

## Presidential Address

### THEOLOGIANs AND BISHOPS: FREEDOM AND ASSENT

In the nearly twenty-five years since the close of the Second Vatican Council, there has been a kind of *tema ostinato* which runs through the programs of the Catholic Theological Society and the annual addresses of its presidents. From the address of Gerald Van Ackeren in 1965 to the report of the Intersocietal Committee on Academic Freedom and Ecclesial Responsibility published in the 1988 *Proceedings*, the Society has returned again and again to the issue of the appropriate relationship of theologians to the authoritative teachers in the church and to a discussion of the proper freedom which the church must accord the work of theologians and other scholars.

The topic continues to be timely. Since we met last year in Toronto, Charles Curran has lost a lawsuit, and as a result of the removal of his canonical mission, can no longer teach theology at The Catholic University.<sup>1</sup> So far as I know, this is the first time that a theologian has been removed from his position by this means in the United States.

Since last summer the Dominican Matthew Fox has been silenced by his religious superiors at the insistence of the Congregation for the Doctrine of the Faith.<sup>2</sup>

In January there was published the extraordinary "Declaration of Cologne" by 163 theologians from Germany, Austria, Switzerland, and the Netherlands. Scholars from Flanders, France, Italy and Spain have associated themselves in various ways with this declaration. One of its concerns is "the problem of appointments to chairs of theology and the granting of official permission to teach."<sup>3</sup>

At the end of February, there appeared in *L'Osservatore Romano* the text of a revised Profession of Faith required of seminary teachers and professors of theology by canon 833. The Profession of Faith was accompanied by a new oath of obedience to church authority at every level. These texts have now appeared in the official *Acta Apostolicae Sedis* and have been in effect since March 1.<sup>4</sup>

During the March meeting between American archbishops and Pope John Paul and members of the Roman Curia, Cardinal Joseph Ratzinger, prefect of the Congregation for the Doctrine of the Faith, declared that in many parts of the world,

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<sup>1</sup>Text of court decision in *Origins* 18 (1989) 664-72.

<sup>2</sup>See *Origins* 18 (1988) 336-40 and 466.

<sup>3</sup>Text in *Origins* 18 (1989) 633-34.

<sup>4</sup>Text in *Origins* 18 (1989) 661-63 and in AAS 81 (1989) 104-06.

theologians have usurped the role of the bishops as teachers, with uncertainty and confusion as the predominant result.<sup>5</sup>

But I must also note the remarks of Archbishop John L. May to the opening session of this convention and the progress of *Doctrinal Responsibilities* within the American bishops' conference as signs of generally good relations in this country between bishops and theologians. Archbishop May also corrected some misimpressions created by reports of the Rome meeting.

These events are evidence enough that the issue of theologians' relationship to church authority and the related issue of freedom of inquiry, of thought, and of expression for theologians are very much alive.

So much has been said and written about these matters within the CTSA that I can do no more than add some notes. I will say something first about theologians and bishops, second about freedom of inquiry, thought, and expression, and third about the assent owed to authoritative church teaching.

## I

I begin by drawing a contrast between two views of the church and of the relationship of the ministry of the bishops and the work of theologians. I trust that my examples are old enough that they will not seem tendentious.

In 1837, John Henry Newman published his *Lectures on the Prophetical Office of the Church*, a work at which he had labored from 1834 to the end of 1836.<sup>6</sup> In 1877 Newman republished the work with an important new preface.

The 1837 lectures discuss Newman's view of the relationship of the episcopal or apostolical office to the prophetical office in the church. The body of theologians is the bearer of the prophetical office in the church and the successor to the New Testament *didaskaloi*. Newman does not undertake a line-by-line revision of his views in 1877, but the new preface leaves no doubt that his views have changed considerably in forty years.

