

QUAESTIO DISPUTATA

THE ORDINARY MAGISTERIUM'S INFALLIBILITY

A REPLY TO SOME NEW ARGUMENTS

In an article published in 1978, John C. Ford, S.J., and I argued that the received Catholic teaching on contraception has been proposed infallibly by the ordinary magisterium.¹ In his book on magisterium, Francis A. Sullivan, S.J., criticized our view and several of our arguments.² In a reply, I tried to show that Sullivan neither refuted our position nor established his own.³ Recently, Sullivan has again taken up the dialogue and offered some new arguments.⁴ Here I shall consider certain questions that Sullivan discusses, reply to the new arguments, and, in doing so, clarify an important ambiguity in two recent magisterial documents to which Sullivan appeals.

Sullivan, considering whether the pope could define the sinfulness of contraception, begins by asking a hypothetical question: If the pope were to do that, "would this doctrine then become a dogma of faith, calling on all Catholics to give it an irrevocable assent of faith?"⁵ For the sake of that discussion, Sullivan supposes that the teaching is not revealed but is connected with revelation, so that it pertains to the secondary object of infallibility. On this hypothesis, he concludes that even if the teaching were defined, it would call, not for an assent of faith, but only for an assent by which faithful Catholics would firmly accept and hold it.⁶ Since Sullivan's conclusion on this matter does not challenge the thesis for which Ford and I argued, I shall not discuss it here.⁷ Moreover, I shall not directly address the question whether the pope could define the sinfulness of contraception. Instead, I shall consider Sullivan's arguments only insofar as they impugn the thesis that

¹ "Contraception and the Infallibility of the Ordinary Magisterium," *TS* 39 (1978) 258–312.

² *Magisterium: Teaching Authority in the Catholic Church* (New York: Paulist, 1983) 119–52, esp. 142–52.

³ "Infallibility and Specific Moral Norms: A Review Discussion," *Thomist* 49 (1985) 248–87.

⁴ "The 'Secondary Object' of Infallibility," *TS* 54 (1993) 536–50, esp. 543–50.

⁵ *Ibid.* 536. It would be more accurate to say that the teaching on contraception concerns intrinsic moral wrongness rather than sinfulness.

⁶ *Ibid.* 542–43.

⁷ I have dealt briefly with the assent due to infallible teachings of truths not revealed but appropriately connected with revelation in *The Way of the Lord Jesus 2: Living a Christian Life* (Quincy, Ill.: Franciscan, 1993) 39–40.

the ordinary magisterium has infallibly proposed the received teaching on contraception.

The first question Sullivan raises which directly bears on that thesis is whether norms of the natural moral law, such as that excluding contraception, are included in the secondary object of infallibility—that is, are among truths required for revelation's explanation and defense.⁸

Sullivan begins by noting that principles or norms of natural law “also contained in the deposit of revelation” thereby pertain “to the primary object of infallibility.” But among Catholic theologians, he says,

there is general agreement that the modern world presents a great number of difficult and complex moral problems to which Christians seek solutions “in the light of the Gospel,” but also in the light of human experience, by applying their intelligence to the search for the correct determination of moral right and wrong as applied to this kind of problem. The question we are asking is whether such moral norms belong to the secondary object of infallible teaching by the Church.⁹

Since Sullivan is assuming that the norm excluding contraception is not contained in revelation, he thus implies that it is a difficult and complex problem presented by the modern world. However, his dichotomy leaves no room for the many straightforward and perennial moral problems—including contraception—about which the ordinary and universal magisterium already proposed a single, firm teaching in times past.

Sullivan goes on to report the opinion of Umberto Betti, O.F.M., who holds: “One can include in the object of irreformable definitions, even though the matter is not of faith, everything that pertains to the natural law, since this is also an expression of the will of God.”¹⁰ Com-

⁸ “The ‘Secondary Object’ ” 543. Much of Sullivan’s criticism of the Ford-Grisez thesis in *Magisterium* and my reply in “Infallibility and Specific Moral Norms” focused on this same question, and I shall not repeat here what I said there. (Without conceding that the norm excluding contraception is not revealed, Ford and I, for the sake of argument, treated it as *at least* pertaining to the secondary object of infallibility.)

⁹ *Ibid.* No doubt, the modern world does present new moral problems, not only concerning the use of technology—watching television, nuclear deterrence, genetic manipulation, and so on—but also concerning activities made possible only by modern social and economic structures, such as reverse discrimination, advertising, investing in mutual funds, and so on.

