

THE INFALLIBILITY OF THE ORDINARY UNIVERSAL MAGISTERIUM: A CRITIQUE OF SOME RECENT OBSERVATIONS

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The Second Vatican Council's Dogmatic Constitution on the Church, *Lumen gentium*, n.25 teaches that:

Although the individual bishops do not enjoy the prerogative of infallibility, they do nevertheless proclaim Christ's doctrine infallibly even when dispersed around the world, provided that while maintaining the bond of communion among themselves and with Peter's successor, and teaching authoritatively on a matter of faith or morals, they are in agreement that a particular judgement is to be held definitively.¹

This teaching of Vatican II raises the problem of how to know when the ordinary universal magisterium has proposed some doctrine as definitive. The distinguished theologian Francis A. Sullivan, S.J. has attempted to address this problem at some length.² Recalling a passage in Pius IX's letter *Tuas libenter*, he claims that the universal and constant consensus of Catholic theologians is a sign by which we can recognize that a doctrine had been taught as definitive. The Latin term used by Pius IX, *constans*, means unchanging and immovable. This indicates, according to Fr Sullivan, that the consensus about a doctrine as definitively taught must be of the kind that is irreversible and changeless.³ On the other hand, Sullivan says 'it follows that in the absence of such a consensus among Catholic theologians, it would be difficult to maintain that a doctrine had been taught by the ordinary universal magisterium as definitively to be held'.⁴ It also follows, according to Sullivan, that if there is a breakdown in consensus on a point of doctrine about which formerly there was a consensus, then 'it would seem necessary to conclude that this was not the kind of *constant* consensus that points to infallible teaching'.⁵ Sullivan points to the problem of monogenism and polygenism as an example from the history of theology which illustrates this conclusion.⁶

Sullivan also gives another principle important for interpreting whether a doctrine has been taught definitively. He proposes that canon 749.3, which

applies to defined dogmas, be extended to apply to the infallible but undefined dogmas of the ordinary universal magisterium as well.⁷ Canon 749.3 says that ‘no doctrine is to be understood to be infallibly defined unless this fact is clearly established’. Applying this canon to definitive but undefined dogmas, Sullivan claims that no doctrine is to be understood as having been definitively and infallibly taught unless this fact is clearly established. He argues that this kind of fact could not really be said to be established unless there was a consensus among theologians that a doctrine had been definitively and infallibly taught.

Now it is evident that in both principles the consensus of theologians weighs very heavily. Both principles must be applied when judging whether the ordinary universal magisterium has actually taught a particular doctrine definitively. On the one hand, it could not be claimed that a doctrine had been so taught unless there was a consensus among theologians to that effect. On the other, this consensus must prove itself over the long haul, it must be constant and universal.

In what follows I will carefully examine Sullivan’s interpretation and application of these principles and argue against them. I shall claim that while it may be true that the constant consensus of theologians is a sign that the ordinary magisterium has taught a doctrine definitively, nevertheless, the absence of consensus does not necessarily warrant the conclusion that a doctrine has not been taught definitively. The consensus among theologians can be a sign of, but is not a necessary condition for, the definitive teachings of the ordinary universal magisterium. Lastly, I will urge that the discussion about these definitive teachings would be greatly aided if it took place in the context of what some theologians have called catholicity in time.⁸ Key to the concept of catholicity in time is the *communio* structure of the church. The communion of the church must extend not only synchronically but diachronically as well so that the church of the present age shares in the faith and identity of the church of the past right to the church of the very beginning. I want to suggest that the quest for identifying definitive doctrines should be understood as closely connected with the task of achieving ‘catholicity in time’ and communion across time.

I will develop this article in four parts. In the first part, I will scrutinize and criticize Sullivan’s contention that canon 749.3 should apply to undefined dogmas taught by the ordinary universal magisterium. The second part will examine Sullivan’s contention that the debate over monogenism and polygenism illustrates the principle that a breakdown in the consensus among theologians is sufficient to nullify a claim that a doctrine had already been definitively taught. In the third part I shall critique Sullivan’s interpretation of *Tuas libenter*. The claim that Sullivan makes about the importance of the consensus of theologians is grounded upon his understanding of this papal letter. It is in this section that I will advance my claim that the consensus of theologians may be a sign of definitive teachings but is not a necessary condition for such teachings. In the fourth

and final part of this article I will lay out my suggestion for a new context for the current discussion about the ordinary universal magisterium and definitive teachings.

It is hoped that these conclusions and reflections will contribute to the discussion about undefined dogmas and the problem of the infallibility of the ordinary universal magisterium. At the same time this article does not purport to identify, let alone address, all the important questions with regard to this problem.

I. CANON 749.3 AND THE INFALLIBLE TEACHING OF THE ORDINARY UNIVERSAL MAGISTERIUM

‘No Doctrine is to be understood to be infallibly defined unless this fact is clearly established as such.’⁹

Sullivan asserts that this canon, which explicitly is applicable to defined dogmas, ought also to be applied to undefined dogmas taught by the ordinary universal magisterium. He reasons that this extension is justified because the obligations and consequences for the faith are identical regardless of whether a doctrine has been infallibly taught by a solemn definition or by the ordinary universal magisterium.¹⁰ Vatican I and canon 750 of the 1983 Code of Canon Law stipulate that the faithful must believe with ‘divine and catholic faith’ those doctrines proposed as divinely revealed.¹¹ This response is called for whether such doctrines are taught as solemnly defined or infallibly taught by the ordinary universal magisterium. The new Formula of the Profession of Faith says essentially the same thing.¹² Canon 751 of the 1983 Code says that a person is guilty of heresy if that person obstinately denies a doctrine that must be believed with divine and Catholic faith and it makes no distinction between solemnly defined dogmas and doctrines taught definitively and infallibly by the ordinary universal magisterium. Given this, Sullivan comes to the conclusion that just as defined dogmas ought not be considered infallible unless that fact is clearly established, so too for undefined dogmas that the ordinary universal magisterium teaches.

