

INFALLIBILITY AND SPECIFIC MORAL NORMS: A REVIEW DISCUSSION¹

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FRANCIS A. SULLIVAN, S.J., who for many years has been professor of ecclesiology at the Gregorian University in Rome, has written an important book on the magisterium. In it he explains and defends the teaching of Vatican I and Vatican II on apostolicity, infallibility, and unalterable dogmatic truths. Because Sullivan engages in authentic Catholic theological reflection, his work must be taken seriously. I wish to make it clear that I agree with much of Sullivan's theology of magisterium and admire his fidelity to the Catholic theologian's vocation. Here, however, I must take issue with certain aspects of his argument in chapter six: "The Infallibility of the Ordinary Universal Magisterium and the Limits of the Object of Infallibility."

Sullivan criticizes a position John C. Ford, S.J., and I defended: that the received Catholic teaching on contraception (and, by implication, on many other questions about sex, marriage, and innocent life) has been taught infallibly by the ordinary magisterium. Sullivan maintains that no specific moral norm can be taught infallibly. In what follows, I try to show that he has neither refuted our position nor established his.

I

During the controversy following *Humanae vitae*, it was widely assumed that since the encyclical contains no solemn definition, the teaching it reaffirms is not proposed infallibly and could be mistaken. That assumption simply ignored the entire category of teachings infallibly proposed by the ordi-

¹ Francis A. Sullivan, S.J., *Magisterium: Teaching Authority in the Catholic Church* (New York: Paulist Press, 1983).

nary magisterium.² However, in *Dei filius*, Vatican I definitively teaches that there is such a category: “Further, all those things are to be believed with divine and Catholic faith which are contained in the word of God, written or handed down, and which the Church either by a solemn judgment or by her ordinary and universal magisterium proposes for belief as divinely revealed.”³ Because *Dei filius* concerns revelation, its teaching is limited to revealed truths. Still, it shows the unsoundness of the assumption that only what is defined is infallibly taught.

Vatican II articulates criteria for the infallibility of the ordinary magisterium: “Although the bishops individually do not enjoy the prerogative of infallibility, they nevertheless proclaim the teaching of Christ infallibly, even when they are dispersed throughout the world, provided that they remain in communion with each other and with the successor of Peter and that in authoritatively teaching on a matter of faith and morals they agree in one judgment as that to be held definitively.”⁴ Vatican II’s formulation is not limited to revealed truths. It allows for a secondary object of infallibility: truths required for revelation’s safeguarding and development.⁵

Reflecting on Vatican II’s formulation, Ford and I became convinced that the received teaching on contraception meets the criteria. In an article, we clarified the conditions for the infallible exercise of the ordinary magisterium by tracing the development of Vatican II’s text in the conciliar proceedings. We then argued that the facts show that the received Catholic teaching on contraception has met these conditions.⁶

In making our case, we did not try to show that the norm concerning contraception pertains to revelation, because Vati-

² See John C. Ford, S.J., and Germain Grisez, “Contraception and the Infallibility of the Ordinary Magisterium,” *Theological Studies*, 39 (1978), 259-61.

³ DS 3011/1792; my translation.

⁴ *Lumen gentium*, 25; my translation.

⁵ See Ford-Grisez, 265-69; Sullivan, 131-36.

⁶ Ford-Grisez, 263-86.

can II does not include that among the criteria by which infallible teachings of the ordinary magisterium are to be recognized. However, in specifying the limits of infallibility in defining, the Council states: "Now this infallibility, with which the divine Redeemer willed his Church to be endowed in defining a doctrine of faith or morals, extends as far as extends the deposit of divine revelation, which must be guarded as inviolable and expounded with fidelity."⁷ This statement of the limits of infallibility makes it clear that if anything is taught infallibly, it must pertain to revelation, at least by being a truth required to safeguard and develop revelation itself.

The connection is essential. But it does not follow that no teaching can be recognized as infallible without first being recognized as pertaining to revelation. Essential conditions for a reality need not be conditions for recognizing instances of that kind of reality. For instance, water is H₂O, but one can recognize instances of water without first knowing them to be H₂O. Similarly, the fact that a moral teaching within the infallible competence of the magisterium must either be revealed or closely connected with revelation need not prevent one from first recognizing instances of such points of morals and only thereby coming to know that they *somehow* pertain to revelation.

Therefore, Ford and I proceeded on the assumption that if a teaching meets the conditions articulated by Vatican II, it can be recognized as infallibly proposed, and from the fact that it has been infallibly proposed, it can be known to pertain to revelation. The question how it pertains is secondary. Still, since the connection between infallibility and revelation is essential, if the norm concerning contraception has been proposed infallibly, this secondary question is important. Thus we treated it first in a series of subordinate questions and objections.

In beginning our account of the way in which the norm concerning contraception pertains to revelation, we expected the

⁷ *Lumen gentium*, 25; my translation.

objection: Your argument is going in the wrong direction; you ought first to have shown how this teaching pertains to revelation, and then how the Church has taught it. That objection would have been based on the supposition: Nothing can be recognized as pertaining to revelation from the manner in which the Church holds and hands it on. A single counter-example falsifies a general thesis, so we offered one counter-example: the dogma of the Assumption and the argument Pius XII offered for its being revealed when he defined it.⁸

II

Instead of beginning his criticism of Ford's and my position by examining our basic argument, Sullivan starts with our treatment of the subordinate question: How does the teaching pertain to revelation? Omitting our introduction to the question, which makes clear the status we allow it, Sullivan says: "Let us look first at the premises on which they base their contention that the morality of contraception falls within at least the secondary object of infallible teaching."⁹ He then quotes the first paragraph of our three and one-half page answer to the question, and in doing so omits a sentence which calls attention to the fact that this paragraph is not a complete argument:

We do not assert that the norm is divinely revealed. This question is one from which we have prescinded. Our position rather is this: if the norm is not contained in revelation, it is at least connected with it as a truth required to guard the deposit as inviolable and to expound it with fidelity. [The following sentence is omitted by Sullivan.] In support of this position, we first point out that no one has seriously tried to show that anything in revelation is *incompatible* with the Church's teaching on the morality of contraception. Admittedly, it does not seem there is any way to establish *conclusively* that this teaching either pertains to revelation or is connected with it apart from the fact that the ordinary magisterium has proposed the teaching in the manner in which it has, and the faithful as a whole until recently have accepted the

⁸ Ford-Grisez, 287.

⁹ Sullivan, 143.

norm as binding. But a similar state of affairs has been used as a basis for solemnly defining at least one dogma: that of the Assumption of the Blessed Virgin Mary.¹⁰

A careless reader might be misled into thinking that Sullivan is about to criticize the premises of Ford's and my main argument.¹¹

Sullivan says that when Ford and I refer to the doctrine of the Assumption, we are trying to prove by analogy that the morality of contraception is a proper object for the infallible magisterium.¹² Therefore, he begins his criticism by pointing out disanalogies. The Assumption had for centuries "been a matter of universal Christian *faith*." But the fact that the faithful accepted the "teaching on contraception as binding does not prove that they accepted it as revealed or even as necessarily connected with revealed truth. Indeed, it seems likely that many of them accepted it simply as a binding law of the Church, which they had to observe whether they were convinced of its truth or not."¹³

Even if Ford and I were arguing by analogy, Sullivan's criticism would not be decisive. Of course, the norm concerning contraception was not accepted as a matter of faith, for it is a matter of morals. Sullivan may well be right in doubting that the faithful accepted the teaching on contraception as revealed or even as closely connected with revelation. But he offers no evidence that the faithful assented to the Assumption under such theological formalities. Moreover, it is mere speculation to say that it seems likely the teaching on contraception was accepted only as a binding law of the Church. Admittedly, widespread legalism led people to confuse moral norms with laws. But instructed Catholics always knew the difference between laws of the Church and laws of God, between eating meat on Friday and contraception.

¹⁰ *Ibid.*; Ford-Grizez, 286-87.

¹¹ Richard A. McCormick, S.J., "Notes on Moral Theology: 1983," *Theological Studies*, 45 (1984), 95, seems to have been misled.

¹² Sullivan, 144.

¹³ *Ibid.*

Actually, however, a counterexample is not an argument by analogy, so the disanalogies, even if they were as great as Sullivan thinks, would not tell against Ford's and my point: One can legitimately argue from the way the Church holds and teaches something to its pertaining to revelation; one need not show that something pertains to revelation, or how it pertains, to recognize it as an integral part of the Church's teaching.