¹⁰ *Ibid.* 544; Betti, *L'Osservatore Romano*, 25 Feb. 1989, 6. Sullivan mistakenly says (543–44) that this statement of Betti’s is “in the *Nota di presentazione* which accompanied the publication of the new formula for the Profession of Faith,” and refers (n. 23) not only to *L'Osservatore Romano* but to AAS 81 (1989) 105. Betti’s theological commentary,

menting on this, Sullivan emphasizes "that the magisterium itself does not claim that every moral issue, *regardless of its connection with revelation*, is potential matter for infallible definition."¹¹

Sullivan next sets aside the possibility that the received teaching on contraception is revealed: while it was long thought to be so in the story of Onan, few scripture scholars today accept that exegesis; and while Pius XI alluded to Onan in *Casti connubii*, Paul VI neither did so in *Humanae vitae* nor otherwise claimed that the doctrine was divinely revealed; and "neither did Ford and Grisez make such a claim."¹² However, while it is true that Ford and I prescinded from the question whether the norm excluding contraception is revealed, we argued that the widespread use in the past of the Onan story and other scriptural texts to illustrate the Church's teaching rejecting contraception, together with other facts suggesting that the norm is revealed, tends to show that this teaching is at least connected with divine revelation in such a way as to fall within the secondary object of infallibility.¹³

Overlooking that part of Ford's and my argument, Sullivan at once says that our "contention was that the fact that [the teaching on contraception] has been infallibly taught by the ordinary universal magisterium proves that it must be a proper matter for infallible teaching, and therefore belongs at least to the secondary object of infallibility."¹⁴ Now, Ford and I did say: "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 norm as binding."¹⁵ However, we at once offered a supporting argument which Sullivan here overlooks: "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."¹⁶ Then too, after the consideration

however, is an article separate from the official *Nota di presentazione*, and only the latter is printed in AAS (on 104; the *Professio Fidei* itself is on 105).

¹¹ Sullivan, "The 'Secondary Object' " 545; cf. 544 n. 26, which ends: "whatever its connection with revelation might be." Ford and I fully took into account the limits of the object of infallibility; see "Contraception and the Infallibility" 286-90.

¹² "The 'Secondary Object' " 545.

¹³ Ford and Grisez, "Contraception and the Infallibility" 286-88.

¹⁴ "The 'Secondary Object' " 545.

¹⁵ "Contraception and the Infallibility" 287.

¹⁶ *Ibid.* In *Magisterium* 143-44, Sullivan treated this supporting argument as an argument by analogy that the morality of contraception is a proper object for the infallible magisterium, and I explained in "Infallibility and Specific Moral Norms" 251-53, that our reference to the way in which Pius XII reasoned served, not as an argument by

which I mentioned in the preceding paragraph, Ford and I added another, which we thought makes the connection between revelation and the norm excluding contraception even clearer: that the history of the teaching on contraception shows it to have been “a *creative response faithfully developing* Christian moral teaching”—that is, elements of teaching directly rooted in divine revelation.¹⁷

Sullivan, however, reduces Ford’s and my argument to one of its elements and then criticizes this strand of our argument:

In their view, to prove that the sinfulness of contraception has been infallibly taught, it is sufficient to prove that it is a moral doctrine which the universal magisterium has proposed “to be held definitively.” Then, on the basis of their claim that it has been infallibly taught, they argue that it must be a doctrine that is either revealed in itself, or is so connected with revelation that the magisterium can speak infallibly about it.

Now it seems to me that this way of arguing would render irrelevant the question, which so agitated the bishops at Vatican I, concerning the limits of the matter about which the pope can speak infallibly. There would have been no need to specify these limits; it would have been sufficient to say simply that whenever the pope defines something, it necessarily follows that the matter falls within the proper object of infallibility. Why bother specifying that he can speak infallibly only about doctrine of faith or morals? And why bother explaining, as Gasser did, that this must be doctrine that is either revealed or required for the defense or explanation of revealed truth? And why have the limits of the object of infallible teaching been mentioned again and again in the official documents that we have examined in this article?¹⁸

Sullivan here conjoins two distinct questions: (1) Why specify that infallible teaching must be about faith or morals? (2) Why explain that it must be of doctrines either revealed or appropriately connected with revealed truth? The first question, however, is not at issue, since Ford and I listed this condition among those for the infallibility of the ordinary magisterium and showed that the teaching on contraception meets it.¹⁹ But the second question requires an answer.

analogy, but as a counterexample to foreseen attempts (such as Sullivan’s) to exclude reasoning back (as Pius did) from the manner in which a doctrine was handed on and accepted to its inclusion within the object of infallible teaching.

¹⁷ “Contraception and the Infallibility” 289; this argument ends in the middle of 290.

¹⁸ Sullivan, “The ‘Secondary Object’ ” 545–46.

