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***Ad tuendam fidem*: An Emerging Pattern in Current Papal Teaching**

In the papal document *Ad tuendam fidem* (For the Defense of the Faith), which was released at the end of June of last year, Pope John Paul II incorporated several “commas” or insertions into both the Code of Canon Law, which is binding for the Latin rite, and the Code of Canons of the Eastern Churches. As numerous commentators have observed, this limited papal action in itself is not likely to have a significant impact on the life of the Church. However, the explanatory note of Cardinal Ratzinger and Archbishop Bertone which accompanied the apostolic letter, though not in itself authoritative, quite likely reflects the mind of the Pope and leads one to interpret this emendation of canon law within a larger framework. In this article I would like to consider both the character and consequences of the Pope’s addition to canon law and explore the way in which this very specific papal action can be seen as part of a larger pattern in the exercise of teaching authority under this pontificate.

THE CANONICAL CHANGES CALLED FOR IN THE PAPAL LETTER

Since the intent of this papal act was to bring the current code into agreement with the expanded Profession of Faith and Oath of Fidelity, it may be helpful to begin with that document. In 1989 the Congregation for the Doctrine of the Faith published a new Profession of Faith, replacing the 1967 formula (CDF, 1989). According to canon law, this profession was to be made by certain individuals holding ecclesiastical office, including, most notably, bishops, religious superiors, and those who teach in seminaries and pontifical universities. That Profession of Faith included the Nicene-Constantinopolitan Creed and three additional paragraphs which distinguished three different categories of church teaching and specified the response owed to each by the faithful. The first paragraph referred to those teachings of the Church which have been proposed as divinely revealed either by the solemn definition of pope or council or by the ordinary and universal magisterium (the infallible teaching of the college of bishops which is exercised when, while dispersed throughout the world and in communion with one another and the bishop of Rome, the bishops are in agreement that a particular teaching is to be held as definitive, cf. *Lumen gen-*

tium, no. 25). These teachings are taught infallibly and therefore are irreformable. Moreover, because they are divinely revealed, they demand from the believer an assent of faith. For the sake of terminological clarity, we will refer to these teachings as *dogmas*.

The second paragraph considered those teachings on faith and morals which have been “definitively proposed by the Church.” The believer must “firmly accept and hold” these teachings as true. We will refer to these as *definitive doctrines* and they are the subject matter of the recent papal action. We will return to them in a moment. Finally, the third paragraph referred to those teachings which have been taught authoritatively but not infallibly by the magisterium. The believer is to adhere to these teachings with a “religious submission of intellect and will.” We shall refer to these as *authoritative doctrines*.

The intent of the papal letter was to address a purported legislative lacuna. While the current code already mentions the first and third categories of church teaching and specifies “just penalties” to be imposed on those who dissent from these teachings, there is no mention in the code of the second category, definitive doctrine; consequently, there is no mention of penalties for those who dissent from this second category. This has now been rectified by the recent papal action.

But what is the exact nature of this second category of church teaching, definitive doctrine? The new insertion into the code refers to them as teachings “required for the sacred preservation and faithful explanation of the same deposit of faith . . .” (Pope John Paul II, 1998, 115). In the dogmatic manuals, the staple of seminary formation before the council, such teachings were considered part of “the secondary object of infallibility.” They are taught with the charism of infallibility, and therefore are irreformable because, while they are not themselves divinely revealed, they are necessary for safeguarding divine revelation. The response owed to such teaching was somewhat disputed. Some of the manualists suggested that one owed these teachings “ecclesiastical faith.” The new profession of faith said simply that one was to “firmly accept and hold” these teachings as true (CDF, 1989, 663). The new insertion into the code says that they must be “embraced and maintained” (Pope John Paul II, 1998, 115).

What kind of teachings might be considered definitive doctrine? The Ratzinger/Bertone explanatory note gives some examples: the teaching on the illicitness of prostitution and fornication, the canonization of saints, *Evangelium vitae*'s condemnation of euthanasia, the teaching that priestly ordination is reserved to men, and Pope Leo XIII's declaration that Anglican orders were null and void (Ratzinger, 118–9).

On the surface then, the recent papal action can be understood simply as an attempt to specify the penalties that might be imposed on one who dissented from this second category of church teaching. Inter-

preted at this level, the papal action is relatively innocuous. At another level, however, this most recent papal action reflects a larger pattern in the exercise of church teaching under this pontificate.

