROLE OF THE ORDINARY MAGISTERIUM OF THE UNIVERSAL EPISCOPATE

Probably no theological issue has had greater pastoral impact on the lives of our people in recent years than the discussions on the morality of birth control. The discussions have focussed on two key-points: the concept of natural law as it applies to human sexuality, and the notion of the ordinary magisterium of the pope and of the universal episcopate. There has been no end of works on natural law during that period, and almost no beginning of articles on the ordinary magisterium and its nature. This means that the topic I have to discuss is both important and largely undeveloped, and this outlines the strength and the weakness of my treatment of it.

I would like to attempt two things: 1) to offer some thoughts on the positive meaning and importance of the ordinary magisterium of bishops to the Church; 2) to pose three major problems concerning it that face the theologians of our day.

First, let me clarify terms to avoid confusion. *Ordinary* could be identified with *not solemn*, i.e. teaching outside of an ecumenical council; it could also be identical with *not defined*. For our purposes, it will mean *not defined*, and so it will include the decrees of Vatican II. I have no objection to a different usage; it would not change any of the following positions; at most it would change the arrangement and labelling of them.

*Universal episcopate* can mean *all of the bishops taken collectively*; it can also refer to the teachings of *bishops individually or in groups*. I shall take it in all of these senses, with concentration on the first.

To begin with, I would like to recall the generally accepted teaching on the ordinary magisterium of bishops as it was proposed prior to the Second Vatican Council, and then look at what the Council itself had to say about the matter.

The generally accepted teaching on the ordinary magisterium of bishops before Vatican II can be summed up in this way:

1. Bishops can teach authoritatively in their own dioceses. This is an exercise of their ordinary magisterium. They do it through pastorals, catechisms, approved teachers, directives. (Recent sacramental theology has stressed their doing it in particular in the proclamation and explanation of the word of God during the celebration of the Eucharist.) This is significant for the dogmatic notion of the nature of the ordinary magisterium and its relationship to the action of the Holy Spirit and the total mission of the bishop, but I am not going to develop this point here.

2. The faithful owe internal assent as well as external acceptance to the teachings of the ordinary magisterium.

3. The college of bishops (not individual bishops) enjoys infallibility even outside an ecumenical council, in its ordinary magisterium, when certain conditions are met: proposing a matter definitively as of faith, as having to be accepted by all the faithful, in morally unanimous agreement with each other and with the pope. (This was clearly stated in the First Vatican Council and subsequently incorporated into Canon Law.)

#### THE TEACHING OF THE ORDINARY MAGISTERIUM IN VATICAN II

1. Vatican II did not introduce any new elements into the description of the magisterial role of bishops.

2. It stated clearly in the solemn form of a council document what had been commonly taught up till then on the ordinary magisterium of bishops collectively and individually and on the force and authority to be attributed to it. (It did not use the term *ordinary magisterium*.)

3. At the same time, it said and did a number of things that were of great importance to the functioning of the ordinary magisterium of bishops: a) it laid greater stress on the role of bishops; b) it involved bishops more directly in theological issues than had been true previously; c) it established a process of consultation (Synod of Bishops, Episcopal Conferences on doctrine, procedures of the Congregation for Doctrine of the Faith) that promised to engage them still more in the future; d) it created a ferment in the Church with regard to many theological positions that had been

placidity proposed or accepted up till then, and thus offered a vast new challenge to the ordinary magisterium; e) it *deliberately chose to avoid definitions*, thus indicating that much more of the weight of proclaiming, developing and safeguarding the deposit of faith would rest on the ordinary magisterium in the days ahead.

With this new importance of the ordinary magisterium that emerged from the Second Vatican Council in mind, I would like to deal with our problem in terms of five issues: 1. The relation between the bishops' magisterium and that of the pope; 2. The relation between the bishops' magisterium and the prophetic mission of the faithful; 3. The doctrinal contribution of the local church and the underlying basis for it; 4. The relation of the local bishop's teaching to that of the universal episcopate; 5. The relation between the non-infallible and the infallible teaching of the ordinary magisterium.