My purpose here is to set the stage for a contrast, and to do that it is enough to point out that for Newman in 1877 there must be continuing interaction between the prophetical, sacerdotal and regal offices of the church. There is even a certain priority of the prophetic office over the others insofar as Newman sees that office as the needed corrective to the tendencies of the sacerdotal and regal offices to excess. What is more striking to us is that Newman ascribes the function of preaching to the apostolic office of bishops, but he ascribes the function of teaching, of doing theology, to the *Schola theologorum*. Moreover, he says

... Theology is the fundamental and regulating principle of the whole Church system. It is commensurate with Revelation, and Revelation is the initial and essential idea of Christianity. It is the subject-matter, the formal cause, the expression, of the Prophetical office, and as being such, has created both the Regal Office and the Sacerdotal.<sup>7</sup>

<sup>5</sup>Text in *Origins* 18 (1989) 681-82.

<sup>6</sup>See John Henry Newman, *Apologia pro vita sua*, Martin J. Svaglic, ed. (Oxford: Clarendon Press, 1967) 67.

<sup>7</sup>*The Via Media of the Anglican Church*, 2 vols. (London: Longmans, 1906) 1:xlvii.

Newman has a strong view of the corrective role of the *Schola theologorum*:

. . . nor is religion ever in greater danger than when, in consequence of national or international troubles, the Schools of theology have been broken up and ceased to be.<sup>8</sup>

Yet, he continues, theology cannot always have its own way:

. . . it is too hard, too intellectual, too exact, to be always equitable, or to be always compassionate: and it sometimes has a conflict or overthrow, or has to consent to a truce or a compromise, in consequence of the rival force of religious sentiment or ecclesiastical interests; and that sometimes in great matters, sometimes in unimportant.<sup>9</sup>

Much of the 1877 preface is a discussion and illustration of the interaction among the three functions of the church. And what I want to point out today is that the interaction is within the body of the church as a whole. No function of the church can get along without the others. Religious sentiment and the expedient government of the church sometimes override the interests even of the prophetic function and its principal organ, the *Schola theologorum*.

The notion of the *Schola theologorum* has a role in Newman's famed *Letter to the Duke of Norfolk*, published in 1874 after Gladstone's objections to the definition of papal infallibility. But the *Schola* appears in Newman's letters as early as 1863—and with a meaning that is expansive indeed. The *Schola* is not a group of theologians here or there and much less is it the individual theologian. Rather it is the whole body of Catholic thinkers from the time of the Fathers. It has been said that the notion of the *Schola theologorum* is Newman's application to theology and theologians of Augustine's dictum "securus judicat orbis terrarum": the whole world is a reliable judge<sup>10</sup>

My purpose is a limited one: I want only to draw attention to the notion of the active, ongoing interaction among the various offices of the church that Newman depicts. It hardly needs repeating that Newman, from the time of his conversion to Catholicism, had a lofty view of the role of bishops and of the pope in the church. But it is also true that he saw the need for balance among the various roles and functions. And that balance was not something fixed once and for all; the changing life of the church required that one function be emphasized at one time and another function at a later one. The needs of the Anglican communion Newman saw as different from those of the Catholic Church. The body of Christ lives by changing and adapting.

Now the contrast: What Newman wrote in 1877 is the more striking when we recognize that he was well aware that his view was not shared at the highest levels of the church.<sup>11</sup> In 1863 Pius IX had outlined a quite different view of the relationship of theologians to papal and episcopal teaching authority in the letter *Tuas Libenter* to the archbishop of Munich—a letter Newman had read thoroughly and

<sup>8</sup>Ibid.

<sup>9</sup>Ibid., xlviii.

<sup>10</sup>Paul Misner, *Papacy and Development: Newman and the Primacy of the Pope* (Leiden: Brill, 1976) 161; and see Wolfgang Klausnitzer, *Päpstliche Unfehlbarkeit bei Newman und Döllinger* (Innsbruck: Tyrolia, 1980) 111.