Sullivan reformulates what he takes to be the supposition of our argument: "If the magisterium speaks in a definitive way about something, it must necessarily be the case that what they speak about is a proper object of infallible teaching."¹⁴ He says this supposition "would eliminate the possibility of challenging any magisterial act that was claimed to be infallible by questioning whether the subject-matter of that act fell within the limits of the proper object of infallibility."¹⁵ Sullivan then states his major difficulty with what he thinks is Ford's and my view:

Against such a view I would argue that if it were true, there would be no point at all in the insistence of Vatican I and Vatican II that the magisterium can speak infallibly only on matters of faith and morals. It would have been necessary to say only this: whenever the magisterium speaks in a definitive way it must be speaking infallibly, because the very fact that it speaks in a definitive way would guarantee that what it speaks about would be a proper matter for infallible teaching. What then would have been the point of mentioning the limits of the matter about which the Church can teach infallibly?¹⁶

And Sullivan concludes that our view would open the door to "absolutism" in the exercise of the magisterium.

Sullivan claims that Ford and I are arguing that we can only know for certain that the morality of contraception is a *proper object* for infallible teaching from the fact that the magisterium has taught it infallibly. I distinguish: We do say that the only way to prove conclusively that this teaching

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 144-45.

either pertains to revelation or is closely connected with it—and in *this* sense is a proper object of infallible teaching—is the fact that the magisterium has proposed it infallibly. But we do not say that the only way to recognize the teaching as a matter of “faith or morals”—and in *this* sense as falling within the magisterium’s competence as a *potential* object of an infallible teaching—is the fact that the magisterium has proposed it infallibly.

Sullivan equivocates; his argument succeeds only on the assumption that “faith and morals” in *Lumen gentium*, 25, really means “a point of faith or morals *known* to pertain to revelation.” This assumption of Sullivan’s is the general thesis Ford and I showed to be false by the example of the doctrine of the Assumption. And there are other ways of seeing that Sullivan’s assumption is mistaken.

If Sullivan were right in assuming that “faith and morals” can refer only to those matters already *known* to pertain to revelation, Vatican II’s articulation of conditions for the infallibility of the ordinary magisterium would be useless. Christians who ponder revelation can come to see truths not yet widely grasped in the Church; when they do so, they can believe such truths, although the magisterium never has proposed them for belief. If Sullivan were right, nothing could ever be found to meet the conditions for infallible teaching by the ordinary magisterium without first being grasped by such independent Christian insight as divinely revealed or closely connected with revelation. But whatever was so recognized independently of the magisterium’s proposal of it would not require the seal of magisterial authority.

Moreover, Christians always have believed that the apostles and their successors bonded together in communion enjoy an unfailing charism of truth. That is why, when disputes arose concerning what really is revealed truth, appeals were made to what had been held and handed down in all the churches. The force of that appeal never depended on an independent showing that the truth in question was revealed. That condition, which Sullivan wishes to impose, would have blocked the

attempt to proceed from the way truths are held and handed on to their status as pertaining to revelation.

As for the "absolutism in the exercise of the magisterium" which Sullivan fears, that seems a threat only because of his oversimplification of our position when he says: "It would have been necessary to say only this: whenever the magisterium speaks in a definitive way it must be speaking infallibly."¹⁷ This reformulation might lead one to imagine that Ford and I suppose that if one's bishop were to tell one definitively what cold remedy to use, his judgment would be infallible. For Sullivan omits the other conditions for infallible teaching: that the bishops agree in one judgment on a matter within the magisterium's competence—faith and morals. But Ford and I include these conditions. We simply do not grant Sullivan's assumption that one cannot recognize what falls under "faith and morals" without knowing beforehand that and how it pertains to revelation.

III

Having disposed of what he mistakes for Ford's and my "principal argument," Sullivan devotes one more paragraph to the three pages in which we articulate the explanation on whose introductory paragraph he focuses his attack. These pages contain our reasons for thinking that the norm excluding contraception either is included in revelation or was a legitimate development of revelation's shaping of Christian life.¹⁸ In line with his misreading of the introductory paragraph of our argument, Sullivan considers these pages not as an explanation of *how* but as "other arguments" *that* the question of the morality of contraception is at least within the secondary object of infallibility. Without summarizing our explanation and without offering grounds for his verdict, Sullivan says these "other arguments" would at most "suffice to show that this moral teaching is connected with revelation; however, I

¹⁷ *Ibid.*, 145.

¹⁸ Ford-Grizez, 287-90.

do not think they show that it is so necessarily connected with revelation that the magisterium could not safeguard and expound revelation if it could not teach this particular norm with infallibility.”¹⁹

The key to Sullivan’s summary judgment is his phrase, “so necessarily connected.” To understand the issue here, one must bear in mind that according to Vatican II infallibility extends not only to revelation itself but also to truths closely connected with revelation. Sullivan commendably defends this “secondary object of infallible magisterium,” signified by Vatican II’s phrase, “which must be religiously guarded and faithfully expounded.”²⁰ He also rightly rejects the view which would include in this secondary object everything connected with revelation, no matter how loosely. For Vatican II’s formula limits the magisterium to truths it is required to teach if it is to fulfill its ministry.

However, Sullivan needs more than “required”; his criticism turns on “so necessarily connected.” Moreover, as we shall see, one of Sullivan’s key arguments to exclude specific moral norms from the object of the infallible magisterium is that they cannot be derived with logical *necessity* from revealed principles.

Where does Sullivan get “necessarily” as a qualification of the connection? Not from Vatican II, for the Council does not use the word and the official clarification of the phrase, “divine revelation, which must be guarded as inviolable and expounded with fidelity,” simply is: “all those things and only those things which either directly belong to the very revealed deposit, or which are required to guard as inviolable and expound with fidelity this same deposit.”²¹

To obtain “necessarily,” Sullivan invokes a never completed project of Vatican I, which is not mentioned in this context by Vatican II, and so has little or no theological weight:

¹⁹ Sullivan, 145.

²⁰ *Ibid.*, 131.

²¹ Ford-Grisez, 268-69.

"The commission which drew up the draft of the Constitution on the Church at Vatican I chose a much more restrictive term to describe the secondary object: 'veritates quae necessario requiruntur, ut revelationis depositum integrum custodiatur' (truths which are necessarily required, in order that the deposit of revelation may be preserved intact)." ²² Having thus introduced "necessarily," Sullivan reads it into *Mysterium ecclesiae*, a 1973 declaration of the Doctrinal Congregation, which says that the competence of the magisterium extends "to those things, without which this deposit cannot be properly safeguarded and explained."²³

There are two reasons for rejecting Sullivan's reading of "without which cannot properly" as "necessarily required." First, it is reasonable to understand Church teaching since Vatican II in accord with that Council's completed work, not in accord with an unfinished project of Vatican I. Second, Vatican I's schema was concerned only with truths necessarily required in order that the deposit of revelation may be *preserved intact*, while Vatican II's teaching refers not only to truths required in order that the deposit may be religiously safeguarded (*preserved intact*) but also to those required for it to be *faithfully expounded*. This last phrase points to a different requirement—the need for development not only of theology but of doctrine.²⁴

The distinction is important, because what is required to unfold revelation as the basis of God's ongoing relationship with his people might not be *necessarily* required to preserve intact the already given deposit of revelation. Furthermore, as soon as one attends to the fact that Vatican II's formula leaves room for authentic doctrinal development, one sees the untenability of any attempt to restrict the secondary object of infallibility to what can be derived with formal, logical necessity—that is, to what can be deduced.

²² Sullivan, 133.

²³ *Ibid.*, 134.

²⁴ See Karl Rahner, S.J., in Herbert Vorgrimler, ed., *Commentary on the Documents of Vatican II* (New York: Herder and Herder, 1967), 1:212.