#### HOW IS THE BISHOPS' MAGISTERIUM RELATED TO THAT OF THE POPE?

There are at least three problems: 1. Why are there two subjects of the magisterium rather than one? 2. Is there a clash between them? 3. Do they influence each other or detract from each other?

There are reasons for all of these questions: a) The bishops' magisterium has often been portrayed as *simply a local extension of the pope's*; this does not account adequately for a separate divine institution of the episcopate. b) Some have implied the *possibility* of a clash between them. (Some have put this interpretation on Rahner's assertion that the pope always acts as head of the college when he defines; even more associate it with Küng's implication that the Pope's teaching would not take effect if the College were not with him.) Some have maintained that *the clash is real* at times. In the case of *Mysterium Fidei*, Paul VI was described as being in dialogue with the Council's *Constitution on the Sacred Liturgy*. He was also accused of contradicting the mind of the Council with his declaration on *Mary, Mother of the Church* at the end of the third session. c) Some have alleged that rejection of

birth control by bishops in their magisterium after *Casti Connubii* did not represent *their* ordinary teaching, since it was simply accepted at the direction of the Pope.

### 1. *Why the Two Magisteria Exist*

The bishops' magisterium is not a mere relaying of the teaching of the pope or of the universal episcopate to the local church, although it is this too. Otherwise, the bishop's role would be simply that of a local representative of the pope or the episcopate.

Along with that, it is an expression of the response in faith of the local community to the universal message of salvation as it is received by this particular local community.

This response can and does make a vital contribution to the universal Church's understanding of the faith and the revelation that have been given to her.

The role of the pope is to serve as the focal-point for the unity and apostolicity of the faith of the universal episcopate (*Confirm thy brethren*), just as the teaching of the universal episcopate is the norm for the catholicity and apostolicity of the belief of the local bishop and the local community. This focal-point serves not just as a negative norm, but as a positive source of insight and direction, although not the only positive source. (Pius XII's frequent declarations on moral issues would be illustrations of this.)

The teaching of the local bishop and the faith of the local community should reflect those of the universal church, but not merely as a mirror-image, rather with distinctive insights and responses and initiatives of their own, springing from the one catholic and apostolic faith.

### 2. *A Clash Between the Two Magisteria*

The bishops' magisterium, like that of the pope, is divinely established. No one can do away with it. To function, theirs must be in communion (at least implicitly) with his.

The pope's magisterium does not depend on a formal consent of the bishops, but an implicit consent from the college is always contained within it when it is functioning on the highest level (*ex cathedra*, infallible).

There can be some disagreement and dialogue between the two on lower levels of affirmation; there may well be more of this in the future with the functioning of the Synod of Bishops, and there has already been evidence of it in the past (discussion on indulgences during the fourth session of the Council), but the extent of this disagreement should not be exaggerated.

### 3. *Their Influence on Each Other*

In our day, and especially in the last seventy years, the magisterium of the bishops has been affected a good deal by that of the pope. This may become less true in the future, but the influence of the pope does not detract from the validity of the testimony of the bishops, so long as what they are testifying to is doctrine that they have really made their own (no matter from whence they received it). Almost all doctrine that we have is received from others.

#### HOW IS THE MAGISTERIUM OF THE EPISCOPATE (UNIVERSAL OR LOCAL) RELATED TO THE PROPHETIC MISSION OF THE FAITHFUL?

There are many reasons for raising this question. First, there has been a new stress on the doctrinal (prophetic) role of the faithful. This idea arose in part from a consideration of the development of the dogmas of the Immaculate Conception and the Assumption. In both of these cases, popular devotion ran well ahead of theological thinking; in the latter case in particular, the ultimate conclusion reached could not be seen as a merely logical deduction from theological principles, nor as based on direct historical evidence. Hence, greater stress was laid on the notion of the Spirit's working in the Church, especially among the faithful, to deepen its understanding of the message of salvation. Theologians in the beginning handled this notion somewhat gingerly. They tended to regard the faithful's role as that of a passive reflection of the teaching of the bishops.