Sullivan submits that careful attention should be given to the final phrase of canon 749.3 which in Latin reads *nisi id manifeste constiterit* and is translated by the Canon Law Society of America as ‘clearly established’. He points out further that *Harper’s Latin Dictionary* translates *constat* to mean settled, established, undisputed, certain, or well known. Sullivan argues that while the Code of Canon Law does not give specific criteria by which a fact can be known as settled, established, etc., it does insinuate or suggest that there will be a general consensus about such a fact. Moreover, the canon says that in addition to being settled and undisputed, a defined doctrine must be manifestly such. But to whom should this fact be so manifest? Sullivan says that it must be manifest to Catholic

theologians who are charged with the responsibility of assessing the dogmatic weight of the teachings of the magisterium.¹³ Therefore he comes to the conclusion that ‘one could hardly claim that a doctrine had been infallibly defined and was *manifestly* “settled, established, undisputed”, if there was a serious disagreement among Catholic theologians about this alleged fact’.¹⁴

Significantly, Sullivan rejects the interpretation made by some theologians that the canon refers to the context and formulation of an infallible doctrinal definition. In other words, one ought not to conclude that a teaching of the magisterium is a solemn definition unless the very formulation of the doctrine itself together with its context make this clear. Sullivan rejects this interpretation in a recent exchange with Germain Grisez.¹⁵ Grisez criticized what he called Sullivan’s translation of *nisi id manifeste constitit* as questionable. He argued that ‘while something can be manifestly the case without having been shown by anyone to be so, “established” suggests that cogent arguments have been given and accepted as such’.¹⁶ The Latin text of the canon, according to Grisez, is open to another interpretation, namely, ‘one should not judge that this or that magisterial statement is a solemn definition unless the very formulation and its context makes this clear’.¹⁷ It follows then that the canon is not applicable to undefined dogmas taught by the ordinary universal magisterium because ‘a teaching of the latter sort is not expressed in a single statement, whose formulation and context could make clear that the doctrine is being proposed infallibly’.¹⁸

Sullivan responds to this criticism by pointing out that he simply follows the English translation of *constat* accepted by the Canon Law Society of America and given in *Harper’s Latin Dictionary*. He concludes not only that there is no basis for objecting to this translation or for Grisez’s opinion ‘that the canonical directive must refer to the formulation and context of an infallible definition, and therefore cannot be applied by analogy to the infallible teaching of the ordinary magisterium’.¹⁹

Now it seems to me that Sullivan has probably shown that the translation of the Latin text of the canon which he follows is sound. But he has still not shown that the canon, even in his preferred translation, does not refer in some sense to the formulation and context of the infallible definition itself. I submit that there are good reasons for holding that the formulation and context of the teaching of the magisterium is important for determining whether that teaching involves a solemn definition. In fact, Sullivan himself, in some of his other writings, seems to recognize this too, even if he does not connect this with his discussion of the application of canon 749.3 to the infallible teaching of the ordinary universal magisterium.

In chapter three of his recent monograph *Creative Fidelity*, Sullivan says that it is not easy at the present time to determine whether theologians are agreed that a doctrine has been defined. In former times one could judge whether there was a consensus among theologians that a

doctrine was defined because they assigned theological notes to doctrines. Since theologians no longer do this today ‘there is no simple way to ascertain the fact of such a consensus’. Sullivan maintains that, ‘It is up to the theologian to show, by other criteria, that it is manifestly the case that a doctrine has been defined.’²⁰ He identifies several criteria: the history of the Council known from its *acta*, the literary genre of council documents, and the distinction between chapters and canons which can be either doctrinal or disciplinary.²¹ Thus the *acta* and the historical records of a council can supply valuable evidence of a council’s intention to define a doctrine. The history of the controversy that provoked the calling together of a council can also be of capital importance for identifying the exact point of doctrine that a council intended to define. Likewise, the literary genre of council documents can be important for assessing the dogmatic weight that a council wanted to give to its teaching. Doctrinal canons, for example, can explicitly refer to the specific point of doctrine that a council intended to define in the corresponding chapter. For example, Sullivan writes with regard to the canons of *Pastor aeternus* that:

These canons pronounce the sentence of ‘anathema’ against those who presume to contradict certain elements of the doctrine contained in the corresponding chapter. The gravity of such a sentence expressed the intention to define a positive statement whose contradiction is condemned in the canon even though in the chapter the council does not use the term: ‘we define’. One can therefore identify only those precise statements whose contradiction is condemned in the corresponding canons.²²

It is clear that in all of the criteria Sullivan gives, the formulation and the context of a doctrinal decree of the magisterium is of paramount importance for ascertaining whether a doctrine has been defined. However, it does not seem that Sullivan has integrated these observations into the question of whether canon 749.3 should be applied to the recognition of undefined dogmas. It is very hard to see how these important observations can be reconciled with his claim that this canon does not mean to assert that the criterion for identifying defined doctrine is based on formulation and context. It is difficult to see how Sullivan can maintain this argument when he skilfully shows how the formulation and context of doctrinal decrees are critical, even indispensable, for determining whether a doctrine has been defined.

If this is all true, then surely canon 749.3 cannot be applied in a straightforward way to undefined dogmas because they do not have the same precise formulation as defined dogmas and the same kind of identifiable context. The criteria that Sullivan proposes seem to admit as much. The doctrinal decrees, for example, at Nicea, Trent, or Vatican I all call for very careful interpretation, as Sullivan rightly insists; nevertheless they clearly express in a single doctrinal statement a teaching that is proposed as defined. Undefined dogmas are different. Because they are not the subject of solemn definition, undefined dogmas are not expressed in

precise formulations. To understand this, one has only to compare chapter 4 and the corresponding canons of *Pastor aeternus* which defines papal infallibility with the doctrine of the communion of the saints taught by the ancient creeds but never the subject of a solemn definition. On the other hand, when it is a question of recognizing defined dogmas one looks for evidence that there was a clear intention to define a particular point of doctrine. This cannot be implicit; it must be indicated in some way in the doctrinal decree itself that makes it clear that doctrine is being proposed as solemnly defined. I do not mean to suggest that Sullivan would deny this. The point here is that his discussion must be connected to the question of whether canon 749.3 can be applied to undefined dogmas.

There are good reasons for thinking, as Sullivan's own criteria suggest, that the final phrase of the canon 749.3, *nisi id manifeste constiterit*, must refer in some way to the formulation and context of the proposed doctrinal definition itself; otherwise the canon itself would ignore sound criteria for interpreting defined doctrines. In other words, the requirement that defined dogmas must be clearly or manifestly established means that there must be a clear intent to define a doctrine in the doctrinal definition itself.²³ If this is the case, then it becomes apparent why canon 749.3 cannot be applied in an analogous fashion to undefined dogmas that are not taught with the same kind of precise formulation and context that is proper to solemn doctrinal definitions.²⁴ It remains true, of course, that when theologians try to identify undefined dogmas they must painstakingly inquire as to whether the Pope and the bishops have been in agreement that a particular doctrine must be held definitively. I conclude then that canon 749.3 is of little help to theologians in their quest to recognize undefined dogmas taught by the ordinary universal magisterium. Whether and to what extent the consensus of theologians is a sign or condition for recognizing an undefined dogma is an issue that will be addressed in the next section.