AN EMERGING PATTERN IN THE EXERCISE OF PAPAL TEACHING DURING THIS PONTIFICATE

I believe that this most recent papal action must be interpreted in the light of Pope John Paul II's concern for the preservation of the unity of the Catholic Christian faith. It is his conviction that the unity of the faith is being put in jeopardy by what he sees as widespread theological dissent and a broader weakening of Catholic belief in key church teachings. Past attempts to address this concern can be seen in the promulgation of *The Catechism of the Catholic Church*, the more aggressive investigation of theologians suspected of holding views at variance with Catholic teaching, and the revision and expansion of the Profession of Faith and Oath of Fidelity discussed above. Each of these represent strategies which have precedent in other periods of church history. However, in this most recent papal action we can discern two particular features of the Pope's program to preserve the unity of faith which are somewhat distinctive to this pontificate and represent a new direction in the exercise of papal teaching.

First, under this pontificate there has been a significant expansion of the category of church teaching that we are calling definitive doctrine. In the last five years we have seen a papal letter which taught that the reservation of priestly ordination to men is to be held definitively; we have seen a *vade mecum* (an official guide) for confessors, issued by a Vatican congregation, refer to the teaching on artificial contraception as definitive (Pontifical Council for the Family); we have seen a recent papal encyclical refer to the teaching on euthanasia as definitive; and now we have, with the recent explanatory note, the claim that Pope Leo XIII's declaration that Anglican orders are null and void is taught definitively. This last claim garnered the most attention upon the document's release. It soon came out that Cardinal Cassidy, head of the Pontifical Council for Promoting Christian Unity, had not been consulted prior to the issuance of the commentary and already high ranking Vatican officials sensitive to the ecumenical fall-out have backed away from this last assertion. In any event the definitive status of each one of these teachings has been contested by many respected Catholic theologians. (N.B.: There is an important distinction between theologians challenging the theological note or specific authoritative status of a church teaching and theologians challenging the teaching itself. A recent case in point would be the Catholic Theological Society of America's statement on the teaching on the ordination of women. The published statement of the CTSA spoke to the teaching's authoritative status, not its truth or falsity.)

This growing appeal to the category of definitive doctrine has been made possible by a subtle reinterpretation of the scope of the category. While some of the neo-scholastic manuals interpreted this category rather broadly, there is good evidence that the bishops at Vatican I (Mansi 52, 1225ff.) and the Theological Commission at Vatican II understood the category in relatively narrow terms as those teachings “required in order that the same deposit (of faith) may be religiously safeguarded and faithfully expounded” (*Acta synodalia* III/1, 251). Definitive doctrines were non-revealed teachings absolutely required to safeguard divine revelation. This interpretation was followed in a 1973 pronouncement of the Congregation for the Doctrine of the Faith (CDF, 1973, 110). In fact, it is this formulation that, in substance, finds its way into the new clause to be inserted in the code as canon 750.2: “. . . each and every proposition *required* for the sacred preservation and faithful explanation of the same deposit of faith must be firmly embraced and maintained . . .” (Pope John Paul II, 1998, 115; emphasis mine). However, earlier in the apostolic letter and again in the Ratzinger/Bertone explanatory note the scope is broadened considerably beyond “matters required for the sacred preservation and faithful explanation of the same deposit of faith” to include teachings which are merely *connected to divine revelation* by “logical” or “historical necessity.” This broader and more ambiguous formulation had already emerged in earlier documents under this pontificate, most notably in the “Instruction on the Ecclesial Vocation of the Theologian” (CDF, 1990, 121).

These more recent formulations have broadened the scope of definitive doctrine because there are many teachings which might have a historical or logical connection to revelation but which are not, strictly speaking, *necessary for safeguarding revelation*. This extension of the scope of definitive doctrine is all the more problematic in light of the penalties which might be imposed on those who dissent from these teachings. According to Cardinal Ratzinger and Archbishop Bertone, those who dissent from definitive doctrine are formally placed outside of full communion with the Catholic Church. The language employed is ambiguous at best. For example, it is not clear whether or not those who dissent from these teachings would be excluded from the sacraments. In any event it must be noted that the Ratzinger/Bertone explanatory note or commentary was not issued with the authority of the Pope, either in common or special form. Therefore, it does not have the status of an official curial document but is simply a commentary by two curial officials. I do not think it an exaggeration to suggest that were these penalties to be strictly enforced by the bishops there would be a dramatic decrease in Church membership!