Second, some stress has been laid on the notion that reform and renewal in the Church come partly or mainly from below rather than from above, and this could loom very large during a period of

*aggiornamento*. Congar proposed this notion almost two decades ago in his *Vraie et Fausse Réforme dans L'Eglise*.

Third, the Council strongly affirmed that all baptized Christians have a prophetic role as a consequence of their baptism.

Fourth, as chapters two and four of *Lumen Gentium* indicate, the main witnessing to the meaning of Christian principles in modern life in the areas of secular life is the specific task of the laity, even though the full implications of this are not worked out in the Council documents.

Fifth, some writers have taken this notion and used it as the basis for a *sensus communis fidelium* teaching that contraception is permissible in many cases.

What this all amounts to is the fact that the problem of the relationship of charism and prophecy in the Church to magisterium of the hierarchy is a real one. What follows is a brief attempt on my part to provide the beginnings of an answer to what this relationship is supposed to be.

Faith is a response to the gospel's being proposed (directly or indirectly) by the magisterium. This response, if it is to be catholic faith, must involve acceptance of the same revealed principles or truths by each and every one of the faithful. But the response will always have aspects that are unique and individual in each person, in terms of integrating these principles into the life of the individual member of the faithful. This is part of the basis for the existence of different spiritualities (with different doctrinal stresses and appreciations) in the Church. It is also the reason why the work of Christian interpretation of the secular world is largely the function of the Christian living the life of Christ within this framework.

The role of the local bishop is to propose the faith of the universal church (and his own insights) to the local community. Their response should be an acceptance of this universal faith wholeheartedly, but in their own individual (and community) ways.

This response has to be measured in turn against the norm of catholic faith to ensure its apostolicity, but it also has something to contribute to the whole Church's understanding of God's revelation. The role of the local bishop is to express this too in his magisterium, but always with fidelity to the faith that is catholic.

The whole process is well summed up in the baptismal ceremony of the *traditio* and *redditio Symboli*. The Church hands over the creed to the neophyte to be accepted in full. He gives it back as an expression of his full acceptance of it, but an acceptance that will have a different meaning and application in his life than it will in the lives of thousands of other individuals in his own land, or than it will have among other peoples in other lands.

Hence the local bishop is the touchstone who brings the faith that is catholic and apostolic to the local community, who measures the apostolicity of the response of that community, and who renders the whole of that response, along with its special characteristics and qualities, to the Church catholic.

IS THE DOCTRINAL CONTRIBUTION OF THE LOCAL CHURCH A NEW REVELATION, THE OLD ONE OR SOMETHING IN BETWEEN?

This is one of the most involved and most delicate theological problems of our day, and it might be expressed as follows: We accept that revelation in some sense is completed in the apostolic age. We accept that apostolic revelation and Scripture (to a great degree, whose full extent and details are still disputed) are normative for Christian faith. (There is not complete agreement on what normative means.) We are hard put to establish the apostolicity of some doctrines on the basis of direct first century evidence alone. The Assumption is the most obvious example of this, but there are others: religious liberty, the Church's current social doctrine, even the collegiality of bishops as currently understood. What kind of growth is going on? Some theologians have been laying stress on the evolutionary process of history as throwing *new* light on revelation. How new is it? Some have been stressing faith as a response to a divine reality, either Christ or the Spirit now present, with a vast on-going potential. They find some difficulty in maintaining that this is not a *new* revelation, and in explaining in what sense Scripture is still normative.

My attempt at an answer to this problem is along these lines: Revelation consists in truths that have the potential to transform our whole view of the universe. The work of each generation of

Christians and of each individual is not merely to accept the formulas of revelation but to apply them to the world of their own times and its knowledge. This application (or the process involved in it, under the guidance of the Holy Spirit) provides a deeper insight into that revelation, and often leads to a partial re-formulation of it. An example of this could be found in the fact that the main work of the Second Vatican Council was a work of reflection by the Church on her own nature as revealed by Christ and as realized in the centuries following.