For although many theologians once defended a deductivist model of doctrinal development, since Newman it has become recognized that such a model cannot accommodate the facts.²⁵ Indeed, Sullivan himself, explaining the development of Marian doctrine earlier in his book, says: "Admittedly, these conclusions do not follow with metaphysical necessity from what Scripture tells us about Mary. They are seen to be contained in the total mystery of Christ, by a kind of intuition, rather than by a process of logical deduction."²⁶

In sum, if the development of the Church's teaching on contraception involved a dialectic which cannot be reduced to deductive form, that does not put the teaching outside the scope of the infallible magisterium. If the norm is not revealed—and it might be—it can be required to guard the deposit as inviolable or *expound it with fidelity*, as Ford and I show, without meeting Sullivan's demand that it be logically deducible from explicitly revealed truths or "so necessarily connected with revelation that the magisterium could not safeguard and expound revelation if it could not teach this norm with infallibility."

IV

Ford and I offered an argument that the norm concerning contraception is a matter of morals: "Vatican II itself, in *Gaudium et spes*, 51, at least affirmed the competency of the magisterium in this very matter when it stated: 'Relying on these principles, it is not allowed that children of the Church in regulating procreation should use methods which are disapproved of by the magisterium in its explaining of the divine law.'"²⁷ We thought that "in its explaining of the divine law" shows that the morality of contraception falls under "faith or morals."

²⁵ See J. H. Walgrave, "Doctrine, Development of," *New Catholic Encyclopedia*, 4:940-44.

²⁶ Sullivan, 18.

²⁷ Ford-Grizez, 272-73.

Sullivan himself grants that the magisterium can speak authoritatively on particular moral issues. To show this, he quotes a few texts, including Vatican II's statement that in the matter of birth regulation parents "must always be governed according to a conscience dutifully conformed to the divine law itself, and should be submissive toward the Church's teaching office, which authentically interprets that law in the light of the gospel."²⁸ Sullivan asserts that "there is every reason to believe that, when the Council speaks of the 'divine law' in this context, it means the natural law, which of course is divine in its origin."²⁹ Thus, Sullivan admits that the Church can teach authoritatively—although he denies she can teach infallibly—specific norms of natural law, including that concerning contraception.

Before examining Sullivan's position on this issue, it is worth noticing that there are good reasons to think he moves too quickly when he reads "divine law" as meaning no more than "natural law, which of course is divine in its origin." "Divine law" and "natural law" often refer to the same reality, but do not have exactly the same sense, as can be seen in other statements of Vatican II, such as: "In pursuit of her divine mission, the Church preaches the gospel to all men and dispenses the treasures of grace. Thus, by imparting knowledge of the divine and natural law. . . ."³⁰ The Church is concerned with the natural law of the handing on of life insofar as it is divine law to be interpreted "in the light of the gospel" and belongs to the plan of "God, the Lord of life."³¹ Moreover, the footnote, immediately after "in its explaining of the divine law," first refers to *Casti connubii*, where contraception is condemned as against the "law of God and of nature," after nature and the revealed will of God have been treated separately and *seriatim* as sources of the condemnation.³² Thus, in

²⁸ Sullivan, 138, quoting *Gaudium et spes*, 50.

²⁹ *Ibid.*

³⁰ *Gaudium et spes*, 89.

³¹ *Ibid.*, 50-51.

³² *Ibid.*, 51, n. 14; DS 3716-18/2239-41.

speaking of "divine law" in reference to contraception, Vatican II means more than natural law, divine in its origin.

No one doubts that the magisterium sometimes teaches authoritatively without teaching infallibly. That clearly is so where new and complex issues must be faced, and a pope or other bishop—or a group of bishops—finds it necessary to provide guidance, yet cannot at once tell whether the judgment proposed will be accepted eventually by the entire magisterium or precisely how it is related to revealed truth.

But it is a different matter to suppose that the magisterium cannot teach infallibly on a specific moral question even when all the bishops in communion with the pope hold the same position and propose it to the faithful throughout the world as an obligatory norm to be held definitively. Sullivan's position is that even if (as he admits) the morality of contraception is within the magisterium's competence, and if (which he does not deny) the magisterium has agreed in the same judgment about it, and if (which he denies) the judgment has been proposed to be held definitively, still the teaching *could not possibly be infallible*. For he thinks that no specific moral norm can be taught infallibly.⁸³

That opinion emerged only since Vatican II. Sullivan himself implies as much, for when he first raises the question, "How much of the natural law is also revealed?" he proposes the view which excludes specific moral norms as "the strong trend in current moral thinking."⁸⁴ He concludes the chapter by treating with approval the opinion, which he thinks is that of the majority of Catholic moral theologians today, that "particular norms of natural law are not objects of infallible teaching."⁸⁵ At the end he summarizes the point he wishes to make:

It is the consideration of such factors as these in the process by which we come to know the particular norms of the natural law,

⁸³ Sullivan, 152.

⁸⁴ *Ibid.*, 137.

⁸⁵ *Ibid.*, 148, in the subheading.

which has led most of the Catholic theologians who have written on this question in recent years, to the conclusion that such norms are not proper matter for irreformable teaching. [Note omitted.] This judgment rules out not only the possibility of the infallible definition of such a norm, but also the claim that such a norm has ever been, or could be, infallibly taught by the ordinary universal magisterium.³⁶

Both Sullivan's own formulation of this opinion and the stated positions of some of the authors he cites in his note to support it make it clear that by "particular norms of the natural law" he means all specific moral norms.

In section VII, I will examine Sullivan's use of current theological opinion and criticize the arguments he draws from it. Here I wish to stress the position's novelty.

The view common among Catholic theologians before Vatican II was articulated forcefully by Karl Rahner, S.J., in an essay on conscience, which he published in the late 1950s. Rahner says that Christians must accept binding norms:

Furthermore, the Church teaches these commandments with divine authority exactly as she teaches the other "truths of the Faith," either through her "ordinary" magisterium or through an act of her "extraordinary" magisterium in *ex cathedra* definitions of the Pope or a general council. But also through her *ordinary* magisterium, that is in the normal teaching of the Faith to the faithful in schools, sermons and all the other kinds of instruction. In the nature of the case this will be the normal way in which moral norms are taught, and definitions by Pope or general council the exception; but it is binding on the faithful in conscience just as the teaching through the extraordinary magisterium is.

It is therefore quite untrue that only those moral norms for which there is a solemn definition (and these are criticized from all sides in the "world") are binding in faith on the Christian as revealed by God, and must be accepted by him as the rule for his own behaviour; and of course it is equally untrue—and this is often unadmittedly expected—that the moral law preached by the Church must necessarily receive the assent (even if it is only theoretical) of the non-Christian world. When the whole Church in her everyday teaching does in fact teach a moral rule everywhere in the

³⁶ *Ibid.*, 152, 227-28 (n. 46).

world as a commandment of God, she is preserved from error by the assistance of the Holy Ghost, and this rule is therefore really the will of God and is binding on the faithful in conscience, even before it has been expressly confirmed by a solemn definition.³⁷

One can see why Catholics at that time believed that the Church's teaching on contraception could never change.

But the current opinion Sullivan embraces denies the possibility of moral absolutes as such, not merely the moral norm concerning contraception. The challenge extends to other questions about sex, marriage, and innocent life.³⁸ On the new theory, "Thou shalt not commit adultery," is always a correct norm of Christian life only if "adultery" is understood to mean *wrongful* extramarital intercourse. The theory is that no "material" norm—that is, no norm without a built-in moral characterization of the act it concerns—can possibly hold always and everywhere.³⁹ From this it would follow, of course, that no such norm can be an unchanging truth, and so no such norm can be proposed infallibly.

It is significant that many apologists for contraception in the mid-1960s said it was an isolated issue, but today almost all who approve contraception defend exceptions to other received moral absolutes. This development is evidence that one cannot abandon the Church's teaching on contraception without threatening her entire view of sex, marriage, and innocent life. It seems to me that this close connection provides further evidence that the norm concerning contraception pertains at least to the secondary object of the infallible magisterium. Of course, this argument will not impress those who hold that revelation includes no specific moral norms at all.

³⁷ Karl Rahner, *Nature and Grace: Dilemmas in the Modern Church* (London: Sheed and Ward, 1963), 51-52. Rahner later joined in ignoring the existence of the ordinary magisterium: *Theological Investigations*, vol. 11, *Confrontations I*, trans. David Bourke (New York: Seabury Press, 1974), 270.

³⁸ See Germain Grizez, *The Way of the Lord Jesus*, vol. 1, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), 873.

³⁹ Richard A. McCormick, S.J., *Notes on Moral Theology: 1965 through 1980* (Washington, D.C.: University Press of America, 1981), 700; cf. 528-44, 684-97, 748-57.