¹⁹ See “Contraception and the Infallibility” 272–73; cf. my “Infallibility and Specific Moral Norms” 258–67. Sullivan himself seems to agree that contraception is a matter of morals (on which, he thinks, the magisterium can teach authoritatively though not infallibly); see “The ‘Secondary Object’ ” 546, where he reports with apparent approval the opinion he attributes to “most, if not all,” Catholic theologians that contraception, “being a moral issue . . . is a proper matter for *authoritative* teaching by the magisterium.”

My response to it is that the explanation that infallibility extends only to doctrines either revealed or appropriately connected with revealed truth is useful for at least three purposes, all of which are compatible with Ford's and my claim that the *conclusive* proof that a teaching somehow pertains to revelation can be drawn from its having been held and handed on in a way that shows it to have been infallibly taught. First, explanations such as Gasser's (and those found in subsequent authoritative documents) manifest the magisterium's recognition of its proper limits and its commitment to respect those limits when it solemnly defines a matter of faith or morals. Second, such explanations help the faithful to assent to infallible teachings by pointing to the divine authority which grounds them. Third, such explanations also respond to those who mistakenly think that the magisterium claims an infallibility not dependent on divine revelation and subordinate to it.

If, besides these purposes, the statement of the limits of infallibility were necessary, as Sullivan contends, to articulate an essential condition for identifying a teaching as infallible, then both Vatican I's definition of papal infallibility and Vatican II's articulation of the conditions for the infallibility of the ordinary magisterium are inadequate, since neither explicitly includes the limitation of infallibility to doctrines revealed or appropriately connected with revealed truth.²⁰

Sullivan concludes his argument for the view that the norm excluding contraception is not included in the secondary object of infallibility by invoking the authority of other theologians, who "do not believe that this question falls within the proper object of infallibility."²¹ Sullivan made, and I answered, this argument previously, not only with respect to the norm excluding contraception but with respect to "particular norms of natural law" in general.²² Now, however, Sullivan offers a supporting argument by analogy with the practice that he ascribes to theologians of asking, with respect to possible papal or conciliar definitions,

²⁰ Vatican I indicates the limits in a supporting argument (DS 3069–70) leading to its definition (DS 3074), and Vatican II indicates them (in *Lumen gentium* 25) at the beginning of its paragraph on papal infallibility, which follows immediately after the paragraph articulating the conditions for the infallibility of the ordinary magisterium and stating the infallibility of conciliar definitions. In "Infallibility and Specific Moral Norms" 254–55, I also pointed out that Sullivan's attempt to rule out argument from the way a truth is held and handed on to its status as pertaining to revelation would prove too much if it proved anything, since Christians always have used arguments of this sort when they appealed to prior tradition in order to settle some dispute. Also see Ford and Grisez, "Contraception and the Infallibility" 276–77.

²¹ "The 'Secondary Object' " 546.

²² See Sullivan, *Magisterium* 148; cf. 148–52, and 227–28 n. 46; Grisez, "Infallibility and Specific Moral Norms" 260–62, 271–75.

whether the matter about which the statement was made is such that it is capable of being defined as a dogma of faith, or is otherwise capable of being infallibly taught. Thus, for instance, one of the questions they ask about the Bull *Unam sanctam* of Boniface VIII is whether his doctrine of the supremacy of the spiritual over the temporal power is one that could be defined as a dogma of faith. If it clearly is not, they can conclude that whatever Boniface thought about it, he did not define it as a dogma of faith. Similarly, they judge that a number of the canons of the Council of Trent which end with *anathema sit* do not define dogmas of faith, because the matter with which they deal is not revealed truth.²³

It seems to me, however, that two kinds of cases must be distinguished. On the one hand, at times theologians do claim that, in issuing some apparently definitive statements—such as *Unam sanctam* and certain (perhaps merely disciplinary) canons of Trent—popes and general councils did not mean to define what some have thought they defined, or did not deal with any matter of faith or morals, or did not propose their judgment as a truth to be held definitively by all the faithful. Granting its justifiability, that theological practice, however, is not analogous, and so is simply irrelevant, to the view of those who argue that the norm excluding contraception cannot have been infallibly taught *even if* it was proposed by the universal magisterium as a matter of morals to be held definitively. On the other hand, perhaps sometimes a theologian admits that, in issuing an apparently definitive statement, a pope or general council meant to define some point of faith or morals as a truth to be held by the universal Church, yet holds the attempt to have failed solely on the basis of a theological argument that the matter simply could not be revealed in itself or appropriately connected with revelation. Such a claim would be analogous to that of a theologian who admits that some received specific moral teachings have been proposed by the universal magisterium as truths to be held definitively but denies that they are revealed or appropriately connected with revelation on the basis of the theory that “the concrete norms of the natural law simply do not admit of such irreversible determination.”²⁴ However, Sullivan does not even cite, much less try to justify, any particular instance of such a claim in respect to an apparently definitive statement, and, in the absence of justification, I would regard such a claim as no more tenable than Sullivan’s claim

²³ “The ‘Secondary Object’ ” 546. Sullivan gives no references to the theologians he has in mind.