This work is carried on in the Church, under the guidance and inspiration of the Holy Spirit, and under the direction of, but not exclusively by, the magisterium.

In this process, apostolic revelation always remains a norm, not in the sense that the present content of the deposit of faith can all be clearly drawn from it, and not *just* in the negative sense that our current expression of faith cannot contradict that of the apostles, but rather as a positive source of new and old insights into the truths of revelation. Scripture, in turn, as the inspired word of God, is a unique norm for apostolic revelation.

The role of the magisterium in this regard is: to witness to the apostolic revelation delivered once and for all by Christ; to foster a growth in penetration of that revelation through the life of the Church and of individual Christians, through applying Christian truths to the world around us, and through applying truths learned from the world around us to Christian revelation; to judge the apostolicity of any developments in appreciation or knowledge of revelation that take place along these lines. Hence the role of the laity and of the local Church in development of dogma is a real one and an important one.

#### HOW IS THE MAGISTERIUM OF THE UNIVERSAL EPISCOPATE RELATED TO THE MAGISTERIUM OF INDIVIDUAL BISHOPS?

The local bishop is supposed to witness to the catholic faith of the whole episcopate (which expresses that of the whole Church); to the extent that he does not do so, his doctrinal teaching is not binding. (Can the laity sit in judgment on this? In terms of accusation and appeal, yes; in terms of ultimate judgment, no.)

The local bishop, however, also witnesses to his own faith (and that of his own local Church); this witness must always conform to the universal norm, but it is not limited to it. His office is divinely established and the guidance of the Holy Spirit is promised to him in that office, and not just as a representative of the universal episcopate, even though maintaining communion with them is essential. Chapter three of *Lumen Gentium* expressed it this way:

All bishops must foster and safeguard the unity of faith and the discipline common to the whole Church; . . . bishops must promote every activity which is common to the whole Church, especially so that the faith may gain increase and so that the light of truth in all its fullness may rise over all men. Moreover, it is also important that they, by governing well their own churches as part of the universal Church, make an effective contribution to the welfare of the whole mystical body, which is also the body of the Churches.

The teaching of the universal episcopate has a force that goes beyond the mere sum of all its parts, because it is witnessing to a catholic faith in the midst of diversity. Finally, every genuine exercise of the magisterium contains some elements that are catholic and apostolic and hence infallibly true in it.

#### WHAT IS THE RELATIONSHIP OF THE NON-INFALLIBLE TO THE INFALLIBLE TEACHING OF THE ORDINARY MAGISTERIUM?

In practice, the teaching of the ordinary magisterium has been the vital instrument in generating the faith of the people of God. At the same time, it has often been ignored by the theologians in favor of the more precise definitions of the extraordinary magisterium.

It is usually associated with pronouncements of the pope or of bishops in Council or pastoral letters—but it can rightly be identified with every authorized proclaiming of the word of God, within the liturgy and outside of it. In this sense, if the exercise is a true one, it always contains some infallible elements, a re-assertion of the divine revelation communicated by Christ and handed down, in the form of the faith that is the product of nineteen centuries of the Church's meditation under the guidance of the Holy Spirit

on the apostolic revelation. Again, it will always be reaching out for a deeper penetration of that truth in itself or in its applications to its hearers and so it will always contain non-infallible elements.

The process of growth in faith is especially associated with this proclaiming of the word of God and the response of faith. Even if the point being proclaimed is not itself infallibly taught, or not of permanent value, as long as it is tied to the doctrine of faith as an explanation of it, it is re-affirming and deepening that faith in Christ the Lord and his revelation until he comes. We might, for example, apply this notion to the teaching on limbo. It was long proposed in the ordinary magisterium; there are no solemn documents on it; (Pius VI dealt with it in passing in condemnations of the Synod of Pistoia); it is now rejected by many theologians. Even if it were to be ultimately and definitively rejected by the Church, it would have served to deepen faith in the importance of union with Christ, of the sacramental system, of the mercy of God and of the nature of original sin.