V

Since it was commonly supposed until after Vatican II that revelation does include specific moral norms, it is reasonable to take "faith and morals" in the Council's documents as including reference to such norms. To take the conditions which Vatican II articulated for the infallible exercise of the ordinary magisterium as if they included the restriction Sullivan tries to impose is to replace the view the Council Fathers took for granted with a different view which they had never thought of. I do not say that such a replacement would *contradict* the Council's formal teaching. But one cannot simply read it into the Council's formulation. Sullivan needs some cogent theological grounds for setting this limit to "morals." He tries to find such support in certain documents of Trent, Vatican I, and Vatican II.

Sullivan points out that Trent is a primary source for the specification of the magisterium's field of competence by the phrase *res fidei et morum*. He says that in Trent's language, *mores* includes more than what we would call "morals" and suggests the translation: "matters pertaining to Christian faith and practice." Trent also teaches that the gospel—that is, Christian revelation—is the source of everything essential to Christian life. Sullivan concludes, "the bishops and the pope cannot claim to speak authoritatively, much less infallibly, unless the matter about which they speak pertains to Christian belief or the practice of the Christian way of life. In some real way, the *doctrina de fide vel moribus* has to go back to the Gospel as its source."⁴⁰

I agree with that conclusion. The question is whether specific moral norms, such as that concerning contraception, can go back to the gospel as their source. Nothing Sullivan finds in Trent shows that they cannot, and he himself agrees that the Church can speak *authoritatively* on such matters. Some claim that "morals" in Trent does not refer to specific moral norms; perhaps Sullivan accepts that view. However, substan-

⁴⁰ Sullivan, 128-29.

tial studies of Trent's documents in their historical context show that "morals" in Trent should be taken to refer to specific moral norms along with much else.⁴¹ In any case, Vatican I and Vatican II could add to Trent's teaching without contradicting it. So what the later councils mean by "morals" is more relevant than what Trent meant.

As an argument for the view that the Church can infallibly propose specific moral norms, Sullivan rejects (as question begging) a statement in the first schema of Vatican II's Constitution on the Church: "Since this same magisterium is the ministry of salvation by which men are taught the way they must follow in order to be able to attain to eternal life, it therefore has the office and the right of interpreting and of infallibly declaring not only the revealed law but also the natural law, and of making judgments about the objective conformity of all human actions with the teaching of the Gospel and the divine law."⁴² Sullivan thinks it significant that this claim did not appear in later drafts which led to *Lumen gentium* or any other Vatican II document.

If the omission of this argument from the mature work of Vatican II is to be taken as significant, however, the significance might well be that the phrasing "not only the revealed law but also the natural law" makes a false contrast between revelation and the norms of natural law.⁴³ Moreover, the development of *Lumen gentium* between the first and second sessions left behind all sorts of things which were in the initial, rejected schema.⁴⁴ Hence, in the absence of evidence, such as

⁴¹ See T. López Rodríguez, "'Fides et mores' en Trento," *Scripta Theologica*, 5 (1973), 175-221; Marcelino Zalba, S.J., "'Omnis et salutaris veritas et morum disciplina': Sentido de la expresión 'mores' en el Concilio de Trento," *Gregorianum*, 54 (1973), 679-715.

⁴² Sullivan, 140-41.

⁴³ *Dignitatis humanae*, 14, does not make this contrast. The Council's n. 36 (Abbott n. 57) refers to an address of Pius XII on the formation of the Christian conscience; he makes it clear that natural law also pertains to revelation.

⁴⁴ The original schema used "head of the college of bishops" to specify the authority of the pope in ex cathedra teaching—see Rahner, in Vorgrimler, ed., *Commentary on the Documents of Vatican II*, 1:212. Did Vatican II's change mean it teaches the opposite?

interventions criticizing certain points, that particular changes implied the Council's rejection of a position, such omissions should not be considered significant.

Sullivan also claims that there is "evidence that the term *res fidei et morum* was not understood at Vatican I to embrace all possible questions of natural morality."⁴⁵ He adduces this evidence when he considers and rejects another argument for the view that the magisterium can teach specific moral norms infallibly. Sullivan formulates this argument: "The magisterium is infallible in matters of faith and morals; but particular norms of the natural law are matters of morals; therefore the magisterium can speak infallibly about them." Sullivan rejects this as "rather simplistic," because "it ignores the difference between what is revealed and what is not revealed with regard to morals."

By itself, this statement of Sullivan's would merely repeat what he needs to prove. So he seeks to establish the point by appealing to Bishop Gasser's response to a proposal to substitute "principles of morals" for *res morum* in the definition of papal infallibility. Sullivan cites the second of two reasons why the *Deputatio de fide* rejected this proposal: "Moreover, principles of morals can be other merely philosophical principles of natural morality [*alia mere philosophica naturalis honestatis*], which do not in every respect pertain to the deposit of faith."⁴⁶ Sullivan thinks this portion of Gasser's comment an "illuminating proof" of his thesis.

However, the first reason Gasser gives for rejecting the proposed amendment is an even more illuminating disproof of Sullivan's thesis:

Sed etiam hanc emendationem non potest admittere Deputatio de fide et quidem partim quia vox ista esset omnino nova, cum vox *res fidei et morum*, doctrina fidei et morum sit notissima, et unusquisque theologus scit quid sub his verbis sit intelligendum. (But the *Deputatio de fide* cannot accept this amendment either, partly because that expression would be wholly new, while the ex-

⁴⁵ Sullivan, 140.

⁴⁶ *Ibid.*

pression *res fidei et morum*, for doctrine of faith and morals is very well known, and every theologian knows what ought to be understood by these words.)⁴⁷

The theological periti of Vatican I plainly knew what every theologian knew. J. Kleutgen and J. B. Franzelin were leading *periti* of Vatican I; both participated in the session of the *Deputatio de fide* where Gasser's responses to the proposed amendment were determined.⁴⁸ But Sullivan himself says that these two theologians were among those who "asserted that the whole of the natural law is revealed, without making any distinction between the basic principles and more particular norms."⁴⁹ Thus, theologians Gasser knew well included specific moral norms under "faith and morals."

Had Vatican I accepted the amendment which was thus rejected, Sullivan would have had some real support. For the amendment, proposed by Archbishop Yusto of Burgos, was intended to restrict the scope of the infallible teaching authority to principles, in order to exclude moral determinations which depend on matters of fact that are not revealed.⁵⁰ But this argument, which is close to Sullivan's, must not have seemed cogent to the *Deputatio de fide*, for they rejected Yusto's proposed amendment.

But if Gasser's remarks cannot be read as excluding specific moral norms from the object of the infallible magisterium marked out by the phrase "faith and morals," what could the *Deputatio de fide* have meant by "merely philosophical principles of natural morality, which do not in every respect pertain to the deposit of faith"? I think a clue to the answer is in the phrase *naturalis honestatis*, which Sullivan translates "natural morality." The translation is not bad, but it facilitates Sullivan's argument in a way that the Latin does not.

⁴⁷ J. D. Mansi et al., ed., *Sacrorum conciliorum nova et amplissima collectio*, 52:1224.

⁴⁸ Kleutgen ("Peters") was *relator* for that *Deputatio* session: Mansi, 53:270-72.

⁴⁹ Sullivan, 137, 226 (n. 23).

⁵⁰ Mansi, 52:854; also 986, 1130, 1132, 1228.

For *naturalis honestatis* does not mean the same thing as *naturalis legis*, and the two expressions have different connotations.

Honestas does refer to morality, but it means moral uprightness (not moral goodness or badness) and it connotes the social value of upright character, which merits honor. There is a body of philosophical moral literature concerned with *honestas*. It includes, for instance, Castiglione's *Courtier* and Chesterfield's *Letters to His Son*. This genre mixes morals in the strict sense with social conventions, etiquette, and practical techniques for getting ahead. The philosophical principles *naturalis honestatis* found in works of this genre might be included in the reference of "principles of morals." But for the most part such "principles of morals" have little to do with the deposit of faith. They pertain to it only to the extent that they touch on matters of faith and morals. For example, when Chesterfield explains how to conduct extramarital affairs discreetly, the immorality of fornication and adultery pertains to the deposit of faith, but the honorable way of engaging in that immorality does not.