II. PIUS IX AND THE UNIVERSAL AND CONSTANT CONSENSUS OF CATHOLIC THEOLOGIANS

In a number of his writings Sullivan claims that Pius IX in *Tuas libenter* attached great importance to the constant and universal consensus of theologians for ascertaining whether the ordinary magisterium has taught a particular doctrine definitively as a matter of faith.²⁵ In *Tuas libenter* Pius IX wrote, among other things, against the idea that theologians were obligated to hold only defined dogmas of the church. This notion was voiced during a meeting of Catholic theologians at Munich in 1863. The Pontiff declared:

For even if it is a matter of that subjection which must be given in the act of divine faith, it must not be limited to those things which have been defined by the express

decrees of councils or of the Roman pontiffs and of this apostolic see, but must also be extended to those things which are handed on by the ordinary magisterium of the whole church dispersed throughout the world as divinely revealed, *and therefore are held by the universal and constant consensus of Catholic theologians to pertain to the faith.*²⁶

Sullivan reasons that it is safe to conclude that Pius IX recognized the consensus of theologians as a 'clear sign' that the ordinary magisterium had definitively taught a doctrine *de fide*.²⁷ In a recent essay he also goes so far as to say that the words of Pius IX about the consensus of theologians in *Tuas libenter* were 'another criterion' for demonstrating this kind of teaching.²⁸ Sullivan draws the conclusion from all this that if it becomes apparent at some point that there is no longer a consensus among theologians that a doctrine has been taught definitively then we should conclude that there is no longer the constant consensus that denotes an infallible, definitive teaching.²⁹ We should recall that the absence of this kind of consensus is important according to Sullivan because without it it is difficult to claim that the ordinary universal magisterium has definitively taught a particular doctrine.³⁰

In what follows I shall test Sullivan's contention that the problem of polygenism and monogenism is an example and an illustration of these conclusions that he draws from *Tuas libenter*. I shall then briefly examine his interpretation about the nature and the significance of the assertions of Pius IX in *Tuas libenter*. This method of procedure seems justified given the emphasis that Sullivan's book, *Creative Fidelity*, attaches to the problem of polygenism and monogenism as a test for his claim about the importance of the universal and constant consensus of Catholic theologians.

Sullivan claims that the case of polygenism and monogenism shows how there can be a consensus about a doctrine as definitive that breaks down, thus failing to fulfil a necessary condition for saying that a doctrine has been proposed definitively. It seems appropriate to quote Sullivan on this point.

Here we have an instance of a consensus that seemed strong enough in 1870 to justify defining a doctrine as a dogma of faith, but which has not remained constant and is no longer universal. It would hardly seem reasonable to argue that since the former consensus had fulfilled the conditions required for the infallible exercise of [the] ordinary universal magisterium, the subsequent lack of consensus could not nullify the claim that the doctrine had already been infallibly taught.³¹

At Vatican I there was a conciliar draft in favour of defining monogenism as a dogma of faith. Sullivan argues that although the draft was never discussed or acted upon, it was noted several times in the *acta* that there was no opposition to such a definition. This lack of opposition, coupled with the fact that there was unanimity in the commission that prepared the draft, suggests that prior to Vatican I there was a consensus among bishops

and theologians that monogenism was a definable doctrine and that polygenism was contrary to the Council of Trent's teaching that the sin of Adam was one in origin and communicated by propagation.

But is it not risky to draw such conclusions based simply upon the consensus of a conciliar commission and a draft that was never discussed and which the magisterium never acted upon? Thanks to the interruption of the Council we will never know what a discussion on the unapproved schema would have revealed about precisely why and on what basis it was thought that monogenism was a definable doctrine. Moreover, the question of polygenism as it had been posed by the science of the day was a new one. It was certainly not a question that had crossed the mind of the Fathers at the Council of Trent. Rahner, among others, reminds us that prior to *Humani generis* the declarations of the magisterium do not take up an explicit position on monogenism.³² The descent of all humanity from historical Adam was something taken for granted prior to the advent of modern theories of evolution. But if polygenism was a new question and a new challenge, then can we really speak of a consensus prior to Vatican I that the descent of all human persons from Adam was definable doctrine and that polygenism was contrary to Trent? Even if we were to assume there was a consensus in 1870 at Vatican I on monogenism the most that could be claimed would be that there was a consensus about a new question which prior church teaching did not envisage and which Vatican I itself did not elevate to the status of doctrine.

Sullivan, on the other hand, claims that Pius XII some eighty years after Vatican I continued to uphold this 'consensus' in his encyclical *Humani generis*. There Pius XII proclaimed that Catholic theologians could not hold the theory of polygenism because it was not apparent how such a view could be reconciled with the sources of revelation and what the church teaches with regard to original sin as originating from sin committed by an individual Adam and which, through generation, is passed on to all.³³ For Sullivan, *Humani generis* shows that in the time since Vatican I the former 'consensus' had begun to break down. He cites Karl Rahner some twenty years after the encyclical to the effect that there has been a development in Catholic theology since *Humani generis* tolerated by the magisterium, which suggests that polygenism is compatible with original sin. But both *Humani generis* and Rahner's position require careful interpretation. If we pay careful attention to *Humani generis* it is clear that the Pope did not present his teaching as declaring absolutely and definitively that polygenism is irreconcilable with the doctrine of original sin.

We must recall that Pius XII said that it was *in no way apparent how (nequaquam appareat quomodo)* such an opinion as polygenism could be reconciled with the doctrine of original sin. The words which the Pope chose to use are important. It seems correct to say that Pius XII taught that there was an apparent impossibility of upholding original sin together with the hypothesis of polygenism but he did not say that it would always

be impossible, and the fact that he did not is very significant. Theologians are generally agreed that the primary concern of Pius XII in *Humani generis* with regard to polygenism was to defend the doctrine of original sin. Karl Rahner must be counted as one of these theologians. He also observed with regard to *Humani generis* that:

Polygenism is rejected because and insofar as it is not clear how it can be reconciled (*componi queat*) with the ecclesiastical doctrine of original sin. This statement bars the way to a polygenist view of the origin of mankind, as long as its compatibility with the dogma of original sin is not established. ... Hence in spite of *Humani generis*, some form of polygenism may be prudently maintained.³⁴

Several other theologians reached similar conclusions about *Humani generis*. One of the most telling is that of Henri Rondet:

Indeed official commentators did not fail to observe that the theological ‘note’ attaching to the doctrine of monogenism had changed. Formerly the contrary thesis had been labelled ‘close to heresy’ if not worse; henceforth it would only be temerarious; later still, in the measure that theologians made it their own, the most that could be said against it is that it could not be safely taught (*tuto doceri non potest*). In a noteworthy lecture given in Paris the following year, an exegete explained this qualification by recalling the dictum of an anonymous wit: ‘The pope has locked the door and put the key in his own pocket.’³⁵

The conclusion seems inescapable. In *Humani generis* the Pope only issued a carefully qualified rejection of polygenism. In that encyclical we do not have, as Sullivan seems to allege, a repetition of the unqualified rejection of polygenism that we find in the unapproved schema of Vatican I. The subtleties of that encyclical also tell us that in 1950 the bishop of Rome, the head of the apostolic college, did not judge the prior teaching of the ordinary universal magisterium on original sin as completely, definitively and forever rejecting polygenism. Were it otherwise the teaching of *Humani generis* would not have been so meticulously qualified.

What is the import of all this? I think it makes clear that the case of polygenism does not serve to illustrate Sullivan’s thesis that a breakdown in the consensus among theologians about the definitive status of a doctrine is sufficient to nullify the claim that the doctrine had already been definitively taught by the ordinary universal magisterium. For the church’s most authoritative teaching on polygenism was recent. We have seen that it did not completely shut the door on this hypothesis and evidently did not judge prior church teaching to have done so. In the end, all we have in the case of polygenism is a conciliar draft from Vatican I that took up a new question but was never acted upon or promulgated and a papal encyclical that at bottom amounts only to a conditional rejection of polygenism. It is truly hard to see then how polygenism can serve as an example to instance how a doctrine that once seemed to qualify as taught infallibly by the ordinary universal magisterium could later be rendered

null due to subsequent breakdown in consensus among theologians. The case of polygenism does not seem able to bear the weight that Sullivan would assign to it.

III. THE CONSENSUS OF THEOLOGIAN: A SIGN NOT A CONDITION

Still, having said this, the question remains as to whether Sullivan's principle about the consensus of theologians is a valid one. The answer to this question depends largely on the accuracy of his interpretation of Pius IX's *Tuas libenter*. For the claim that he makes is based on a conclusion that he draws from this papal letter. I contend that Pius IX may well have asserted that the constant and universal consensus of theologians is a sign and is evidence that a teaching is definitive, but I submit that there is little reason to think that Pius IX meant to say that the absence of that sign warranted the conclusion that the ordinary universal magisterium had not taught a particular doctrine definitively. Furthermore, I claim that there is no evidence for thinking that in *Tuas libenter* Pius IX ever meant to suggest the idea that if at some point that there is no longer a consensus among theologians that a doctrine has been taught definitively then this lack of consensus is enough to nullify the claim that the doctrine was a definitive teaching of the ordinary universal magisterium. I think that this is all apparent if we pay close attention to the historical context of this papal letter and to the entire contents of the letter itself.

It is helpful to recall some of the historical circumstances that form the background of *Tuas libenter*. The letter was occasioned by a congress of German theologians at Munich in 1863. Ignaz Döllinger, a leader of what came to be called the German Catholic historical school of thought, and two of his colleagues had issued invitations for Catholic scholars to meet in Munich in September 1863 as a part of a series of proposed theological congresses. German theologians at the time were divided between the historically-minded scholars like Döllinger and neo-Scholastic scholars. Döllinger hoped that the Munich meeting would accomplish some kind of reconciliation between the two groups so that they might present a united front against attacks from secular academics. As the study by John Boyle has shown, Pius IX was initially displeased with the plans for a meeting of German scholars in Munich independently from an explicit initiative from church authorities.³⁶ He also feared that the meeting would involve public attacks and criticism of the Roman Curia. Nevertheless, the meeting was held on 28 September 1863 and Pius IX's fear about a stinging public criticism of the Curia did not materialize. After the meeting ended, the Pope's first reaction was rather favourable until he received reports from his nuncio. The papal nuncio detailed the events of the meeting including a resolution which limited matters of faith only to those doctrines that had been explicitly defined, as well a speech given by Döllinger in

which the German professor denounced the effect Roman censures had on theology and claimed a certain German pre-eminence for the theological sciences. In the meantime, Archbishop von Scheer of Munich gave the Pope an essentially positive report about the meeting. *Tuas libenter* is a reply to the Archbishop of Munich by the Pope. As John Boyle has noted, the letter really addressed the concerns raised by the papal nuncio.

Tuas libenter, dated 21 December 1863, must be seen in this context and interpreted as a whole. Boyle's study of this papal letter is especially helpful in this regard. Pius IX insisted on a number of points which are worth recalling because they reveal the tone and intent of this letter. They are of capital importance for understanding his affirmation about the constant and universal consensus of theologians. While *Tuas libenter* recognized the good intentions of the gathered scholars, the Pope objected to the fact that they had even come together apart from the initiative of magisterial authority. Pius IX wrote:

... we could only marvel at seeing the invitation to the congress prepared and sent in the name of private persons, without any intervention of the initiative, authority or mission of the ecclesiastical authority to which alone pertains by proper and native right to watch over and direct especially the teaching of theological matters. As you well know, such a thing is new and wholly without precedent in the Church.³⁷

Pius IX went on to voice his fear that a meeting of theologians like that at Munich might '... give example of the gradual usurpation of the right of ecclesiastical rule and of the authentic magisterium ...'³⁸ The Pope continued on to say in the now famous passage, that the act of faith is owed not only to defined dogmas but to those things 'handed on by the ordinary magisterium of the Church scattered throughout the world as divinely revealed and therefore are held by the universal and constant consent of Catholic theologians to pertain to the faith'.³⁹ But he was also anxious to assert that theologians also owed obedience to the Roman Curia with regard to doctrinal matters that are not *de fide*:

... the members of the congress should realize that it is hardly enough for Catholic scholars to receive and reverence the dogmas of the Church mentioned above; it is also necessary that they subject themselves both to the decisions pertaining to doctrine which are issued by the Roman Congregations and those matters of doctrine which are held by the common and constant consent of Catholics as theological truths and conclusions so certain, that even if opinions contrary to those matters of doctrine cannot be called heretical, they would still merit some other theological censure.⁴⁰

Boyle also points out that after *Tuas libenter* further correspondence from Rome proposed such strict regulations for congresses of theologians that for all practical purposes it thwarted the planned series of such meetings.⁴¹

One thing is clear: *Tuas libenter* is not a papal letter that is written to contribute to a discussion about criteria for recognizing the definitive

teachings of the ordinary magisterium. It was a clear and unambiguous warning to theologians about their duty to submit to the hierarchical authority of the church in matters of doctrine and it served as a notification to theologians that they were not even to meet together on their own initiative without the approval of the competent magisterial authorities. Clearly, this papal letter was written at a time when theologians operated under vastly different conditions than they do now!