<sup>11</sup>See John Coulson, *Newman and the Common Tradition* (Oxford: Clarendon Press, 1970) 131-36.

annotated and which had an influence in 1864 on the writing of Newman's *Apologia pro vita sua*.<sup>12</sup>

Here I can be brief. In 1863 a congress of Catholic scholars was convened in Munich by three Munich scholars acting as private persons. The convocation came only months after the condemnation of Jacob Frohschammer's book *Über die Freiheit der Wissenschaft*, a strenuous defense of the independence of "science," including philosophy, from church dogma and church teaching authority. So the Roman reaction to the congress was very negative, and *Tuas Libenter* asserts in no uncertain terms the total subordination of theology to the authority and direction of the pope and bishops.

*Tuas Libenter* opens with an expression of surprise at seeing that the invitations to the congress were sent,

in the name of private persons, without any intervention of the initiative, authority or mission of the ecclesiastical authority to which alone it pertains by proper and native right to watch over and direct especially the teaching of theological matters.<sup>13</sup>

The Munich congress had adopted a statement declaring that every Catholic theologian is bound to accept the dogmatic decrees emanating from the infallible authority of the church. Pius IX criticized this apparent limitation of assent to dogmas explicitly defined by councils or the pope. The pope insists that the assent must be extended,

to those things which are handed on by the ordinary magisterium of the church scattered throughout the world as divinely revealed and therefore are held by the universal and constant consent of Catholic theologians to pertain to the faith.<sup>14</sup>

The contrast between the 1877 views of Newman and those expressed in *Tuas Libenter* is obvious. Moreover, there was a view that had favor in Rome that all authority in the church was derived from papal authority. It was not much of a step from that to the notion that the function of theologians is derived too from the authority of pope and bishops. As early as 1848 the bishops of Germany gathered in Würzburg wrote to theologians in that country that the bishops hoped that

not only as priests but as teachers of the sacred disciplines, they (theologians) consider themselves sent by the church and endowed with the power to teach, and that for the same reason, that they will recall always that by divine and ecclesiastical law, they are held to the requirement of giving an account of their work (*muneris*) to the authority of the church which is exercised by the bishops.<sup>15</sup>

The same Würzburg assembly of the bishops also demanded that teachers of Catholic theology have a "mission" from the bishops, a requirement later incor-

<sup>12</sup>See Coulson, 132-40

<sup>13</sup>Cited in J. P. Boyle, "The Ordinary Magisterium: Toward a History of the Concept," *The Heythrop Journal* 20 (1979) 395-96 from a copy in the Archivium Secretum Vaticanum: SS. Est. 1864, rub. 255, f. 1. The citation is not in DS. My translation.

<sup>14</sup>Cited *ibid.*, 397. See also DS 2879.

<sup>15</sup>Text in *Acta et Decreta sacrorum conciliorum recentiorum (Collectio Lacensis)* (Freiburg: Herder, 1889) V, col. 969b. My translation.

porated into concordats between the Holy See and various countries and then in 1931 into the constitution *Deus Scientiarum Dominus* and in 1979 into the constitution *Sapientia Christiana*. The requirement of the 1983 Code of Canon Law that every teacher of theology have a "mandate" from the appropriate authority is but the final extension of the 1848 demand of the German bishops.

The juridical cast of Pius IX's understanding of the relationship of theology and theologians to the pope and bishops contrasts strongly with the vital interaction of the different functions within the church described by Newman. Because I have summarized Newman's views so briefly, I want to emphasize his insistence that theology has a kind of regulative role in the church—by which he means that revelation stands in judgment over the church. Newman's insistence on the importance of dogma is well known. But theology does not win every battle. Newman describes situations in which the sacerdotal or regal functions must take precedence—and some of his examples may seem disconcerting. But that is quite a different matter from claiming that bishops have a proper and native right not only to oversee theology but of directing it as well.