When Gasser spoke of "alia mere philosophica naturalis honestatis, quae non sub omni respectu pertinent ad depositum fidei," he may well have meant principles of morals of that sort. In any case, the first reply to the proposed amendment, which Sullivan ignores, makes it clear that "faith and morals" in Vatican I means what every theologian at the time meant by it—what Kleutgen meant by it.

VI

What Vatican I meant by "morals" is extremely important because that Council used "faith and morals" in specifying the authority of the pope teaching *ex cathedra*, and in its definition Vatican I identified the object of papal infallibility with that of the Church. Thus, Vatican I implicitly defined the infallibility of the Church as extending to matters of "morals." And this implicit definition should be taken to mean what Vati-

can I in fact meant by it. But Vatican I included in the reference of "morals" what theologians of that time included—specific moral norms. It follows that the reference of "faith and morals" in Vatican I's implicit definition of the infallibility of the Church ought to be taken to include specific moral norms.

But even if they bow to the evidence that Vatican I included specific moral norms in the reference of "faith and morals," those who wish to exclude such specific norms from the object of infallibility will argue that Vatican I has not definitively rejected their position. Since all theologians at the time thought the Church could teach infallibly on such questions, this was not then at issue. Hence, the Council did not consider this issue, and so the common theological view of the time cannot have settled it.

I grant (not concede) that Vatican I did not definitively teach that the Church's competence to teach infallibly extends to specific moral norms. Still, Ford's and my view that contraception falls under "faith and morals" as the phrase is used by Vatican I and Vatican II in their statements of conditions for infallible teaching finds support in the documents, while Sullivan's contrary view finds none.

Furthermore, by citing passages in four previous documents as comparable to its own teaching, Vatican II itself provides guidance on the correct interpretation of the conditions for infallible teaching by the ordinary magisterium. One of the documents cited is Vatican I's revised schema for the second constitution *De ecclesia Christi*, together with Kleutgen's commentary.⁵¹ The schema would have defined the infallibility of the Church as extending to "all those points which in matters of faith or morals are everywhere held or handed down as undoubted under bishops in communion with the Apostolic See, as well as all those points which are defined, either by those same bishops together with the Roman pontiff or by the Roman pontiff speaking *ex cathedra*." Kleutgen's commen-

⁵¹ Ford-Grizez, 271.

tary makes it clear that "morals" here refers to specific moral norms. Indeed, he argues at length that the Church can teach infallibly on new moral questions, with respect to which revelation says nothing implicitly or explicitly, because the answers to such questions are closely connected with revelation.

Ford and I, not wishing to press Vatican II's reference to Kleutgen, said that although the note might refer to his whole commentary, it does not seem this reference "ought to be read as an endorsement of Kleutgen's entire commentary, yet the commentary remains a very authoritative guide to what the proposed text of Vatican I meant." My view remains the same: Vatican II perhaps meant its teaching to be read in the light of Kleutgen's whole commentary; but even if it did not, that commentary specifies the meaning of Vatican I's schema, to which Vatican II refers.

One of the arguments Kleutgen uses for the extension of infallibility to the Church's whole moral teaching is that it would be utterly at odds with her divinely constituted role of mother and teacher if with utmost gravity and severity she misled the faithful as to what is right and wrong.⁵² This argument is like one Sullivan criticizes, drawn from the so-called minority report of Paul VI's commission on birth regulation:

. . . there is no possibility that the teaching itself is other than substantially true. It is true because the Catholic Church, instituted by Christ to show men the sure road to eternal life, could not err so atrociously through all the centuries of its history. The Church cannot substantially err in teaching a very serious doctrine of faith or morals through all the centuries—even through one century—a doctrine constantly and insistently proposed as one necessarily to be followed in order to attain eternal salvation. The Church could not substantially err through so many centuries—even through one century—in imposing very heavy burdens under grave obligation in the name of Jesus Christ as it would have erred if Jesus Christ does not in fact impose these burdens. The Catholic Church could not in the name of Jesus Christ offer to the vast multitude of the faithful, everywhere in the world, for so many centuries an occasion of formal sin and spiritual ruin on ac-

⁵² Mansi, 53:327.

count of a false doctrine promulgated in the name of Jesus Christ.⁵³

It was this argument that Ford and I meant to improve upon by our study. Hence, I do not claim it was perfect. However, Sullivan's criticisms scarcely do it justice.

Sullivan thinks this argument "is based on the grave consequences of erroneous moral teaching by the Church."⁵⁴ Having thus oversimplified it, Sullivan offers two answers.

First, if the argument were sound, "it would also have to be true that the Church has never erred when it has taught something to be gravely sinful."⁵⁵ Sullivan insinuates that this test of history could not be passed, but leaves the issue to historians.

But the argument sets a higher standard, "a doctrine constantly and insistently proposed as one necessarily to be followed in order to attain eternal salvation." This standard is more precisely expressed in Vatican II's formula: "agree in one judgment as that to be held definitively." While the test of history set by Sullivan's reformulation of the standard might not be passed, the test set by the more adequate formulation can be. Ford and I showed that neither of the two main counterexamples suggested by John T. Noonan, Jr.—the supposed requirement of procreative purpose to justify marital intercourse and the condemnation of usury—tells against Vatican II's conditions for the infallibility of the ordinary magisterium.⁵⁶

Second, Sullivan argues that scandalous conduct by leaders of the Church certainly has caused great spiritual harm, which God has permitted. It cannot be shown that erroneous moral teaching would cause greater spiritual harm. Hence, we cannot know that God has not permitted the spiritual harm arising from erroneous moral teaching.⁵⁷

⁵³ Sullivan, 141-42; Ford-Grizez, 302.

⁵⁴ Sullivan, 141.

⁵⁵ *Ibid.*, 142.

⁵⁶ Ford-Grizez, 294-98.

⁵⁷ Sullivan, 142.

Here Sullivan confuses infallibility with impeccability. The argument he criticizes does not assume that we can know how much harm God will permit sinful leaders of the Church to do. Hence, the harm caused by scandalous conduct is irrelevant. The argument is that the Church herself, divinely established and assisted to teach the truth humankind needs for salvation, could not act in her universal magisterium so defectively as to accomplish precisely the opposite of her mission. If the Catholic Church is what she claims to be, she cannot have been misleading the faithful through the centuries by erroneously telling them that certain kinds of acts are absolutely and gravely wrong.

VII

Having dealt with the position he rejects, Sullivan devotes the last section of his chapter on the infallibility of the ordinary magisterium to the opinion that no specific moral norm can be infallibly taught. He claims this is the view of "the majority of Catholic moral theologians today"⁵⁸ and that "most of the Catholic theologians who have written on this question in recent years" subscribe to it.⁵⁹ Thus, although he also summarizes some of the arguments offered for this view, Sullivan primarily relies on the authority of other theologians who hold it.

This appeal to the authority of other theologians is unsound in three ways. First, within theology, opinions no more weigh in an argument than do scholarly opinions in any other field of scholarship. As in any intellectual discipline, the weight of theological opinions is no greater than the evidence and arguments offered for them. Second, Sullivan begs the question by appealing to these opinions to complete his argument against us, for we have made our case against these same opinions.

Third, the appearance of theological consensus in favor of the opinion Sullivan adopts is only that. There are two substantial bodies of theological opinion. Which is the majority,

⁵⁸ *Ibid.*, 149.

⁵⁹ *Ibid.*, 152.

which the minority? Who knows? Richard A. McCormick, S.J., writing in 1984 of those who support the Holy See's defense of Catholic teaching, says: "There are growing numbers of reactionary theologians who support this type of thing with insistence on a verbal conformity that is utterly incredible to the modern—and, I would add, open—mind."⁶⁰ I dislike McCormick's adjectives, but am glad he sees the tide is turning.

According to Sullivan's summary, the "majority" view admits the possibility of infallible teaching concerning basic principles of natural law and of authoritative pastoral guidance on concrete problems. But it holds that specific norms of natural law "are neither formally nor virtually revealed" and that they cannot be deduced from revealed truths. The argument is that we arrive at concrete norms by shared reflection on experience; the process is inductive rather than deductive.