Let us return to Sullivan's interpretation of this letter and the conclusions he draws from it. Given what we have noted about *Tuas libenter*, it does not seem possible to believe, as Sullivan seems to believe, that Pius IX ever intended to suggest that a breakdown in the consensus of theologians with regard to whether a doctrine taught by the ordinary magisterium would somehow nullify a claim that a doctrine had already been definitively taught. It is true that Pius IX spoke of the constant and universal consensus of theologians. But are we really justified in thinking that he meant to say or to imply that a breakdown in consensus means that an *essential condition* for recognizing a definitive teaching of the ordinary universal magisterium has not been met? Surely, this was not the claim of a Pope who did not even want theologians to gather together except at the invitation of the magisterium and only then under its watchful eye. It remains true of course that Pius IX affirmed that the constant and universal consensus of Catholic theologians was evidence of the definitive teachings of the ordinary magisterium. But there is no reason to believe that this Pope, who insisted that theologians must subject themselves to the doctrinal decisions of the Roman Congregations, understood this to be not only a sign of, *but a condition for definitive teachings whose absence would throw into doubt that the ordinary magisterium had taught a doctrine definitively*. A sign is one thing, a condition is another. Sullivan seems to assume that sign and condition mean the same thing in this instance.⁴²

My point here is not to belittle the importance that Pius IX undoubtedly attributed to the 'constant and universal consensus of theologians'. Rather, the point is that we should not assume too much from this affirmation. While the question of how and by what criteria we can recognize a definitive teaching is an important one, we must resist the temptation to make that question a central one for Pius IX in *Tuas libenter*. The most that we should conclude is that Pius IX asserted that the consensus of theologians is evidence and a sign, but not necessarily a condition of the definitive teaching of the ordinary universal magisterium. Therefore it seems justified to conclude that while the constant universal consensus of theologians can be an important sign of this kind of teaching, the absence of the sign does not necessarily mean that the ordinary universal magisterium has not taught a doctrine definitively.

IV. CONCLUDING REFLECTIONS AND A SUGGESTION
FOR A NEW CONTEXT

It seems to me that the current discussion about the definitive teachings of the ordinary universal magisterium could be helped if it were conducted within the context of catholicity in time and if it firmly kept in mind the nature of the church as a communion. If the church is the visible sign of that grace that draws human creatures into communion with one another and into communion with the Trinity through Christ by the power of the Spirit, then we must remember that our communion with one another stretches through time and is not limited to this present age. In other words, the question about definitive teachings should be explored in the context of the communion of the church that must extend diachronically across time so that the church in the present age shares fully in the faith of previous generations.

Avery Dulles, for example, maintains that in Catholic ecclesiology the church is understood as participating in a definitive, albeit imperfect, manner in the fullness of God's gift in Christ.⁴³ Dulles reminds us that it is this definitive but imperfect participation which effects a real communion between the numerous and different generations of Christians in the church. But catholicity in the church, as Dulles constantly insists, is a heterogeneous unity not a homogeneous one. Therefore this communion between different generations of the church is marked by a real communion in difference as each generation has its own distinctive character that complements what earlier generations have initiated. In other words, the catholicity of the church in time is analogous to her catholicity in space or in her geographical extension. Dulles writes:

Just as the Church's geographical catholicity requires a variety of cultural forms, so her temporal catholicity calls for responsiveness to the times and seasons. The present form of the apostolic mission, writes Wolfhart Pannenberg, 'has the task of bringing to new expression in each age the catholic fullness of the church'.⁴⁴

The challenge to each generation of Catholics is to adapt and retrieve the Catholic faith according to the needs of the times and in terms understandable to present-day believers. Mere rote repetition will not do if the fullness of Christ is to be communicated to new generations and if doctrines of the faith are to make real differences in the lives of believers in the world. Mere repetition of the truths of the faith would simply conceal rather than radiate the light of the gospel.⁴⁵ On the other hand, Dulles, recalling a point made by Yves Congar, warns that the process of adaptation and retrieval involves the danger of theologians becoming zealous innovators rather than retrievers, thereby doing violence to the heritage of the church's faith.⁴⁶ Dulles claims that the four principles which Congar proposed to help avoid this danger are still valid today.⁴⁷ One of those principles was a concern for a communion with the whole.

The entire truth of revelation has been entrusted to the whole church and thus it lies beyond the isolated grasp of an individual or group in space or time.

It remains true, of course, that the identification of definitive doctrines taught by the ordinary universal magisterium requires careful research and analysis. Clearly, it is not sound to claim that a doctrine is a definitive one simply because it has been taught in general without interruption or contradiction over a longer period of time.⁴⁸ It is necessary to show that a particular point of doctrine has been taught by the bishops in union with the Pope as undoubted and certain⁴⁹ and that the doctrine is something that has been revealed or is necessary to hold in order to defend the deposit of revelation.⁵⁰ I want to suggest that a clear sense and awareness of communion across time and catholicity in time has to guide the effort to identify these teachings. J. A. DiNoia has rightly observed that the teaching activity of the church is always directed towards fostering communion.⁵¹ Catholicity in time and communion across time is not only gift, it is also a task to be accomplished. It involves, as mentioned above, not mere repetition of doctrine but a genuine retrieval that makes it intelligible for the present age. This may mean, for instance, that it is necessary for a doctrine to be re-interpreted in the light of other doctrines, the way, say, Vatican II reconsidered the ordained priesthood in view of the church understood as a communion. Or it may mean that the biblical sources for the doctrine may require re-evaluation in order that doctrine might be re-invigorated or 'ressourced' for the present age.