It would not be difficult to extend the list of citations in which the view enunciated by Pius IX was repeated and developed since. Nor would it be difficult to produce citations of respected Catholic theologians who find such claims excessive and the rationale unpersuasive.<sup>16</sup>

In my judgment, the difference of view represented by Newman and Pius IX underlies our present concerns. Differences which exist over particular issues of doctrine or practice quickly become arguments about the very constitution of the church if the episcopal office is understood to absorb the teaching function so completely that (as Pius XII put it) all others teach only *vi missionis*.<sup>17</sup> Theologians must continue to point out how incongruous such a view is with Paul's enumeration of the gifts of the Spirit in texts like I Cor. 12:28 and with the teaching of *Lumen Gentium* n. 12 on charisms in the whole People of God. Bishops no doubt have a responsibility for proving and ordering gifts and functions in the church, but it does not follow that such gifts and functions are derived from the bishops. The Holy Spirit has been known to breathe where she will—without permission.

## II

If theologians are to do what the church asks of them, they must enjoy the freedom needed to do it. *Gaudium et Spes* says, for example,

With the help of the Holy Spirit, it is the task of the whole people of God, particularly of its pastors and theologians, to listen to and distinguish the many voices of our times and to interpret them in the light of the divine Word, in order that the revealed truth may be more deeply penetrated, better understood, and more suitably presented. (n.44 Flannery ed.)

The same pastoral constitution in n. 62 says that theologians are being asked, within the methods and limits of the science of theology, to seek out more efficient

<sup>16</sup>See the discussion in Francis Sullivan, *Magisterium: Teaching Authority in the Church* (New York: Paulist Press, 1983) 190-204.

<sup>17</sup>Allocution *Si Diligis*, AAS 46 (1954) 313-17, citation at 315.

ways—provided that the meaning and understanding of them is safeguarded—of presenting their teaching to people today. John XXIII is cited saying that the deposit and truths of faith are one thing, the manner of expressing them is another. The text urges the church to make use of the findings of the sciences, psychology and sociology, and of the arts, of history, and philosophy. The council urges lay persons to receive an adequate theological formation.

And then the council observes:

But for the proper exercise of this role, the faithful, both clerical and lay, should be accorded a lawful freedom of inquiry, of thought, and of expression, tempered by humility and courage in whatever branch of study they have specialized. (GS 62)

This statement of the council has been incorporated in canon 218 of the new code—with the proviso of due submission to the teaching authority of the church.

Why is such freedom of inquiry, of thought, and of expression important *to the church*? The history of the development of the conciliar text offers some helpful insight. In his commentary on the pastoral constitution, Roberto Tucci notes that the statement on freedom appears in the text from the 1964 revision (redaction 4/1) onwards. And Tucci draws attention to an intervention by the then archbishop-elect (later Cardinal) Michaële Pellegrino of Turin.<sup>18</sup> Here is a lengthy excerpt from Cardinal Pellegrino's intervention from the fall, 1964 session of the council:

Laudably, the right to freedom of inquiring after truth, in declaring and publishing one's own opinion is affirmed. Nonetheless, at the conclusion of the chapter words are used which, unintentionally, I think, on the part of those who redacted the schema, could dangerously restrict the aforementioned right. For it says: "Furthermore, it is to be hoped that many lay people will seek an adequate theological formation, and that some among them will dedicate themselves professionally to these studies and contribute to their advancement. But for the proper exercise of this role, the faithful should be accorded a christian freedom of inquiry, of thought, and of expression and of manifesting their mind with humility and courage about those matters in which they enjoy competence."

I want to ask respectfully: who are these *faithful* in whom there is recognized a "christian liberty of inquiry, of thought, etc.?" Someone may respond that all baptized Christians, even clerics and bishops, are numbered among the faithful. But I do not know that this is the more common way of speaking, especially since the laity have been mentioned just before.

No doubt it is the right and duty of authority to keep a closer watch over clerics, whose errors are more pernicious. But this should always be done with due respect for the dignity of human beings, to which pertains also the freedom of inquiry which is acknowledged in everyone.