Sullivan adds that specific norms cannot be shown to be necessarily connected with revelation. Here the argument is based on the rule of Canon Law that nothing is to be considered infallibly defined or declared unless this is manifestly the case. Sullivan thinks this puts an impossible burden of proof on anyone who would try to show that a particular moral norm falls within the secondary object of infallibility.⁶¹

In these arguments, Sullivan uses language which seems to narrow the class of moral norms which he claims cannot be infallibly taught. For instance, he says: "The concrete determinations of the natural law with regard to the complex problems facing people today are neither formally nor virtually revealed." Again, he refers to the "concrete and complex problems of modern man."⁶² Such language might lead one to think of problems such as the morality of nuclear deterrence or in vitro fertilization.

However, granted (not conceded) that the solutions to such

⁶⁰ Richard A. McCormick, S.J., "Notes on Moral Theology, 1983," 84.

⁶¹ Sullivan, 150.

⁶² *Ibid.*

problems do not pertain to revelation, that does not entail that revelation neither contains nor requires any specific moral norm. Yet that is Sullivan's thesis. If it were not, one could grant his thesis but point out that contraception, adultery, abortion, and so on are not "complex problems of modern man," but fairly straightforward and perennial problems.

Sullivan's argument that specific moral norms cannot pertain to revelation if they depend upon shared reflection on experience not only assumes that all specific norms must be reached in this way, but that divine revelation can only be unfolded deductively. As I explained in section three, that assumption would preclude the development of doctrine.

When Sullivan invokes the rule of Canon Law that nothing is to be considered infallibly defined or declared unless that is manifestly the case, he evidences a confusion, widespread among the theologians who share his view, between teaching infallibly proposed in solemn definitions and teaching infallibly proposed by the ordinary magisterium. For that rule of Canon Law refers to the former, not to the latter.⁶³

Sullivan ends the chapter by summarizing arguments for the thesis "that the concrete norms of the natural law simply do not admit of such irreversible determination"—that is, truth which would permanently preclude any need for substantial revision.⁶⁴ The basic argument is one already used: that specific moral norms are reached by shared reflection upon experience. Sullivan thinks that passages in *Gaudium et spes*, 16, 33, and 46, which speak of searching for solutions to problems, support this thesis. He also says that the open-ended character of experience is such that moral absolutes are impossible: "We can never exclude the possibility that future experience, hitherto unimagined, might put a moral problem into a new frame of reference which would call for a revision of a norm

⁶³ This is clear enough even in the 1917 Code Sullivan quotes (150, 227 n. 44), but even clearer in the 1983 Code, where "or declared" is omitted (Can. 749.3).

⁶⁴ Sullivan, 151.

that, when formulated, could not have taken such new experience into account.”⁶⁵ Finally, he invokes the opinion of Karl Rahner that the dynamism of human nature precludes specific moral norms with permanent validity.⁶⁶

The passages in *Gaudium et spes* which Sullivan cites clearly support the view that *some* moral questions call for shared reflection on experience, admit of no ready answers, and baffle everyone, including popes and other bishops. There are complex, fresh problems, such as how to order modern technology and industry to the common good, how to avoid the holocaust without surrendering to tyranny, and so forth. But *Gaudium et spes* makes it clear that there are at least some specific moral norms whose truth permanently precludes the possibility of substantial revision:

Contemplating this melancholy state of humanity, the Council wishes to recall first of all the permanent binding force of universal natural law and its all-embracing principles. Man's conscience itself gives ever more emphatic voice to these principles. Therefore, actions which deliberately conflict with these same principles, as well as orders commanding such actions, are criminal. Blind obedience cannot excuse those who yield to them. Among such must first be counted those actions designed for the methodical extermination of an entire people, nation, or ethnic minority.⁶⁷

Obviously, genocide is a much greater immorality than contraception or adultery. However, the norm forbidding genocide is a specific moral norm. Indeed, this norm would not have been articulated without reflection upon some recent experience.

Again, the argument that the ongoing, open-ended character of experience precludes permanently true specific moral norms might be true with respect to *some* norms. But the argument only succeeds if someone establishes a theory of moral norms which shows the impossibility of moral absolutes. Many who deny moral absolutes think proportionalism is such a

⁶⁵ *Ibid.*, 152.

⁶⁶ *Ibid.*

⁶⁷ *Gaudium et spes*, 79.

theory. However, there are strong reasons for considering proportionalism indefensible. In a recently published volume, I state these reasons. In the same work I criticize Rahner's claim that the dynamism of human nature precludes specific moral norms with permanent validity.⁶⁸

VIII

Vatican II's conditions for infallible teaching by the ordinary magisterium include that the teaching be proposed *tamquam definitive tenendum*—as to be held definitively. Sullivan criticizes two of the four considerations Ford and I offer to show that this condition has been met in the case of the received teaching on contraception. To follow this argument, one must bear in mind a basic point: This requirement cannot mean that the infallible teaching of the ordinary magisterium must be expressed in the language of solemn definition. For the bishops dispersed throughout the world cannot define anything and do not use the language of solemn definition in their day-to-day teaching.

In his basic treatment of the infallibility of the ordinary magisterium, Sullivan refers to Salaverri's preconciliar treatise on ecclesiology for the meaning of "as to be held definitively." According to Salaverri, bishops propose something to be held definitively only "when, with the highest level of their authority, they oblige the faithful to give irrevocable assent to it."⁶⁹

Ford and I say that what is to be held definitively is to be accepted with an assent of certitude, as undoubted.⁷⁰ Is not such an assent "irrevocable?" It might seem so, for one who assents to something as certain does not consider that assent recallable or reversible. However, "irrevocable" is often used in legal contexts, and so it can mislead by connoting a formal-

⁶⁸ *Christian Moral Principles*, 141-71 (critique of proportionalism); 859-60 and 869 n. 62 (critique of Rahner's claim about the dynamism of human nature).

⁶⁹ Sullivan, 125-26.

⁷⁰ Ford-Grisez, 275.

ity not characteristic of submission to the ordinary magisterium—a formality usually not present in a Christian's assent of faith, although it can be, as when an adult convert professes the faith. Thus, "irrevocable" suggests, misleadingly, that bishops never propose anything to be held definitively without consciously acting *as* authorities and formally demanding that the faithful obey *as* subjects.

Is there any reason to think that Vatican II intended to refer only to instances of teaching involving such formality when it said that the position must be proposed as to be held definitively? Sullivan supplies none. Against it is that holding something definitively either is or is like assenting to it with faith. (The motive will not be that of divine faith if the point pertains only to the secondary object of infallibility.) But without formalities, bishops in their ordinary teaching frequently propose revealed truths to be held with faith. Hence, they can propose without formalities other truths to be held definitively.

Logically, this can happen because the certitude of one's assent is neither identical with nor necessarily related to the level of authority at which a teaching is proposed or the severity of the obligation to assent. A bishop can limit himself to gentle persuasion in communicating a truth he considers to pertain to faith. For instance, a bishop might not invoke his authority or demand "irrevocable assent" if he is trying to reconcile opposing groups who think that only the Latin Mass is valid and only Mass in the vernacular is valid. Even if he believed the validity of both a truth to be held definitively and wished people to accept it as such, the bishop might not say so.

Sullivan also quotes comments of Karl Rahner, S.J., on *Lumen gentium*, 25. Rahner makes three points bearing on the meaning of "as to be held definitively." First, he says that the draft of 10 November 1962 did not include the clause "*tamquam definitive tenendam*, which is very important in judging the intention of the final text." Second, Rahner says that "an absolutely strict and irreformable assent must be explicitly called for." Third, he argues: "It has often been assumed in

the past, with practical effects, that a doctrine is irreformable in the Church simply because it has been generally taught without clearly notable contradiction over a considerable period of time. This view runs counter to the facts, because many doctrines which were once universally held have proved to be problematic or erroneous, and is fundamentally unsound.”⁷¹

The fact that the November 1962 draft did not include *tamquam definitivam tenendam* is significant, but not in the way Rahner’s comment suggests. For this qualification was introduced when “in handing on the revealed faith” was replaced with “teaching on matters of faith and morals” to avoid *restricting* the infallibility of the episcopal body to points proposed to be believed as divinely revealed.⁷² The phrase was not chosen to tighten what would otherwise have been a looser requirement.