An example of this that can be instructive is the controversy over the virginal conception of Jesus in the 1960s and 1970s. Scholars such as Raymond Brown and others steered a middle course between a considerable number of scholars at the time who concluded that the virginal conception was merely a theologoumenon⁵² and those theologians who accepted the doctrine but claimed it was not a definitive teaching of the ordinary universal magisterium or that it was not clearly so.⁵³ Brown and other scholars such as Frederick Jelly showed that belief in the virginal conception was early and constant and that the ordinary magisterium consistently and universally taught the virginal conception of Jesus.⁵⁴ Therefore, they concluded that the doctrine should be categorized as an undefined dogma of faith. At the same time, against those with fideist tendencies, Brown and other scholars were equally insistent that a modern evaluation and re-appropriation of the doctrine was still necessary even though the doctrine was already taught definitively.⁵⁵ Brown, in particular, argued for a serious examination of the doctrine and a critical approach to the biblical evidence in order that its credibility might be enhanced for the church today. He concluded that while the historicity of the virginal conception could not be completely resolved by historical criticism alone, nevertheless the biblical evidence favoured it and definitive church teaching resolved the remaining ambiguity.⁵⁶ Walter Kasper came to a similar conclusion.⁵⁷

Sullivan himself cites the doctrine of the virginal conception as an example of a doctrine infallibly taught by the ordinary universal magisterium and numbers himself among the majority of Catholic theologians who hold this to be the case.⁵⁸ But what if, for example, a majority of Catholic theologians had ended up denying the virginal conception, claiming that it was a theologoumenon, which Brown writing in 1972 observed as an example of a ‘trend that was making headway’.⁵⁹

The controversy over the virginal conception can remind theologians that it can be necessary sometimes for them to work for the retrieval and re-reception of a consensus about the definitive status of a doctrine that in the present age has weakened or is in danger of disappearing lest the church’s catholicity in time be weakened. A chief concern of any judgement about definitive teachings must be for communion with the previous generations of Christians that have gone before us as well as a concern for the retrieval of the wholeness of the catholic faith for our time. Otherwise, theologians risk making definitive doctrines appear to have more to do with a juridical cognitive uniformity than with fostering the unity of the communion in faith.⁶⁰ It also seems true that to the extent that a definitive teaching of the ordinary universal magisterium is not received as such by the present age or a future one, then this non-reception works against the church in her task of achieving catholicity in time and communion across time. Any judgement about what has been taught definitively will have to be concerned with showing how it does not undermine but rather contributes to this task.

This article has argued that while consensus among theologians can be an important sign of definitive teaching of ordinary universal magisterium, it should not be regarded as an essential condition that must be met before it can be said that a particular doctrine has been definitively taught. It has also argued that the current discussion about definitive teachings might be better grounded if it was re-situated in the context of the task of achieving catholicity in time and the communion across time between the different generations of Christians in the church. Questions about what the ordinary universal magisterium has taught definitively are questions about what is required for full communion with our fathers and mothers and what is required for the present age to allow the wholeness of the Catholic faith to come to a new expression.

Notes

1 I follow Fr Sullivan’s translation given in *Creative Fidelity* (New York/Mahwah, N.J.: Paulist Press, 1996), p. 102.

2 Most recently in his *Creative Fidelity*, esp. pp. 93–108. See also ‘The Doctrinal Weight of *Evangelium Vitae*’, *Theological Studies* 56 (1995), pp. 560–5; ‘Reply to Germain Grisez’, *Theological Studies* 55 (1994), pp. 732–7; ‘The Secondary Object of Infallibility’, *Theological Studies* 54 (1993), pp. 536–50; *Magisterium* (New York/Mahwah, N.J.: Paulist Press, 1983), esp. pp. 119–52.

3 *Creative Fidelity*, pp. 100–1; 103; 107. ‘Reply to Germain Grisez’, pp. 736; ‘Guideposts from the Catholic Tradition’, *America* (December 9, 1995), p. 6.

- 4 'Reply to Germain Grisez', p. 736.
- 5 *Creative Fidelity*, p. 104.
- 6 *Creative Fidelity*, pp. 104–5.
- 7 *Creative Fidelity*, p. 106; See also 'The Secondary Object of Infallibility', p. 549.
- 8 For example, Avery Dulles, *Catholicity of the Church* (Oxford: Oxford/Clarendon, 1985).
- 9 I follow the English translation of this canon given in *Code of Canon Law, Latin–English edition*, tr. Canon Law Society of America (Washington, D.C.: Canon Law Society of America, 1983), p. 283.
- 10 *Creative Fidelity*, pp. 106–7; 'Reply to Germain Grisez', p. 734; 'The Secondary Object of Infallibility', p. 549.
- 11 Sullivan cites DS 3011 in *Creative Fidelity*, p. 106, note 49.
- 12 See *Origins* 18/40 (March 16, 1989), p. 663; Cf. *Acta Apostolicae Sedis* 81 (1989), pp. 104–6.
- 13 'Reply to Germain Grisez', pp. 733–4. Cf. *Creative Fidelity*, pp. 43–4.
- 14 *Creative Fidelity*, p. 44.
- 15 Germain Grisez, 'The Ordinary Magisterium's Infallibility', *Theological Studies* 55 (1994), pp. 721–32.
- 16 *Ibid.*, p. 731.
- 17 *Ibid.*
- 18 *Ibid.*
- 19 'Reply to Germain Grisez', p. 734.
- 20 *Creative Fidelity*, p. 44.
- 21 *Ibid.*, pp. 44–55.
- 22 *Ibid.*, p. 48.
- 23 Recently, the Holy See's official Response to the Final Report of The Anglican–Roman Catholic International Commission made a similar point when it wrote: 'For the Catholic Church, the certain knowledge of any defined truth is not guaranteed by the reception of the faithful that such is in conformity with Scripture and tradition, *but by the authoritative definition itself on the part of authentic teachers*' (italics mine). See *Origins* 21 (1991), p. 444.
- 24 Mention should be made here of the fact that recently there appears to be something of an exception to this. *Evangelium vitae*, for example, explicitly invokes the teaching authority of the ordinary universal magisterium with regard to the direct killing of the innocent, direct abortion, and euthanasia. See *Evangelium vitae*, nos 57, 62 and 65. Here we have an instance of the papal magisterium confirming the teaching of the ordinary universal magisterium in such a way as to make the definitive nature of that teaching clear and relatively easy to identify as such. Sullivan admits rightly that there are good reasons to think that Pope John Paul intended to invoke the infallibility of the ordinary universal magisterium as set out in *Lumen gentium* 25. Indeed, the Pope explicitly says that he is teaching in communion with the bishops of the Catholic Church and refers in a note to *Lumen gentium* 25 in each of the three doctrinal formulations. The Pope's language in each of the formulas makes it clear that he is confirming a teaching that he and the bishops want all Catholics to hold definitively. Nevertheless, Sullivan holds 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'. See *Creative Fidelity*, p. 160. Against this I would argue that when *Evangelium vitae* clearly confirms the infallibility of the ordinary universal magisterium for three of its teachings then our knowledge of this rests upon the authority of the teaching that the Pope confirms and the papal confirmation itself rather than a future consensus of theologians.
- 25 See note 3.
- 26 I follow John Boyle's translation in his essay 'The Ordinary Magisterium: Towards a History of the Concept', *Heythrop Journal* 20 (1979), p. 97. The italics are Boyle's.
- 27 'Reply to Germain Grisez', p. 36.
- 28 'Guideposts from the Catholic Tradition', p. 6.
- 29 *Creative Fidelity*, p. 104.
- 30 See note 4 above.
- 31 *Ibid.*, p. 105.
- 32 'Monogenism', *Sacramentum Mundi*, v.4 (New York: Herder, 1968), p. 105. Similarly Alfred Vannest pointed out some thirty years ago that Trent's decree on original sin, particularly the third canon, did not necessarily join the doctrine of original sin to monogenism. He wrote: 'We simply want to say it was the intention of the Council Fathers to re-affirm solemnly the traditional doctrine of original sin against the revolutionary idea of the Reformers and that they could not do otherwise but situate it in a framework which considered the historicity of Adam as obvious. Concomitantly