We ought not to suppose that there is no danger in this. Surely we are all grateful to the supreme authority of the church which struck down the wickedness of Modernism in its time. But who would dare to say that in this necessary repression the rights and personal dignity of clerics were always religiously preserved, whether it was those of priests burning with youthful ardor or those of bishops or of cardinals of the Holy Roman Church?

<sup>18</sup>*Commentary on the Documents of Vatican II* ed. H. Vorgrimler, 5 vols. (New York: Herder & Herder, 1967-1969) 5:285.

And lest anyone think that these and like things happened only in olden times, it will suffice if I recall that only a few years ago I met a certain male religious who lived—not of his own will—in *exile* because of opinions on doctrinal matters put out by him which today we rejoice to read in papal and conciliar documents. Everyone knows that this is not the only case of its kind.

It is hardly necessary to call attention to the fact that even in the theological sciences there are many things, even those in peaceful possession for a long time, which are recognized in the course of research to be subject to revision, and that there is a sphere of matters open to a variety of opinions perhaps much wider than those persons think who have no experience of that hard and often dangerous labor which is involved in such research.

Only under this condition, namely, that freedom of inquiry after the truth is acknowledged for all Catholics, can there be that dialogue within the church which the Supreme Pontiff Paul VI so hoped for: “(dialogue) frequent and familiar . . . ready to listen to the various voices of the people of our time. . . .” (*Ecclesiam Suam*, AAS 56 [1964] 657)

I want to add that if each person knows that it is permitted to make known their opinion with sound and appropriate freedom, they will act with that truthfulness and sincerity which ought always to shine brightly in holy church. By acting otherwise, we can scarcely hope to avoid the abominable plague of lying and hypocrisy<sup>19</sup>

The future Cardinal then proposed an amendment to the text which said clearly that the freedom extended to all Catholics, clerics or lay. The amendment was adopted.

There is little to add to Cardinal Pellegrino's eloquent plea for freedom of inquiry, of thought, and of expression for all Catholic scholars or to his poignant evocation of a period well within his own lifetime in which that freedom was lost in the name of suppressing error. The abominable plague of lying and hypocrisy is not long dormant when freedom of inquiry, of thought and of expression is chilled or extinguished.

Theologians must therefore continue—and the Catholic Theological Society of America must continue—to say forthrightly that truthfulness and sincerity will not and cannot survive in an atmosphere of distrust and repression. Worse, the community of scholars in theology and related disciplines cannot play that mediating role between the church and contemporary culture, it cannot attend to the implications of the arts and science, of the social sciences, of history and philosophy for the teaching of Catholic doctrine in our culture without freedom of inquiry, of thought, and of expression.

Pellegrino conceded, as Newman had conceded, that theology cannot always have its way. But the community of scholars must argue tirelessly that the church itself is the principal beneficiary of scholarly inquiry that is open and candid. To be sure, in an open atmosphere scholars can and must form a community of inquiry in which frank mutual criticism within the *Schola theologorum* minimizes the need for interventions by church authority. But interventions must both respect the dignity of persons, as Pellegrino noted, and protect the freedoms—including those of academic institutions—which make the ecclesial role of scholars

<sup>19</sup>Text in *Acta Synodalia SS. Concilii Oecumenici Vaticani II*, 4 vols. in 25 parts (Vatican City, 1977) IV/3:135-37.

possible. We know from harsh experiences in this century that the plague of lying and hypocrisy flourishes in a climate of suspicion and fear.

### III

Now I want to turn briefly to another vexing dimension of the present situation: the issue of the assent owed to the teaching of the church. It is a question made more immediate for anyone who is required by canon 833 to make the revised Profession of Faith and swear the new oath prescribed by the Congregation for the Doctrine of the Faith. As I mentioned, the text has now appeared in the *Acta Apostolicae Sedis*.<sup>20</sup>

The issue remains unresolved after the proceeding against Charles Curran. And it is raised quite explicitly by the three paragraphs added to the Nicene Creed in the new Profession of Faith.

