

Post Script to my essay that appeared in the journal *New BlackFriars*.

Since my article was published in *New Blackfriars*, I have been made aware of an answer that might be given in reply to the question I put to Sullivan. Readers will recall I argued in *New Blackfriars* that a way to know that a doctrine has been infallibly taught by the ordinary universal magisterium is when the Pope identifies and confirms a doctrine as such. Sullivan had stated, earlier in *Theological Studies*, his belief that without the consensus of theologians it would be difficult to be certain that the conditions for infallible teaching had been fulfilled. After I read Sullivan's reply it struck me that there was still little room for saying that a Papal confirmation would be enough for certainty. Did Sullivan really intend leave so little room? So, in *New Blackfriars* I asked him if he still thinks "that it is too soon to know whether there will be the consensus of theologians that would show that it is 'clearly established' that the immorality of murder, abortion and euthanasia are infallibly taught." Why, I asked, is not the Pope's judgment enough in *Evangelium vitae*(=EV) for 'clear establishment'? The purpose of my question to Sullivan was to make the point that when there is a papal confirmation it is not difficult to be certain that the ordinary universal magisterium has taught infallibly even though there may not be a consensus of theologians.

In his book, *Creative Fidelity*, Sullivan admitted that while there were good reasons for thinking that the Pope meant to invoke the infallibility of the ordinary universal magisterium in EV questions remain. In fact, I referred to this claim of Sullivan's in a footnote in my *New Blackfriars* essay but I did not think it necessary to reproduce the entirety of his argument. Perhaps I should have. Sullivan contended that questions remained about whether the Pope intended to identify the teachings in EV against murder, abortion and euthanasia as infallibly taught because of remarks reported to have been made by Cardinal Joseph Ratzinger at a press conference held when the encyclical was released to the public. These remarks of Cardinal Ratzinger were known to Sullivan from a partial report of the press conference that was published in *Origins*. Sullivan admitted that it is a bit risky to draw firm conclusions from a partial report of what was said at a press conference." (*Creative Fidelity*, 158) Nevertheless, Sullivan concluded:

"If it really was the intention of the pope to invoke the teaching of Vatican II about the infallibility of a consensus of the universal episcopate in proposing a doctrine as definitively to be held, one would expect the cardinal to have said so."

Sullivan reaches this conclusion even though he identifies some good reasons for thinking that Pope intended to invoke the infallibility attributed to the teaching of the ordinary universal magisterium. I will review these later but for the moment I want acknowledge that Sullivan could answer the question I put to him by saying there is uncertainty about the Pope's intentions.

I do not believe Sullivan's argument will hold. It is weak not only because it requires us to believe that there is uncertainty about the Pope's intentions based on what did *not* happen to be mentioned in an incomplete rendering of a press conference, but more importantly because there are strong indications within the encyclical itself – some of

which Sullivan even admits --- of the Pope's intentions. It might also be noted that in an interview in 1997 on the subject of the formulation of the EV on murder, direct abortion and euthanasia teaching Cardinal Ratzinger made remarks that indicated that the Pope did intend to invoke the infallibility of the ordinary universal magisterium.¹ However interesting these comments may be and however they might clear up any doubts about what Cardinal Ratzinger understood about the Pope's intentions, the important thing for our purposes is how the Pope manifests his intention in the encyclical.

Before I examine EV let the words of LG 25 be recalled which lay down the conditions for the infallible teaching of the ordinary universal magisterium.

Although the individual bishops do not enjoy the prerogative of infallibility, they nevertheless proclaim Christ's doctrine infallibly whenever, even though dispersed through the world, but still maintaining the bond of communion among themselves and with the successor of Peter, and authentically teaching matters of faith and morals, they are in agreement on one position as definitively to be held.

What is the evidence for thinking that in EV the Pope intended to identify the teachings against murder, direct abortion and euthanasia as infallibly taught by the ordinary universal magisterium? What reasons are there to think that the Pope understood himself

¹ In fact, in comments attributed to Cardinal Ratzinger in an interview with George Weigel on September 20, 1997 point the exact opposite direction. See, Weigel, *God's Choice*, (New York: HarperCollins, 2005) pp.182-83.