A second new development concerns *the manner* in which these definitive teachings are being proposed. This is not the first time in church

history in which church leadership has felt that the unity of the faith was under attack. In earlier times, however, when the pope and bishops felt that the integrity of the faith was being challenged, they acted to preserve the unity of that faith by the exercise of the extraordinary magisterium: the solemn definition of church teaching by a council or, more rarely, by a pope. One thinks of the Council of Nicea's solemn definition of the consubstantiality of the first and second persons of the Trinity in the face of Arianism, or the Council of Trent's solemn affirmation of the real presence of Christ in the Eucharist in the face of the challenges of the Reformers. What is curious about the present pontificate is the determination to accomplish the same end by different means. This Pope sees a similar threat to the faith, and yet he has convened no council and solemnly defined no doctrines. Instead, the Vatican has shored up church teaching not by a series of solemn papal or conciliar definitions, but by grounding these teachings in the infallibility of the ordinary and universal magisterium. In other words, the Vatican is saying that many of these definitive teachings *have already been taught infallibly* by the whole college of bishops. This means that all the bishops, while dispersed throughout the world yet still in communion with one another and with the bishop of Rome, have been in agreement for a significant period in the history of the Church that these teachings must be held as definitive. But here is the difficulty. There are fairly straightforward conditions for determining when a pope or a council has issued a solemn definition. In fact, the Code of Canon Law specifies that it must be manifestly evident that these conditions have been fulfilled (see 749.3). However, it is very difficult to determine when the bishops, engaged in their ordinary teaching ministry throughout the world, have in fact been in agreement that a teaching must be held as definitive.

The Vatican's solution to this difficulty was explicitly mentioned in the explanatory note which accompanied the papal letter. Doctrines taught infallibly by the ordinary universal magisterium may be "confirmed" by the pope through an exercise of his ordinary papal magisterium. This was explicitly the case in *Evangelium vitae's* teaching on abortion and euthanasia (Pope John Paul II, 1995, 711–2) and implicitly the case, according to the CDF, in *Ordinatio sacerdotalis's* teaching on the reservation of priestly ordination to men (CDF, 1995, 401). Far from resolving the difficulty, this approach seems to further complicate matters. This act of papal "confirmation" is an exercise of the pope's ordinary teaching, and the ordinary papal magisterium is not protected by the charism of infallibility and therefore is not absolutely immune from error. What we have then is a non-infallible exercise of papal teaching "confirming" that the bishops have taught a matter infallibly by their ordinary and universal magisterium. However, and this is crucial, *the definitive character of the Church's teaching cannot proceed from the pope's*

teaching act, for that is merely a matter of confirmation, but rather from the teaching of the whole college. It is the whole college, in union with its head the pope, which is the subject of the ordinary universal magisterium. Therefore, if the agreement of the whole college of bishops is not manifestly evident, the persuasive force of the papal confirmation is likely to be weakened.

A BRIEF ANALYSIS OF KEY VATICAN ASSUMPTIONS

The pattern that has emerged in the exercise of papal teaching in this pontificate is characterized by (1) an expansion of the category of definitive doctrines and (2) the grounding of their status as definitive and therefore irreformable in the infallibility of the ordinary universal magisterium of bishops. Only time will prove whether such a strategy will succeed, but in the interim I would like to offer some tentative observations regarding several assumptions which I think are implicit in the Vatican strategy.

The first assumption concerns the Vatican's conviction that theological dissent today is widespread and is being directed against a broad range of church teaching. Perhaps the growing influence of the modern media has made this perception inevitable. A media industry hungry for controversy eagerly seeks out and magnifies any hint of dissension. The result has been a seriously distorted image of the state of the Church.

I think the concern of the Pope and bishops for both a renewed ministry of evangelization *within the Church* and an invigorated catechetical ministry to adults are important pastoral imperatives. Surely we can admit that there are many nominal Catholics shaped more by the secular values of consumerism, materialism, and a spirit of vindictiveness, who either fail to recognize or choose to ignore the many counter-cultural teachings of the Church. Avery Dulles is certainly correct when he decries the influence of "cultural secularization" on the practice of the Catholic faith and observes that many "cultural Christians" may "recite the creed," but do so "without deep conviction" (Dulles, 13). But the need for evangelization and the fact of a widespread ignorance of the teachings of the Catholic faith are not the same thing as rampant theological dissent. Can we not accept that there are also active, practicing Catholics who give hours of selfless service to the Church and grapple with the demands of Christian discipleship, who still struggle with certain church teachings? Legitimate theological dissent refers to the second group of Catholics, not the first. Legitimate dissent involves much more than simply ignoring church teaching.

With regard to the need for an invigorated adult catechetical ministry, we must recall the distinction between belief and the ability to correctly articulate one's belief. For example, the observation that some Catholics cannot *express* their faith in the Eucharist in the clear, propositional language of generations past need not mean that their faith it-

self is lacking. Finally, it is easy to forget that the vast majority of legitimate theological dissent in the Church is focused on issues related to ministry, human sexuality, and the application of modern technologies to the beginning and end of human life. These issues are clearly not peripheral, but neither do they always pertain to the core of the Christian faith. Should we really be surprised, for example, at widespread disagreement surrounding the ethical implications of reproductive technologies which was the stuff of science fiction less than a century ago? Among practicing Catholics one finds little dissent around the central matters of faith that in our tradition have most profoundly defined us. Even if it is not always done with the desired "depth of conviction," few Catholics give pause before professing the Nicene-Constantinopolitan Creed at Mass each Sunday.