We might say that the ordinary magisterium often contains truths that are not yet possessed with certainty by the Church, but that are moving toward that certain possession through a process that is not all continuous progress but that involves trial and error. This progress is vitally affected by insights of theologians which work on the magisterium and on the faithful, and by initiatives of the magisterium.

At this point, we might draw some conclusions from this first part of the presentation: 1. The role of the ordinary magisterium of bishops is not just to reach people with authoritative teaching. It is to bring them that teaching in a way adapted to them (hence the advisability of native bishops), to evoke a response of faith that will be personal to them, to bring the riches of that special and peculiar faith to the Church universal.

2. There was much less consciousness of this, and less possibility of it, and less need for it in the world of the past than in the twentieth century. There was less communication and hence less possibility of real exchange. There was less development and hence less to give to others. We live in an age of vast *socialization*, to use the term of *Mater et Magistra*, with a much greater need for an

appreciation of others and for benefitting from their gifts and for sharing ours with them.

3. The Church has possibilities of becoming catholic and of growing in its faith now such as it never had in the past. It has contact with races and cultures (in Asia and Africa) that have been virtually untouched in the past, contact with theologies (e.g. Eastern Orthodox) that are scarcely known, contact with religious traditions (e.g. Pentecostal) up till now ignored, contact with scientific advances previously undreamed of. The Council has made us specially conscious of these possibilities. They pose a challenge to every part of the Church to develop what is peculiarly its own, and to make its own contribution to the wealth of catholic unity while retaining apostolicity. It may well prove true that in the plans of divine providence a collegial Church was established for our age more so than for any other.

Now for the three problems that have a certain amount of urgency in the Church at the present moment: 1. How can you tell whether or not something is being taught by the ordinary magisterium of the universal episcopate? 2. What is the force and authority or value of non-infallible teaching of the ordinary magisterium? 3. How is the magisterium of the episcopate (whether universal or local) related to the role of theologians in the Church? None of these questions admits of a simple answer, but they all call for some serious consideration on the part of all of us.

HOW CAN YOU TELL WHETHER OR NOT SOMETHING IS BEING  
TAUGHT BY THE ORDINARY MAGISTERIUM OF THE  
UNIVERSAL EPISCOPATE?

Ten years ago, the answer to this was: *The general consent of theologians*. You could look in a theological text and judge from the theological note attached to a position just how much force was to be attached to it. Now this method has fallen into disrepute, because there is no longer a general consent on many of the points that were accepted in the past, and because many of the general consents of the past proved to be wrong, and people are now suspicious of this as an overly facile answer. The kind of evolution on

the theological notes attached to the possibility of evolution of the human body that took place in texts issued between 1935 and 1955 would be a prime example of this kind of change.

In the face of this, where do you look for a reliable criterion for what the ordinary magisterium is really teaching? The lack of this has led to serious differences among theologians, with some regarding as matters of faith things that others feel are freely disputed; the heated discussions of historicity of the New Testament that formed the back-drop for the Council's action on the *Constitution on Divine Revelation* are proof of this if any be needed. One reliable criterion would be the teaching of the recent ecumenical council, but how long will it remain reliable, as doctrine continues to develop? A comparison of the ecclesiology of *Mystici Corporis* with that of *Lumen Gentium* indicates how much of a change twenty years can make. And beyond this one, we are almost devoid of reliable criteria at the moment.

This conveys the impression of confusion on the part of theologians to our people and it generates uncertainty and anguish. The reaction of the faithful is sharp and shocked when doctrines they have been taught to take for granted are questioned, and the area of the questioning has expanded enormously, and so has the publicity given to it. (We might compare the position of Mitterer in the 1950s on the virginity of Mary with that of Schoonenberg at the present time.)

To add to the problem, on some of the most striking questions of our day, there has been no confrontation of positions in print; many of these issues are not discussed by theologians, e.g. Did Christ know he was God throughout his life? Do angels exist? Are heaven and hell real places? Is the resurrection of the body something physical? Should infants be baptized? There are undoubtedly reasons for this absence of discussion; some theologians want to avoid involvement in controversy at a time when feelings can be somewhat heated; others feel that these matters need no discussion; but the end result is that many things are respectively taught and denied without the benefit that can come from a confrontation of opposing approaches and positions.