Ratzinger, who once laughed aloud at the good Ratzinger/bad Ratzinger characterization, had a different recollection of his discussions with John Paul II about how certain things should be done. It was widely reported, for example, that John Paul had wanted to invoke his papal authority to define infallibly the three principal teachings of the 1995 encyclical, *Evangelium vitae* [The Gospel of Life]—that the direct and voluntary killing of the innocent, abortion, and euthanasia are always gravely immoral—and Ratzinger somehow prevented this. The prefect denied that this is what had happened, and described the kind of consultations that had in fact taken place.

During the preliminary discussions leading up to the preparation of the encyclical, John Paul was "interested to have the suggestions of our congregation about what [was] possible," Ratzinger said. While *Evangelium vitae* was being drafted, "the Holy Father was waiting for our response as to what was the [best] way to think about these problems; there was never an opposition, because the Holy Father wanted to be informed about precise possibilities." Ratzinger understood that the Pope "wanted to give a very strong formulation" to the three teachings in question; the Pope "was always open to the CDF's suggestions [about] how this should be done." Through the process of consultation, it was decided that the best way to underscore the seriousness of what was being taught would be to footnote each declaration of grave immorality in *Evangelium vitae* with a reference to paragraph 25 of *Lumen gentium*, Vatican II's Dogmatic Constitution of the Church—where the Council had confirmed the infallibility of the "ordinary, universal magisterium" of the world's bishops in communion with the Bishop of Rome. The universality of the Church's teaching on these three questions, in other words, was the guarantee that these teachings were true, certain, and unchangeable. John Paul and Ratzinger had agreed that this was the way of formulating *Evangelium Vitae* that was "most corresponding to the tradition of the Church."

While these remarks are interesting and significant, the most important reasons for thinking that the Pope thought the Church's teaching on murder, abortion and euthanasia are infallibly taught are to be found in the encyclical itself.

as confirming the infallible teaching of the whole Episcopal college dispersed throughout the world?

First, it is clear from the beginning of the encyclical that the Pope intended the teachings of EV to be an expression not only of the ordinary papal magisterium but also an expression of episcopal collegiality as the official “Vatican Summary” of the encyclical points out. In this way, there is something unique about EV as an encyclical. In EV 5 the Pope describes his consultation with the Cardinals in an extra-ordinary consistory that met in the Spring of 1991. In that consistory the Pope says that the Cardinals unanimously asked him “to reaffirm with the authority of the Successor of Peter the value of human life and its inviolability, in the light of present circumstances and attacks threatening it today.” Next, Pope John Paul relates how he wrote a letter each and every one of his brother bishops asking for their help and cooperation. The Popes states that the encyclical which is meant to be “a rigorous reaffirmation of the value of human life and its inviolability” is “the fruit of the cooperation of the Episcopate of every country of the world.”

Second, as Sullivan points out, the Pope presents the taking of innocent human life as a matter of faith and morals based on the natural law and the written word of God. This is important because the Pope makes clear that the magisterium is teaching on a point that is capable of being infallibly taught. It teaches about something that pertains to the deposit of faith which the magisterium must guard and defend. This is significant because one of the conditions for the infallible teaching of the ordinary universal magisterium according to LG 25 which speaks of the whole episcopate teaching authoritatively on a matter of faith and morals.

Third, the Pope explicitly says that he has consulted each of his brother bishops (EV 5) and he is teaching in communion with bishops of the Catholic Church with regard to murder, direct abortion and euthanasia (EV 57, 62, 67). Significantly, in the case of direct abortion (EV 62) the Pope mentions that he is teaching “in communion with the Bishops-who on various occasions have condemned abortion and who in the aforementioned consultation, albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine.” The reference here to LG 25 --- which speaks of the whole episcopate proclaiming Christ’s doctrine infallibly, even when dispersed around the world, provided that they maintain the bond of communion between themselves and Peter’s successor and are in agreement about a particular judgment ---- could not be any more obvious. The passage from LG 25 is footnoted in each of the three paragraphs in EV 57, 62, 67 which judge murder, direct abortion and euthanasia to be gravely immoral. This kind of footnoting of LG 25 is unprecedented in a papal encyclical. There is something in addition to the ordinary papal magisterium here. There is a clear expression of episcopal collegiality being made in the encyclical.