Rahner gives no argument and offers no basis in the Council’s documents for his requirement that “an absolutely strict and irreformable assent must be explicitly called for.” The reasons for questioning Sullivan’s introduction of “irrevocable” from Salaverri apply here too. Of course, there are times when assent is called for explicitly, namely, when the extraordinary magisterium solemnly defines a proposition. The word “irreformable” also appears in this context, for it properly qualifies a definition rather than an act of assenting. Vatican I, for example, speaks of the “irreformable” definitions of popes teaching *ex cathedra*.⁷³ Rahner tends here to reduce the requirements for infallible teaching by the ordinary magisterium to those for solemn definitions, and thus to leave no room for the infallibility of the ordinary magisterium.

As to the third point, I agree with Rahner in rejecting the view that “a doctrine is irreformable in the Church simply because it has been generally taught without clearly notable con-

⁷¹ Sullivan, 126.

⁷² Ford-Grisez, 267.

⁷³ DS 3074/1839.

tradiction over a considerable period of time." This formulation is too loose; it omits the requirement that the teaching be proposed as certain. Moreover, as already explained, it is not exact to say that a doctrine infallibly taught by the ordinary magisterium is "irreformable."

IX

Ford and I stated as follows what we think is meant by "as to be held definitively":

The genesis of the text makes clear that what is demanded if the exercise of the ordinary magisterium is to be infallible is that a judgment be proposed for acceptance with an assent of certitude, similar to the assent of divine faith, but not necessarily having the same motive as has the latter assent. The formula in the second schema *De ecclesia Christi* of Vatican I, which Vatican II cites as comparable with its own teaching, refers to points held or handed down *as undoubted*. Thus, "to be held definitively" clearly excludes cases in which a bishop proposes a view as a safe and probable opinion, but only as such.

A point of teaching surely is proposed as one to be held definitively if a bishop proposes it in the following way: not at his option but as part of his duty to hand on the teaching he has received; not as doubtful or even as very probable but as certainly true; and not as one which the faithful are free to accept or to reject but as one which every Catholic must accept.⁷⁴

When Sullivan specifically criticizes our arguments that the teaching on contraception has been proposed "as to be held definitively," he recalls his account of this requirement based on Salaverri and Rahner, quotes the second paragraph of Ford's and my explanation without the first, and then says: "Now it seems to me that there is a very real difference between authoritative teaching which calls upon the faithful to give their assent to it as certainly true, and the kind of teaching which proposes a doctrine as irreformably true and calls for an irrevocable assent."⁷⁵

By "irreformably true" and "irrevocable assent," Sullivan

⁷⁴ Ford-Grizez, 275-76.

⁷⁵ Sullivan, 146.

again tends to set a standard met only in the case of solemn definitions. But he realizes he needs some argument to show that "as to be held definitively" means more than "as certainly true." So he quotes a passage from John Reed, S.J., who recognizes not only infallible teaching both in solemn definitions and by the ordinary magisterium, but authoritative teaching which falls short of infallibility. Reed points out the distinction between infallibility and certainty:

In matters of conduct, a doctrine which is not taught with the plenitude of infallibility may still be taught with certainty, in the sense of moral, practical, certitude, so as to exclude any solidly probable opinion to the contrary here and now, i.e. with the effect that at a given time a particular mode of conduct is certainly licit or certainly illicit, without the abstract question of its relation to right order being definitively closed. Infallibility excludes the absolute possibility of error. Certitude, in the sense of moral, or practical, certitude, excludes the prudent, proximate fear of error.⁷⁶

The point Reed makes here is sound. However, the way he puts it is confusing.

Reed's point is that popes and other bishops can provide authoritative moral guidance, even when they are not absolutely certain that the guidance they give is true. In such cases, they obviously should be morally certain—sure beyond a reasonable doubt. Given such guidance, the faithful have the duty of religious assent and obedience. (Notice, however, when such guidance is that a particular kind of action is licit, it frees rather than burdens consciences.)

But Reed's way of putting his point can mislead. By contrasting what is taught with "the plenitude of infallibility" with what is taught with "moral certitude," Reed both suggests that these are direct opposites and that there is nothing between them. However, there is another category.

In their day-to-day teaching, bishops do not individually teach "with the plenitude of infallibility," even when they hand on revealed truths which call for the assent of faith.

⁷⁶ Quoted, *ibid.*

Rather, they simply teach truths—those which are revealed as such, those closely connected with revelation as certain, and those they consider sufficiently probable and important as safe judgments to accept and follow. Infallibility supervenes on acts of day-to-day teaching if all the conditions are met. But the bishops in teaching and the faithful in accepting their teaching usually do not reflect upon the supervening infallibility. Thus, doctrines taught infallibly by the ordinary magisterium are not “taught with the plenitude of infallibility.” Only solemn definitions are proposed in that way.

Hence, *what is taught with the plenitude of infallibility* and *what is taught as only morally certain* are not the only categories. A bishop might propose an implicitly revealed truth to be held with faith, yet his teaching would not be infallible if the truth had not been defined and had not yet been proposed by many other bishops. Again, a bishop can propose moral teachings already infallibly taught as if they were only morally certain, because he happens to be unclear about their status.

In any case, bishops can propose teachings as more or less certain. To propose something as “morally certain” is one way of proposing it as probable enough to follow in practice. That would not meet the requirement set in *Lumen gentium*, 25, as Ford and I explain it: The teaching must be held and handed down “as undoubted,” proposed “not as doubtful or even as very probable but as certainly true,” not as a “safe and probable opinion” but as a “judgment to be held definitively.”

X

Ford and I offer four considerations to show that the teaching on contraception was proposed as a norm to be held definitively.

The first of these we called a “negative” point: “We know of no evidence—and Noonan points to none—that anyone handed on the received teaching as if it were a private opinion, a merely probable judgment, or a commendable ideal which

the faithful might nevertheless blamelessly choose to leave unrealized. The teaching always was proposed as a received and certain part of the obligatory moral teaching of the Church.”⁷⁷ Obviously this point is not entirely negative. Sullivan ignores it; Ford and I considered it basic.

The next consideration we advance pivots on the fact that the teaching on contraception concerns grave matter:

Second, the teaching is that acts intended to impede procreation are in species gravely evil—that is, are the matter of mortal sin. This fact . . . makes clear the unqualified character of the intellectual assent demanded for the teaching. When the Church proposes a moral teaching as one which Christians must try to follow if they are to be saved, she a fortiori presents the teaching as one which must be accepted as certain. The magisterium permitted no differing opinions about the morality of contraception, and so probabilism was inapplicable. Thus the conditions under which the teaching was proposed left no room for doubt in the matter.⁷⁸

Sullivan calls this our “principal argument” to show that the sinfulness of contraception was taught as a moral norm to be held definitively: “They base this claim primarily on the fact that the magisterium condemned contraceptive behaviour as gravely sinful.”⁷⁹

But Sullivan does not deal with the statement of the argument quoted above, where we actually make our case. Instead, he selects a one-sentence summary from an answer to an objection much later in the article: “To propose a norm excluding some kind of act as mortally sinful is to propose a teaching to be held definitively.”⁸⁰ This summary is overly compact; I admit that, considered by itself, it is not sound.

The first point Sullivan makes is that a teaching could be proposed that something is morally certainly gravely illicit without that meaning (in Reed’s language) that “the speculative question is definitively closed.”⁸¹ I concede this point and

⁷⁷ Ford-Grisez, 281-82.

⁷⁸ *Ibid.*, 282.

⁷⁹ Sullivan, 147.

⁸⁰ *Ibid.*; Ford-Grisez, 295.

⁸¹ Sullivan, 147.

now say (contrary to Ford's and my summary of the argument): To propose a norm excluding some kind of act as mortally sinful need not be to propose a teaching to be held definitively. The content of the teaching and the kind of assent called for are at least logically distinct. A bishop could propose a norm excluding some kind of act (for example, working in an H-bomb factory) as mortally sinful but expressly propose that norm as probable rather than as certain. (But a conscientious bishop would not say *without qualification* that something is mortally sinful if he had the least doubt about it.)

Sullivan sums up his case on this point: "It is one thing to teach that something involves a serious moral obligation; it is quite another to claim that this teaching is now absolutely definitive, and demands an irrevocable assent." He thinks our argument "would practically rule out any ordinary, noninfallible exercise of the Church's teaching authority on moral issues."⁸² Here Sullivan restates the point I concede—that teaching about grave matter is not necessarily proposed as certain—within the framework of his interpretation, which tends to reduce the conditions for infallible teaching by the ordinary magisterium to those for a solemn definition.