The problem may become even more acute, because many of the things that have been regarded as solemnly defined up till now

are being demythologized by some writers. This seems to throw the question of their status as matters of faith squarely back to the ordinary magisterium. We might well apply this to the major topics of this convention.

The extent of the impact of this problem and of the challenge that it poses to all professional theologians and teachers of theology may be gauged from an article in this week's [6-24-67] issue of *America*, written by an unidentified parish priest of about forty. He indicates his own problem:

The growing emphasis on subjectivism in belief and moral action is cutting the ground out from under the parish priest's preaching authority. How can he be expected to hold the line on faith and morals in a pagan society when his own voice seems to count for nothing? He resents the fact, furthermore, that so many of the new positions taken on doctrine and law have originated with priest-professors in religious orders, many of whom, he feels, have no real knowledge of people apart from those who attend their classes; with fellow diocesans in independent academic stations; and with lay theologians. These mandarins are free to commute from seminar to symposium to convention, and to pronounce the most daring opinions in Christendom, without having to live daily with their consequences.

The parish priest would enjoy such luxury. Instead, he has to back and fill in a desperate attempt to explain last week's widely circulated talk of Father Carefree. Why does the Church permit him to be put in that position? And on critical questions of faith and morals, why does the Church leave him hanging? Birth control is the most pronounced moral problem of his people, and yet there is little that he can preach with confidence that will help them. "The hungry sheep look up and are not fed." He senses that his people mistrust him: if he does not speak firmly and confidently on this, their most anguishing difficulty, why indeed should they listen to him on other matters?

The priest wonders if there is not a "this too shall pass" attitude spreading among the pews. . . . The scriptural exegetes pose yet another problem to the priest, who, as he begins to explain the events of the Sunday Gospel, is startled to find himself wondering if the events ever really happened. He has seen the demise of Adam and Eve, the Flood, the Infancy narrative, the Sermon on the Mount and heaven and hell; just recently he has learned that Jesus

probably did not know prior to the resurrection that he was divine. What will go next? He dreads to see lay people advancing, magazine clippings in hand.

The portrait of a problem may be painted in vivid colors here, but the problem itself is real, and one that calls for an effort at an answer by theologians. I obviously do not mean that there should be an answer for every question that can be raised about the faith, nor that ready and facile answers should be supplied, but people should be protected from having one priest tell them that something is a matter of faith and another that it does not even exist.

I think that more positive doctrinal teachings on the part of the Episcopal Conferences or of the Synod of Bishops might help to fill the gap, but the real obligation is closer to home for us. It is that of restoring some consensus of theologians on fundamental points and publicizing it effectively. Might I suggest that the Society consider assigning groups of men to prepare position papers or to conduct symposia in order to clarify what the ordinary magisterium is teaching in many areas that have been questioned, and that it consider the matter of discovering effective means of proposing changes in position to our people. (The changes in liturgy seem to have been well received in our country, if not universally understood. The sudden shift on Friday abstinence with little explanation left many people a little bewildered and unaware of any obligations of penance at all after the change.) I think that the discussions of topics like original sin, the indissolubility of marriage, changes in administration of the sacraments during this convention are real steps in this direction, but they are only a beginning and time is a matter of concern. The consensus still exists in our theology, but it must become more conscious and it must be better publicized.