The first paragraph says: "With firm faith I believe as well everything contained in God's word, written or handed down in tradition and proposed by the church—whether in solemn judgment or by the ordinary and universal magisterium—as divinely revealed and calling for faith."

The second paragraph says: "I also firmly accept and hold each and everything that is proposed by that same church definitively with regard to teaching concerning faith and morals."

The third paragraph says: "What is more, I adhere with religious submission of will and intellect to the teachings which either the Roman Pontiff or the college of bishops enunciate when they exercise their authoritative magisterium even if they proclaim those teachings by an act which is not definitive."

The substance of all three paragraphs is from n.25 of *Lumen Gentium*. The first and third paragraphs were also made part of the new code in canons 750 and 752.

The first added paragraph does not seem problematic. It simply says that those things the church teaches as divinely revealed are held *firma fide*, whether the teaching comes from a solemn act or is proposed by the ordinary teaching authority of the church throughout the world. I believe that there is wide agreement among Catholic theologians about the meaning of the paragraph and about the teachings which are to be held as matters of faith.

But the second paragraph seems to have caught many persons off guard. Yet the text of *Lumen Gentium* n.25 is clear:

Although the bishops, taken individually, do not enjoy the privilege of infallibility, they do, however, proclaim infallibly the doctrine of Christ on the following conditions: namely, when, even though dispersed throughout the world but preserving for all that among themselves and with Peter's successor the bond of communion, in their authoritative teaching concerning matters of faith and morals, they are in agreement that a particular teaching is to be held definitively. (ed. Flannery emended)

The text goes on to say that the pope and bishops in council can also teach definitively and thus infallibly.

<sup>20</sup>AAS 81 (January 1989) 104-106. NC News Service translation.

But the question for many is: what are those things definitively taught that the new Profession of Faith asks one to say they hold and embrace so firmly? Francis Sullivan<sup>21</sup> discusses this matter at length under the heading of the secondary object of infallibility. He includes four things: (1) the condemnation of propositions contrary to revealed truth; (2) propositions that necessarily follow from revealed truths; (3) the canonization of saints (although Sullivan has some doubts about that); (4) teaching derived from the natural moral law. It is this latter category that seems most important now.

Sullivan reviews the discussion among theologians on the question whether the church can teach definitively and infallibly particular moral doctrines derived from the natural law. Some say the church can, but many say that general principles of the moral law can be taught definitively but that particular moral teachings cannot be. You do not need to be reminded that the status of the teaching of *Humanae Vitae* underlies much contemporary discussion of this matter.

The third added paragraph of the Profession of Faith speaks of religious submission (the Latin is *obsequium*) to authoritative teaching which is not presented as definitive and infallible.

From the time of the introduction of the term "ordinary magisterium" into papal teaching in 1863, a clear distinction has been drawn between the *obsequium fidei* owed to the church's proposition of revealed truth and the *religiosum obsequium mentis et voluntatis* owed to nondefinitive teaching and to teaching which need not be taught infallibly in order to protect revealed truth. It has not been easy to sort out all the differences, however, particularly given the lively realization of those who experienced the Second Vatican Council that the church can and has changed its teaching on matters from usury to religious liberty—to say nothing of many details of ecclesiology on which Vatican II differed from modern pre-conciliar papal teaching.

The official position has been that even nondefinitive teaching demands religious submission of intellect and will. But what does that mean?

Cardinal John-Baptist Franzelin, S.J. proposed that the submission was to the *safety* of a teaching and not immediately to its *truth*. So when a teaching, say Galileo's, was deemed unsafe at one time but safe at another, the church could change its position without having said at one time that a doctrine was true and at a later time that it was false—or vice-versa.<sup>22</sup>

An even more elaborate exposition of the issue comes from Louis Billot, S.J. Billot retains something of the idea that change means change from safe to unsafe or vice-versa. Billot does not claim that church authority can make and unmake truth, but he does hold that authority can make and unmake safe doctrine. And it is Billot who holds that a pronouncement of church authority is sufficient to render all other viewpoints "not probable," i.e., not safe as practical guides to action, including the act of believing. Billot writes:

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<sup>21</sup>*Magisterium*, 131-52.