A second assumption concerns the devaluation of the status of authoritative doctrine, the third category of church teaching discussed above. The expansion of the category of definitive doctrine has been accomplished largely by elevating teachings previously viewed as authoritative doctrine. It is easily forgotten that authoritative doctrine, though not proposed infallibly, is nevertheless the official teaching of the Church. It deserves the presumption of truth, and only when the presumption of truth cannot be given *prima facie* can one speak of the possibility of legitimately withholding internal assent. At the same time, this authoritative doctrine often has a provisional quality about it. This provisional character is not a sign of a failure in the Church's teaching office, but reflects the Church's journey toward the "plenitude of truth," as the council put it. To say that a church teaching is authoritative yet provisional is to say that in the light of the assistance of the Holy Spirit given to the whole people of God and in a special way to its bishops, this particular teaching appears as the legitimate fruit of our corporate reflection on the gospel as it has been mediated through our tradition, *here and now*. At the same time, we remain open to the possibility of further insight and even a substantive change in the teaching itself.

A distrust of the inevitably provisional character of authoritative doctrine may lead to the temptation to artificially elevate a teaching's status. But this strategy carries with it a real danger. Most Catholics accept the fundamental intuition which undergirds the twin notions of infallibility (which pertains to the *act* of teaching or believing) and irreformability (which pertains to *what is taught* infallibly). Namely, they accept that the Spirit would not allow the Church to be led astray in those central teachings which communicate God's saving offer to humanity. To the extent that the application of these twin notions is *perceived to be* arbitrary, the credibility of the teaching office itself is weakened.

A third assumption is of a more pragmatic order. The Vatican obviously believes that it is possible, in the concrete order, to successfully

suppress theological dissent. This may have been the case in past times but it is much more difficult today. Most Catholics learn of new magisterial pronouncements not from their bishop or pastor but from the religion editor of their local newspaper in compressed and unnuanced accounts. Beyond this, complicated theological questions that were once discussed within the walled preserves of Vatican, chancery, and seminary offices are now debated by thousands of nameless, faceless, and frequently uncredentialed participants on the Internet. This new situation presents unprecedented difficulties. With the new Internet technologies the delimitation of the audience for any published work is now largely beyond the control of the author. If this demands a new habit of responsible theological conversation on the part of the professional theological community, it also demands that local bishops and curial officials acknowledge the radically democratizing tendencies of Internet technologies. These technologies are bound to make the suppression of lively theological debate more difficult than ever before. It is always possible to silence professional theologians in the Church, but to what result? In our contemporary situation, theological debate by those beyond the purview of church censure would certainly continue on Internet websites. Yet in that case it would be a debate conducted without the informed contributions of professional theologians!

Finally, one must question whether the increase of penalties and censures as a means of ensuring the unity of the faith can succeed in a Church that remembers all too well the horrors of the anti-modernist hysteria of less than a century ago and the unconscionable destruction of the reputations of some of the Church's greatest theological lights. Too often in the Church's history, harsh disciplinary measures have proven tragically unproductive, undermining the reputation of theologians and putting the Church in the uncomfortable position of defending such onerous measures in the light of Jesus' own ministry of reconciliation. Surely many who would agree with the Pope that there are disturbing divisions in the Church can still question whether imposing more severe penalties is likely to bring about a healing of these divisions. In our age, the imposition of penalties, although sometimes necessary, should remain an instrument of last resort. The magisterium may do well to heed the sage counsel of Gamaliel to the Sanhedrin when he recommended the release of the apostles: "If this endeavor or this activity is of human origin, it will destroy itself. But if it comes from God, you will not be able to destroy them; you may even find yourselves fighting against God" (Acts 5:38-39).

CONCLUSION

Let me conclude by saying that it would be a mistake to underestimate the current Pontiff's formidable intellectual gifts, his indomitable energy,

even in his waning years, and his sweeping world vision. In many and important ways this Pope has been a unifying force in the Church by the sheer power of personality and by the common recognition of his unique role as a voice for truth and justice in our world. Yet in the end, this pontificate, as with all others, will have to await the judgment of history. Only the passing of time will confirm the ultimate success or failure of his ambitious program to provide one united voice to a world desperately in need of the saving message of Jesus Christ.

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