they affirmed this historicity because they did not have any other form at their disposal but the classical one. Hence it does not make sense to attempt making it the formal object of their definition.' See Alfred Vannest, *Dogma of Original Sin*, tr. Edward P. Callens S.S.C.C. (Brussels: Vander; Louvain: Nauwelaerts, 1971), p. 137.

33 *Humani generis*, no.37. I give the English translation as it appears in *The Papal Encyclicals 1939–1958*, ed. Claudia Carlin, IHM (Wilmington, NC: McGrath, 1981).

34 'Monogenism', *Sacramentum Mundi*, v.4 (New York: Herder, 1968), p. 106.

35 Henri Rondet, *Original Sin: The Patristic and Theological Background*, tr. Cajetan Finegan, OP (Staten Island, New York: Alba House, 1969), p. 243. See also J. O'Rourke, 'Some Considerations about Polygenism', *Theological Studies* 26 (1965), p. 411. O'Rourke, who argued in favour of monogenism, nevertheless wrote: 'It seems correct to say that the words of Pius XII are not to be understood as declaring absolutely that polygenism is irreconcilable with the Catholic doctrine of original sin. The words do state that in no way does it appear how polygenism could be reconciled with Catholic doctrine. Thus if one wanted to embrace a polygenetic hypothesis, the burden of proof would be upon the person proposing the hypothesis; he would have to show how polygenism could be reconciled with the Catholic doctrine of original sin.'

36 'The Ordinary Magisterium: Towards a History of the Concept', *Heythrop Journal* 20 (1979), p. 397; 21 (1980), pp. 14–29.

37 I follow Boyle's translation in 'The Ordinary Magisterium: Towards a History of the Concept,' *Heythrop Journal* 20 (1979), pp. 395–6.

38 *Ibid.*, p. 396.

39 *Ibid.*, p. 397.

40 *Ibid.*

41 'The Ordinary Magisterium: Towards a History of the Concept', p. 395, note 40. Also see *History of the Church*, ed. Hubert Jedin and John Dolan, tr. Peter Becker, v.8 (New York: Crossroad, 1981), p. 246.

42 This leads to another difficulty with Sullivan's position. It appears that it is caught in a logical fallacy. We have seen that he wishes to affirm that the consensus of theologians is a sign that the ordinary magisterium has taught definitively. But Sullivan, going beyond Pius IX, claims that it follows that if there is no consensus among theologians then there has not been a definitive teaching of the ordinary magisterium. This argument appears to be guilty of the logical fallacy of denying the antecedent. It seems to be saying the same thing as someone who says: 'Where there is smoke there is fire and therefore it follows from this that where there is no smoke there is no fire.' But it does not follow that where there is no smoke there is no fire because there are smokeless fires. There are also times when there is a definitive act of the ordinary universal magisterium without the consensus of theologians.

43 *Catholicity of the Church* (Oxford: Oxford/Clarendon, 1985), p. 92.

44 *Catholicity of the Church*, p. 102. Dulles cites Wolfhart Pannenberg, *The Church*, tr. Keith Crim (Philadelphia: Westminster Press, 1983), p. 68.

45 Recently, Christopher Walsh has called attention to the fact that Henri de Lubac made this point brilliantly by understanding Christian doctrine according to the Trinitarian missions. Christian doctrine according to de Lubac has an irreversible and definitive character because it is given to us in the Son, the unique and definitive Word of the Father. At the same time, thanks to the impulse and motivation of the creative Spirit breathed upon us by Christ, Christian doctrine develops in time. The truths of Christian doctrines are for all times and thus have a living and dynamic form. The Spirit leads the church to plummet the infinite depth of the mystery of Christ again and again. De Lubac urges us to avoid an immobile conservatism that is afraid of the future and unfaithful to the truth that the creative Spirit is 'a perpetual principle of progress and fulfillment in the Church'. On the other hand, Walsh observes that de Lubac is equally insistent upon avoiding an extreme progressivism that wants to go beyond the historical Christ and his church. See Christopher J. Walsh, 'Henri de Lubac in Connecticut: Unpublished conferences on renewal in the postconciliar period', *Communio* 23 (1996), pp. 786–805, esp. pp. 748–6. Cf. Henri de Lubac *Christian Faith*, tr. Bro. Richard Arandez, F.S.C. (San Francisco: Ignatius Press, 1986), pp. 245–50.

46 *Ibid.*, p. 105

47 Yves Congar, *Vraie et fausse Réform dans l'Église* (2nd edition, revised, Paris: Cerf, 1968), pp. 211–317. Baldly summarized, the four principles of authentic reform that Congar proposed were: Firstly, a charity and pastoral sensitivity that accepted the given reality of the church and a commitment to labour with that given. Secondly, the concern for communion with the whole church, as mentioned above. Thirdly, a willingness to be patient with delays. Fourthly, an awareness

of the fact that genuine Catholic Christian reform is not innovation but renewal. It must be founded upon principles given in the gospel and tradition.

48 A number of theologians have argued against this mistake. See, for example, Karl Rahner, 'Magisterium', *Sacramentum Mundi*, v.3 (New York: Herder, 1968), p. 356; Germain Grisez, 'Infallibility and Specific Moral Norms', *Thomist* 49 (1985), pp. 277–8; and Francis Sullivan, *Magisterium*, pp. 126–7.

49 J. Kleutgen pointed this out long ago in his commentary on the second Schema on the Church submitted to Vatican I. He explained these doctrines of ordinary and universal magisterium as doctrines of faith or morals that have been transmitted as undoubted. See Mansi, v.53, p. 313. Kleutgen's commentary is cited by *Lumen gentium* 25 in footnote 40.