<sup>22</sup>J. B. Franzelin, S.J., *Tractatus de divina traditione et scriptura*, 2nd ed. (Rome: Propaganda Fide, 1875) Thesis V, pp. 46-63; *Theses de Ecclesia Christi*, 2nd ed. (Rome: Propaganda Fide, 1907) 129-54.

And because in cases of this kind the decision of legitimate authority always carries the prevailing weight, a doctrine which is declared "unsafe" *ipso facto* becomes unsafe, and it loses its neutrality even if it would not have done so for other reasons. And so it is the case finally that an infallible authority is not needed to justify the demand for interior obedience of the mind.<sup>23</sup>

There are strong echoes of this position in statements of church authorities who apparently deny any significance to any theological source not in agreement with official teaching. But if that position is conceded, it is very difficult to understand how the church ever changes its mind and corrects its mistakes—which it concedes, however grudgingly, that it does. In order to hold that the church is a reliable guide to living the Christian life, it is surely not necessary or even possible to hold that every pronouncement is—at least *de facto*—virtually irreformable.

One source of our difficulty in my judgment is with terminology like the Latin term *obsequium*. The term is found in the Vulgate version of II Corinthians 10:5, which in the Middle Ages was cited often in commentaries on the *Sentences* of Peter Lombard, in his discussion of the obediential aspects of faith and the role of the will. The text from II Corinthians and the term appear in treatises *de virtute fidei* from the Middle Ages to the present.

So long as church teaching was on matters of revelation to which the appropriate response was faith, there was no apparent problem when the term *obsequium* was moved from discussions of faith to discussions of church teaching. But the act of faith is *super omnia firmus*, while nondefinitive church teaching is in principle open to revision. It is apparent that between the act of faith and the submission owed to nondefinitive, noninfallible church teaching there is a profound difference.

I certainly do not say that such teaching is necessarily false; clearly it is not. But it has not achieved that finality and accuracy of expression which permits definitive teaching—and perhaps much such teaching never can. Indeed we should resist the notion that all church teaching should aspire to growing up to the status of infallible doctrine. There must remain something provisional about the submission owed to nondefinitive teaching.

That brings me to a second source of our present concerns: the claim that all official teaching deprives other views of their "probability," i.e., of their ability to function as morally safe guides to action. John Mahoney, in his splendid book *The Making of Moral Theology*,<sup>24</sup> points out that *probabilis* in Latin does not mean "more likely." Rather it comes from the verb "to prove." What is "probable" in Latin is what is provable or arguable. Traditionally a distinction was drawn between positions that were probable because wise and reliable persons held them (the positions were said to be extrinsically probable) and those that were probable because of the arguments offered for them (these were said to be intrinsically probable). Billot's appeal is clearly to extrinsic probability, since it depends upon authority.

<sup>23</sup>L. Billot, S.J., *Tractatus de Ecclesia*, 3 vols. in one (Rome: Propaganda Fide, 1898) 118-19.

<sup>24</sup>New York: Oxford University Press, 1987.

But Catholic authors have long held that extrinsic probability must yield to sound argument. In fact the history of change in moral teaching, including the correcting of errors, demands that it be so. Truth may demand that assent to a teaching be withheld or even withdrawn as evidence is developed which shows reasonable people that there are no persuasive arguments for its truth. But it is not always clear that that point is being conceded by church authorities.<sup>25</sup>

## IV

Let me conclude by returning to the beginning. I contrasted the view on the offices of the church in Newman's 1877 preface to his *Lectures on the Prophetic Office in the Church* with what became in large measure the official position—at least so far as theologians and official teachers were concerned. You will recall that Newman held that theology cannot always have its way. That is a very hard saying for scholars who understand their work to be the pursuit of truth. Cardinal Pellegrino well knew the conviction that can grow in the course of scholarly study that a received position must be changed—even if some who have not done the study do not see the question as an open one. There is a clear tension here between the prophetic office and the sensibilities associated with the sacerdotal office and the concerns of the regal (or better) the pastoral office. Our appreciation of multicultural diversity within the church intensifies the tension.