#### WHAT IS THE FORCE AND AUTHORITY OF NON-INFALLIBLE TEACHING OF THE ORDINARY MAGISTERIUM?

This question poses four problems, three of which have met with relatively adequate solutions up till now:

1. The problem of the average person who feels that a teaching is either infallibly proposed or else not binding. (Some very intelligent people seem to have taken this position for granted in the

birth control controversy.) This problem has been aggravated, if anything, by the statement on the force of the teaching of individual bishops, not to speak of the universal episcopate and the pope, in chapter three of *Lumen Gentium*:

Bishops, teaching in communion with the Roman Pontiff, are to be respected by all as witnesses to divine and catholic truth; and when their bishop expresses a judgment on faith or morals in the name of Christ, the faithful owe their concurrence and must adhere to this judgment with religious assent. This religious assent of intellect and will must be accorded in a special way to the authentic teaching authority of the Roman Pontiff, even when he is not speaking *ex cathedra*. In short, it must be offered in such a way that his supreme magisterium is respectfully acknowledged and that the judgments expressed by him are sincerely adhered to, according to his manifest mind and will. His mind and will are revealed chiefly by the character of the documents, by the frequent repetition of the same doctrine, or by his manner of speaking.

How can someone be asked to believe something that is not infallibly guaranteed? I think that we can indicate varieties of certainty in every-day living, e.g., stories in the newspapers which people accept unquestioningly, but without infallible guarantees. The internal assent to non-infallible teaching is *not unconditional*, and it is reasonable because it is based on an authority that is divinely instituted, even though the authority is not that of God himself. The degree of assent to be accorded a teaching on this basis will be in accordance with the degree of authority being exercised. This in turn will be decided on the basis of the status of the source of the statement: pope, universal episcopate, local bishop: and the strength that the source attaches to the statement. This may not always be perfectly clear, but it is usually clear enough to make reasonable assent feasible.

2. There is a problem for the average person regarding *encyclicals*. This comes up most frequently on social matters. Most can recall the famous *Mater, si, Magistra, no* of a few years ago, and the same kind of question has been raised by individuals with regard to the force of Pope Paul's pronouncements on peace. The same kind of question comes up with regard to the teachings of

local bishops on social and moral matters, e.g., on the statements of the Bishops of New York on the repeal of the Blaine Amendment, and on a proposed liberalization of laws on abortion.

The answer would seem to be that they are binding to the extent that they are declaring or explaining faith or morals, not to the extent that they are opting for certain practical, material solutions that are not the only ones that would be in accord with morality. In the latter area, they should be treated with respect. Is this opening the door to allow people to ignore encyclicals? I hope not. It is no more than we do in urging them to *apply* the moral doctrine of the Gospels.

3. There is the problem of the scholar who disagrees with the ordinary magisterium (even on its highest level, short of infallibility). What can be opposed or disregarded? It seems to me that he can withdraw internal assent, if he finds the reasons still compelling after he has accorded proper weight to the non-infallible teaching of the magisterium. (To say otherwise would seem to open the way to a kind of schizophrenia.) He still may not oppose it externally (directly) unless circumstances indicate that the magisterium now regards it as a matter open for discussion. The letter of the Secretary of the Biblical Commission, Father Muller, a decade ago, on the binding force of the *Decrees of the Biblical Commission* issued in the first decade of this century, made it clear that the Church's position may well change on the binding force of particular positions without any specific statement of this having been issued. We seem to have seen a similar shift with regard to the possibility of polygenism in the period of the last ten years.

Will this kind of acknowledgement of the magisterium be at the cost of growth in knowledge? I think there are several things to be said: a. It may be, but ultimately saving souls, proposing the message of salvation effectively in a way in which false conclusions about it will not be drawn, may be more important than an individual speculative advance. b. On the other hand, at times more harm may be done by overly-protective measures of the magisterium which do not properly prepare people for changes and adjustments in thinking that are coming. In our day, more good may come from airing a problem, if it is given serious consideration, than from attempting to suppress discussion. c. A man who may not oppose

a clear-cut teaching of the magisterium certainly remains free to examine its bases and consequences, to see whether further study may not throw new light on the whole problem.