Fourth, the Pope says in each of the paragraphs that these doctrines are taught by the ordinary universal magisterium and that “by the authority which Christ conferred upon Peter and his Successors” confirms (or in the case of abortion, declares) what is taught by the whole episcopate. In the official Latin text of the encyclical, the Pope uses the first

person plural “*confirmamus*” (EV 57, 65) “we confirm” and “*declaramus*” (EV, 62) “we declare” in the judgments against murder, euthanasia and direct abortion (mistakenly transposed and translated in to the first person singular in the English translation). The language the Pope uses in each of the three paragraphs is highly significant because it manifests that in confirming the teachings of the ordinary universal magisterium, the Pope understands himself as speaking together with the bishops as head of the episcopal college with the authority Christ gave to Peter. Again, there is a plain expression of episcopal collegiality.

Thus, the Pope is saying that he and the bishops are clearly in agreement about an important matter of faith and morals. This is significant because one of the conditions for the infallible teaching of the ordinary universal magisterium according to LG 25.

Fifth, the Pope says that murder, direct abortion, and euthanasia are acts that are always morally evil without exception. In EV 57, the Holy Father states that “direct and voluntary killing of an innocent human being is always gravely immoral” and that “there are no privileges or exceptions for anyone.” The Pope makes reference to the supernatural sense of faith of the People of God which shows universal agreement in matter of faith and morals. In EV 62, the Church’s teaching on abortion is said to be unchanged and unchangeable. The consultation of the bishops is described as having “shown unanimous agreement concerning this doctrine.” EV 65 condemns euthanasia as “a grave violation of the law of God, since it is the deliberate and morally unacceptable killing of a human person.” What is stated in EV 57 about the direct killing of an innocent person as always being immoral without exception obviously applies to euthanasia as well. That these teachings are unchangeable and that these evil acts against human life are condemned as admitting no exceptions shows that the Pope is confirming that the whole episcopate is in agreement that these teachings are to be held definitively. Such agreement among the Pope and the bishops that a doctrine is to be held definitively is one of the conditions LG laid down for the infallible teaching of the ordinary universal magisterium.

There are two things we should conclude from the foregoing. First, that in EV the Pope clearly indicates his intention to invoke the infallibility of the ordinary universal magisterium for the Church’s teaching against murder, direct abortion, and euthanasia. Second, the Pope is claiming in EV that all the conditions specified by LG for the ordinary universal magisterium to teach something infallibly have been fulfilled. That is the Pope, the head of the college of bishops, confirms and declares that he and the bishops are in agreement that these teachings, being a matter of faith and morals pertaining to the deposit of faith, are irreversible and are to be held definitively by the faithful. Sullivan’s argument that there is what uncertainty about whether the Pope intended to invoke the infallibility of the ordinary universal magisterium because of what Cardinal Ratzinger did not say about it in a press conference is not a reason to doubt the clear evidence to the contrary in EV.

If one admits that the Pope did intend to confirm the infallible teachings of the ordinary universal magisterium in EV then the question becomes whether a papal confirmation is

enough to identify for us or “clearly establish” the infallible teaching of the ordinary universal magisterium. If it is --- and let us assume that Sullivan believes that it is --- then I do not see how he or anyone can still hold that without the consensus of theologians it would be difficult to be certain that the conditions for infallible teaching had been fulfilled. If there has been a papal confirmation then we need not await a consensus of theologians. The only other alternative would be to deny that a papal confirmation is enough to alert us to an infallible teaching and that we must still await a consensus among theologians for clear establishment. But this would make the consensus of theologians more important than a papal confirmation. This would be something that I do not believe Sullivan would want to hold.