Although I concede that teaching about grave matter need not be proposed as to be held definitively, still I can complete the consideration Ford and I advanced by supplying a missing premise. We should have pointed out a norm for Catholic teachers on which St. Alphonsus and several other doctors of the Church insist: Catholic teachers never should unqualifiedly assert anything to be grave matter unless they are certain it is.⁸³ This norm for pastors and teachers is almost always observed, because most try hard to avoid putting unnecessary

⁸² *Ibid.*

⁸³ S. Alphonsus Maria de Ligorio, *Theologia Moralis*, ed. L. Gaudé (Rome: Typographia Vaticana, 1905-9), 1:456: "Ad hoc igitur ut actio aliqua sit graviter illicita requiritur certitudo prout docet omnes"; and he goes on to cite St. Raymond, St. Antoninus, and Benedict XIV. He often repeats this point and provides additional citations: 1:51, 70, 445; 2:53, 747-48; 3:627.

burdens on the faithful. Hence, where grave matter is involved, the whole body of bishops in communion with the pope never will agree in unqualifiedly proposing a norm unless they consider it certain—to be held definitively.

Thus, I admit that there is no necessary logical relationship between the grave matter contained in a norm and the certain assent called for by those who teach it. But I deny that any sin was included all over the world in Christian lists of mortal sins unless the norm excluding that kind of act was received, held, and handed on as an inescapable requirement of God's plan for Christian life—not merely as "morally certain" but as undoubted—to be held definitively.

XI

The third consideration Ford and I advanced to show that the norm concerning contraception was proposed to be held definitively points to another set of facts: "Third, the insistent repetition of the received teaching in recent times when it was called into question outside the Catholic Church often included and always implied the proposition that this is an obligatory teaching, one which every Catholic must hold even though it is denied by other Christians."⁸⁴ Sullivan ignores this consideration, as he does the first.

He goes on at once to the fourth consideration we advanced: "The other argument Ford and Grisez use to show that the doctrine on contraception was being taught as to be held definitively is that it was often proposed as a divinely revealed moral norm."⁸⁵ He then quotes the first and last paragraphs of this consideration:

The teaching on the morality of contraception often was proposed as a moral norm divinely revealed. Since it was proposed as revealed, *a fortiori* it was proposed as a teaching *to be held definitively*. We prescind from the question whether the evidence alleged to show that the condemnation of contraception is divinely re-

⁸⁴ Ford-Grisez, 282.

⁸⁵ Sullivan, 147.

vealed does or does not show this. The point we wish to make is simply this: when one who is proposing a teaching appeals to divine revelation to confirm the truth of what he proposes, he implicitly calls for an assent of divine faith, and thus proposes the teaching as one to be held definitively.⁸⁶

If one considers the explicit appeals made to Gen 38:9-10 together with the implicit appeals made to the same passage, to Rom 1:26-27, and to the Ten Commandments, one realizes that most who handed on the Catholic teaching on contraception claimed the authority of Scripture, which they believed to be the authority of divine revelation, in support of this teaching. Whether one thinks this claim was valid or not—a question we are not considering here—no one can deny that those who made it proposed the teaching on behalf of which they made it as a moral norm *to be held definitively.*⁸⁷

Sullivan's criticism of this argument is brief:

Now it seems to me that if this argument were valid, it would eliminate practically all ordinary, non-definitive teaching by the magisterium. For, whenever any appeal was made to Scripture in support of what was being taught, this would automatically become definitive teaching. Are we to conclude that the popes, who regularly appeal to Scripture in their encyclicals, have in all such cases been proposing their doctrine as definitively to be held?⁸⁸

It seems to me this criticism involves two confusions.

First, Sullivan here introduces the phrases “non-definitive teaching” and “definitive teaching.” This language shifts the focus from the kind of assent called for to the teaching which calls for assent, and again suggests that the subject of discussion is teaching by solemn definitions. Actually, acceptance of Ford's and my argument would not “eliminate practically all ordinary, non-definitive teaching by the magisterium.” It would merely mean that the part of this ordinary moral teaching which all the bishops in communion with the pope agree in proposing as certain has been taught infallibly—although lacking solemn definitions it is not “definitive teaching.”

⁸⁶ Ford-Grizez, 282; Sullivan, 147-48; he deletes “Fourth” from the beginning.

⁸⁷ Ford-Grizez, 284-85; Sullivan, 148.

⁸⁸ Sullivan, 148.

Second, the argument Ford and I make does not entail that whenever the popes appeal to Scripture in their encyclicals they are proposing their doctrine as to be held definitively. For instance, in *Humanae vitae* there are sixteen references to New Testament texts, but none of them is employed to found or support the central argument and conclusion.⁸⁹ The same thing is true of most uses of Scripture in encyclicals.

But in the detailed argument between the two paragraphs Sullivan quotes, Ford and I show that Scripture texts usually have been used precisely to found or support arguments for the conclusion that contraception is morally wrong. Today everyone is much more cautious than people once were about using proof texts, and Ford and I prescind from the question whether the use of Scripture texts to certify the teaching concerning contraception was sound. But we say that when Catholic teachers claimed that God himself tells us that contraception is wrong, they proposed that norm as something divinely revealed, and thus called for an assent of faith. And that is the clearest way of proposing something *tamquam definitive tenendum*.

This consideration, it seems to me, is the decisive one. It explains why Christian teachers held not only this norm but other specific norms bearing on sex and innocent life, and proposed them to the faithful as obligatory standards for Christian living. They agreed in one judgment and proposed it so firmly because they held the common body of moral teaching, centering on and elaborating the Ten Commandments, with divine faith.

XII

In a general audience on Wednesday, 18 July 1984, John Paul II reflected on the status and ground of the norm excluding contraception:

The Church teaches this norm, although it is not formally (that is, literally) expressed in Sacred Scripture, and it does this in the con-

⁸⁹ See Joseph A. Komonchak, "Humanae Vitae and Its Reception: Ecclesiological Reflections," *Theological Studies*, 39 (1978), 251.

viction that the interpretation of the precepts of natural law belongs to the competence of the Magisterium.

However, we can say more. Even if the moral law, formulated in this way in the Encyclical *Humanae Vitae*, is not found literally in Sacred Scripture, nonetheless, from the fact that it is contained in Tradition and—as Pope Paul VI writes—has been “very often expounded by the Magisterium” (*HV*, n. 12) to the faithful, it follows that this norm *is in accordance with the sum total of revealed doctrine contained in biblical sources* (cf. *HV*, n. 4).

4. It is a question here not only of the sum total of the moral doctrine contained in Sacred Scripture, of its essential premises and general character of its content, but of that fuller context to which we have previously dedicated numerous analyses when speaking about the “theology of the body”.

Precisely against the background of this full context it becomes evident that the above-mentioned moral norm belongs not only to the natural moral law, but also to the *moral order revealed by God*: also from this point of view, it could not be different, but solely what is handed down by Tradition and the Magisterium and, in our days, the Encyclical *Humanae Vitae* as a modern document of this Magisterium.⁹⁰

Here the Pope makes at least three points: The fact that the norm excluding contraception is in accord with the sum total of revelation *follows from* its being contained in tradition and its often being expounded by the magisterium; the norm belongs to the moral order *revealed by God*; and it *could* not be different.

These three points clearly imply that the norm concerning contraception has been infallibly taught by the ordinary magisterium, that at least some specific moral norms do fall under “faith and morals,” and that one can argue from the way a norm is held and handed on to its pertaining to revelation. Ford’s and my view and that taken by the Pope come to the same thing. John Paul II has made a significant personal contribution: a scripturally based “theology of the body” which provides fresh evidence that Catholic teaching not only on contraception but on other questions concerning sex, marriage, and innocent life is rooted in divine revelation.

⁹⁰ John Paul II, “General Audience of 18 July,” *L’Osservatore Romano* (Eng. ed.), 23 July 1984, 1.

The view that revelation includes no specific moral norms goes against the convictions of Christians down through the centuries. If one sets aside the twentieth century and considers the entire previous Jewish and Christian tradition, its massiveness and unity are overwhelmingly impressive. For example, not only no Catholic but no other Christian and no Jew ever would have dared to say of adultery and killing the innocent anything but: These are wicked things, and they who do them, unless they repent, can have no part in God's kingdom. Contrary contemporary theological speculation has the burden of showing that even until yesterday the whole People of God grossly misunderstood his wise and loving commands.

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