But it is important to say, especially now, that theologians and bishops and the pope are not engaged in some unseemly competition for the title "king of the hill." All of us are to be servants of the truth, especially of the Word of God. And it is equally important to say again that relations with church authorities are not the only ones that theologians must be concerned about. The standing of theology and theologians in the academy and the credibility of their work there is also a concern. That credibility is the *sine qua non* of the mediating role of theologians with American culture.

Time and again the presidents of the CTSA who have addressed these issues have returned to the theme that theologians will best serve the church, the academy, the public, and their own disciplines by a renewed dedication to scholarship of the highest quality. That will be the best evidence of truthfulness and sincerity and the best protection against lying and hypocrisy.<sup>26</sup>

There are signs of hope. The words of Archbishop John May to the opening session reflected the generally good relationship of bishops and theologians in the United States and Canada. Next week the National Conference of Catholic Bish-

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<sup>25</sup>See the letter of Cardinal Ratzinger to Charles E. Curran, July 25, 1986 in Charles E. Curran, *Faithful Dissent* (Kansas City: Sheed & Ward) 267-70.

<sup>26</sup>See the addresses of Paul McKeever, *CTSA Proceedings* 22 (1967) 309-15; Charles E. Curran, *CTSA Proceedings* 25 (1970) 218-33; Richard McBrien, *CTSA Proceedings* 29 (1974) 397-411, with reference to a comment of Avery Dulles at p. 403; Avery Dulles, *CTSA Proceedings* 31 (1976) 235-46. Other papers pertinent to this one include Richard McCormick, "The Teaching Role of the Magisterium and the Theologians," *CTSA Proceedings* 24 (1969) 239-54; Avery Dulles, "The Two Magisteria: An Interim Reflection," *CTSA Proceedings* 35 (1980) 155-69.

ops is to vote whether to adopt as their own the document *Doctrinal Responsibilities*, which aims to promote cooperation and resolve disputes between bishops and theologians. The document is the product of an important initiative of this Society and the Canon Law Society of America taken nearly ten years ago. We must not be passive now in the face of new concerns and opportunities. We must work to maintain and strengthen relations with bishops. But we will be successful only if we do very well what our theological disciplines require of us.

Next year will be the 100th since the death of John Henry Newman. You may recall the epitaph Newman wrote for himself: *Ex umbris et imaginibus in veritatem*.

It would be difficult to think of anyone whose lifelong quest for truth was as fully wedded as Newman's to a commitment to God's revelation as it is taught and understood in the church. Few equal Newman's commitment to the role of authority in the church. Few equal his understanding of the importance of time in the church's understanding of God's truth. Few combine so well an appreciation for the role of the *Schola theologorum* with a lively realism about its limitations. Few are as sensitive as Newman to the painful tensions created by a long life in the church in a period of change.

In our time and place we must and we will continue to speak out for the role which theologians play in the church, the academy and the larger community. We must and we will continue to insist upon that freedom of inquiry, thought and expression which protects all of us—and the church—from lying and hypocrisy.

And we will and we must patiently seek ways of collaborating with bishops and with others in the church who have a teaching role. We will continue to learn from Black Catholics, Latino Catholics, Native American Catholics and the increasing numbers of our articulate women members the diverse concerns to which we must attend in our search.

It would be great reward indeed if what Newman said of himself could be said of us: that ours were lives and scholarly service which passed from shadows and images into the truth.

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