4. There is the problem for a seminarian or theology student who argues: "a certain scholar says . . ." or a person who reads *Time* or *Newsweek* or *Herder Correspondence* or the *National Catholic Reporter* and does the same. It seems to me that this problem has been ignored in the texts and in contemporary discussion. A type of solution was proposed in the Biblical Commission's *Decree on the Historicity of the Gospels* issued in April, 1964. It clearly distinguished teaching on the scholarly (university), seminary and ordinary faithful levels. What would be permissible on one would not necessarily be acceptable on the others. I think that this solution would have been ideal for 1924 or even for 1944, but by 1964 it had become almost useless because it was impossible to apply. Modern means of communication have made it impossible to isolate these levels of study. A scholarly article in a periodical relatively remote from general readership (Jannsens on use of the pill in *Ephemerides Theologicae Lovanienses* of Winter 1963-64) attracted great attention in the news-magazines, whose editors can find people to translate and interpret such articles and put them within reach of the general public. Some theologians have attributed the encyclical *Mysterium Fidei* to the publicity attendant upon a news-magazine article on new theories on the Eucharist published in the Summer of 1965. We cannot isolate our people from the work of scholars. What is the answer? I am not sure, but I would offer these two thoughts on the matter: we will need more positive leadership on the part of bishops in proposing true doctrine (and not just denouncing what is questionable in terms that are vague); we will need a greater sense of responsibility on the part of theologians (in evaluating the impact of the things they intend to say).

HOW IS THE MAGISTERIUM OF THE EPISCOPATE (UNIVERSAL OR LOCAL) RELATED TO THE ROLE OF THEOLOGIAN IN THE CHURCH?

This is the vital question of the freedom of the scholar to carry on his research in the Church, especially in the area of theology, and it is one that has been growing in importance over the period

of the last few years. Accusations are made that the Modernist crisis provoked excessive measures that curtailed biblical studies in particular too much. Complaints are made that declarations of the magisterium are unscholarly. (Charles Davis was quoted to this effect with regard to *Mysterium Fidei*; a number of periodicals said the same of Pope Paul VI's allocution on original sin in August of 1966). Declarations are made that a bishop does not have the right to interfere with the teaching of theology on the university level. If he were allowed to, theology would no longer be a science; it should be left to the competence of professionals. There is scarcely a Catholic college in existence now that is not asking itself what the implications of its Catholic commitment are with regard to academic freedom, and vice versa, especially in the area of theology.

I do not think that this is a simple question. I would simply offer these observations as elements to be considered in proposing a practical solution for it: 1. Theologians are individual members of the faithful. As such, they can respond in personal faith to the message of salvation. The catholicity of this response has to be checked against the teaching of the universal episcopate as witnessed by the local bishop.

2. Theologians are also organs of the bishops for a deeper penetration and more effective proposal of the truths of faith. If they are to serve as such, they should be granted as much intellectual freedom as is possible, within the confines of their own commitment to the Catholic faith. This freedom is not an absolute value, but it should serve the salvation of mankind. If not, theologians will have become an independent, non-committed research organization, which would have its own value, but which would not be serving the full purpose of facilitating the proclamation of the message of salvation, which is a great part of the role they have had assigned to them in the past. (It should not need any stress on my part that the commitment we are talking about does not mean that truth should be suppressed, no matter how challenging it might be, nor that falsehood should be proposed. It does mean that the impact that proposing a notion will have on the faith of people has to be reasonably considered and a context for their assimilation of it should be sup-

plied by theologians. They have an obligation not merely to find the truth, but to relate it to the faith of those listening to them.) This whole matter is an extremely difficult one in the light of modern communications media, since the faithful, seminary students and scholars cannot be isolated from each other in the way that the 1964 decree would seem to have suggested. This is an area that calls for fresh, thoughtful, constructive, loyal consideration by both theologians and bishops *now*.

3. The role of the magisterium (on the universal or local level) with regard to theologians' teaching is similar to its role with regard to the prophetic function of the faithful: to encourage it, to guide it, to measure it—to help it become catholic in all senses of the word.

In conclusion, I might say that the problems I have left unsolved loom larger than the truths I have pointed up. Theologians are facing a period of greater opportunity and greater responsibility than ever before. The test of their success may well be their ability to achieve an effective collaboration with, and make an effective contribution to, the ordinary magisterium of the universal episcopate.

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