50 Here it is important to recall what *Lumen gentium* 25 taught about the object of infallibility: 'This infallibility, with which the divine Redeemer willed His Church to be endowed in defining a doctrine of faith and morals extends as far as extends the deposit of divine revelation which must be religiously guarded and faithfully expounded.' *Documents of Vatican II*, ed. Walter Abbot, (Baltimore: America Press, 1966), p. 48. See also the Theological Commission's explanation of the text which clarifies the meaning of this passage: 'The object of the infallibility of the Church thus explained, has the same extension as the revealed deposit; hence it extends to all those things, and only to those, which either directly pertain to the revealed deposit itself, or are required in order that the same deposit may be religiously safeguarded and faithfully expounded ...' Sullivan observes, rightly, that *Lumen gentium* 25 and this explanation have in mind the distinction between the primary and secondary objects of infallibility. I follow Sullivan's translation of the Commission's explanation. See *Magisterium*, p. 132. For the Latin text, see *Acta synodalia sacrosancti Concilii Oecumenici Vaticani II* 3/1 (Typis Polyglottis Vaticanis, 1973), p. 251.

51 See his essay, 'Communion and Magisterium: Teaching Authority and the Culture of Grace', *Modern Theology* 9 (1993), pp. 403–15.

52 It is important to remember here that a theologoumenon is not something that expresses an official doctrine of the church or a matter of faith. Rahner defines it this way: 'A theologoumenon is a proposition expressing a theological statement which cannot be directly regarded as official teaching of the Church, as a dogma binding in Faith, but which is the outcome and expression of an endeavour to understand the faith by establishing connections between binding doctrines of faith and by confronting dogmatic teachings with the whole of secular experience and all a man – or an age – knows.' See 'Theologoumenon', *Sacramentum Mundi*, v.6 (New York: Herder, 1968), p. 172. Fitzmyer pointed out that a theologoumenon may prescind from factuality. See his *To Advance the Gospel* (New York: Crossroad) pp. 41–78.

53 Theologians who regard the Virginal Conception as a theologoumenon or do not think it belongs to the content of Christian faith include Rosemary Ruether, 'The Collision of History and Doctrine: The Brothers of Jesus and the Virginity of Mary', *Continuum* 7 (1969), pp. 93–105; Piet Schoonenberg, 'Die Nieuwe Katechismus und die Dogmen', in *Dokumentation des Holländischen Katechismus* (Freiburg, 1967), pp. XIV–XXXIX, esp. pp. XXXVII–XXXVIII; 'Event and happening: hermeneutical reflections on some contemporary disputed questions', *Theology Digest* 17 (Autumn, 1969), pp. 196–202, esp. p. 201; Otto Knoch, 'Die Botschaft des Matthäusevangeliums über Empfängnis und Geburt Jesu vor dem Hintergrund der Christusverkündigung des Neuen Testaments', *Zum Thema Jungfrauenburt* (Stuttgart: KBW, 1970), pp. 37–59; Gisela Lattke, 'Lukas 1 und die Jungfrauengeburt', *Zum Thema Jungfrauenburt* (Stuttgart: KBW, 1970), pp. 61–89; L. Evelyn, *L'Évangile sans mythes* (Paris: Editions universitaires, 1970); Gerhard Lofink, 'Gehört die Jungfrauenburt zur biblischen Heilbotschaft?' *Theologische Quartalschrift* 159 (1979), pp. 304–6; John McKenzie, 'The Mother of Jesus in the New Testament', *Concilium* 168 (1980), pp. 3–11; Rudolf Pesch, 'Gegen eine doppelte Wahrheit. Karl Rahner und die Biblewissenschaft', *Vor dem Geheimnis Gottes den Menschen verstehen. Karl Rahner zum 80. Geburtstag* (ed. Karl Lehman; Freiburg: Katholische Akademie; Munich: Schnell & Steiner, 1984) pp. 10–36. More recently see Richard P. McBrien, *Catholicism*, New ed., (San Francisco: Harper, 1994), p. 542.

54 Raymond Brown, *The Virginal Conception and the Bodily Resurrection of Jesus* (New York: Paulist Press, 1970), pp. 31–5; Frederick Jelly, 'Mary's Virginity in the Symbols and the Councils', *Marian Studies* 20 (1970), pp. 69–93, esp. pp. 63–84, 89; Austin Vaughn, 'Magisterium on Mary's Virginity', *Marian Studies* 21 (1971), pp. 75–90.

55 *The Virginal Conception*, pp. 37–8; Austin Vaughn, 'Magisterium on Mary's Virginity', pp. 82f.

56 *The Virginal Conception*, pp. 66–8; Also see *Biblical Exegesis and Church Doctrine* (New York: Paulist Press, 1985), p. 37, note 11.

57 'Letter on the "Virgin Birth"', *Communio* 15 (1988), pp. 262–6.

58 *Creative Fidelity*, p. 138. On the other hand, I cannot agree with Richard Gaillardetz who argues that 'this example suggests that in the face of controversy the determination of authoritative studies of any teaching not solemnly defined can be pursued only tentatively'. See *Witnesses to the Faith* (New York: Paulist Press, 1992), p. 174. Gaillardetz claims that the attribution of definitive status to 'controversial' doctrines is subject to 'legitimate disagreement'. This viewpoint is problematic on several levels and a complete reply to it is not possible here. I would point out one problem: Suppose, for instance, that some time in the future the resurrection of the body became a controversial doctrine as it was in the early centuries. Would we really be justified in saying that its definitive and infallible status would only be tentative because it had become controversial? I would suggest that controversy or the lack of it is not really helpful in determining the definitive status of a doctrine taught by the ordinary universal magisterium.

59 *The Virginal Conception*, p. 24. Brown also observed that there had been an unquestionable unanimity with regard to the historicity of the virginal conception. 'But after Vatican II the solid front is cracking in many places.' See *The Virginal Conception*, p. 22.

60 If theologians forget that the teaching activity of the church is primarily directed towards engendering communion then the magisterium and the church itself lies open to an essentially sociological interpretation. As J. A. DiNoia has pointed out, the church then tends to be reduced to a social construct and the magisterium is seen as an aspect of community management. In this scheme DiNoia observes that 'The ascendancy of one set of viewpoints over others in contention can come to be viewed chiefly as a function of bureaucratic power struggles in which self-interest and self-preservation are chief objectives.' See 'Communion and Magisterium', p. 405.