²⁴ The quoted phrase is from Sullivan, who cites the opinion with apparent approval (*Magisterium* 151). Against this opinion, see John Paul II, *Veritatis splendor* esp. 13, 27, 29, 36–37, 44–45, 72–73, 114–15; cf. my “*Veritatis Splendor: Revealed Truth vs. Dissent.*” *Homiletic and Pastoral Review* 94 (March 1994) 8–17.

with respect to the teaching on contraception and other "particular norms of natural law" which have been constantly and firmly taught by the universal, ordinary magisterium.

This brings me to the second question Sullivan raises. It concerns, not the Ford-Grisez thesis itself, but a remark I made in defending it: "Moreover, as already explained, it is not exact to say that a doctrine infallibly taught by the ordinary magisterium is 'irreformable.'"²⁵ Sullivan finds this remark baffling, for he thinks that

irreformability is the distinctive quality of infallible teaching, whether this is in the form of a solemn definition or in the form of the teaching of the ordinary universal magisterium that a doctrine is "definitively to be held." Doctrine that has been infallibly proposed cannot be reversed. This, to my mind, is what it means to say that the magisterium has spoken "definitively" on an issue. The word is cognate to the term "definition"; both terms mean that the Church has taken a stand which is not open to revision as far as the meaning is concerned.²⁶

I agree, of course, that any teaching proposed infallibly is irreversible and that the identical meaning of its previous formulation (or formulations) must be maintained intact in any legitimate attempt to improve on it (or them). But Vatican I brought the word *irreformable* into *Pastor aeternus* to signify a property of *ex cathedra* papal definitions, a property that presupposes but is distinct from the gift signified by *infallibility*. If papal definitions were of themselves reformable, they would remain provisional until confirmed by the other bishops.²⁷ So, it seems to me, irreformability specifically excludes the prospect of such review²⁸—a prospect and thus an exclusion simply irrelevant to teachings proposed infallibly by the bishops as a whole, whether by a general council or by the universal, ordinary magisterium.

However, if my understanding of irreformability were shown to be unsound, I could withdraw the remark which Sullivan finds baffling without conceding any mistake in the Ford-Grisez thesis or my arguments defending it. Consequently, this issue is not vital but incidental, and perhaps no more than a difference of terminology.

The third question that Sullivan raises concerns the requirement that, to be infallibly taught by the ordinary magisterium, a doctrine must be proposed as one to be held definitively. Sullivan first questions Ford's and my interpretation of "to be held definitively":

²⁵ "Infallibility and Specific Moral Norms" 278.

²⁶ "The 'Secondary Object'" 546-47.

²⁷ See Georges Dejaifve, S.J., "Ex sese, non autem ex consensu ecclesiae," *Salesianum* 24 (1962) 283-95.

²⁸ See *Lumen gentium* 25.

According to Ford and Grisez, to propose a doctrine as "definitively to be held" means no more than to teach it as "certain" or "undoubted." As proof they appeal to the use of the word "undoubted" by Kleutgen in the revised *Schema de Ecclesia* which he prepared for Vatican I [note omitted], and to the fact that *Lumen gentium* has a footnote reference to this Schema in the section in which it treats the infallible teaching of the college of bishops (no. 25). Kleutgen's Schema is a theologian's draft that lacks dogmatic value, never having been presented to the bishops at Vatican I or discussed by them. The footnote reference to this Schema is a very tenuous basis on which to establish the meaning of the phrase "as definitively to be held."²⁹

In reply, I shall both restate and develop Ford's and my argument. To begin with, Sullivan here overlooks two of the three clauses in our explanation of "to be held definitively":

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.³⁰

Moreover, we did not treat Vatican I's revised schema *De ecclesia* as having any dogmatic value of itself; rather, we explained that it "attains a status which it would not have of itself, because it is cited by Vatican II as expressing a teaching comparable with its own."³¹ Vatican II's reference, in a footnote beginning "Cf." and appended to the sentence in which "definitive tenendam (to be held definitively)" appears, is part of the Council's own text. Therefore, Ford and I considered it a reasonable basis on which to establish the phrase's meaning. To dismiss *all* such references in Vatican II's documents as a tenuous basis for interpreting them, as Sullivan does this one, would be to devalue the only guidance provided with the Council's own authority for interpreting its texts. But why would one make a general rule of doing that? And if one would not, why do it in this particular case?

A further point, which Ford and I did not make, is that Vatican II's teaching identifies the infallibility of the ordinary magisterium as something real, not as a theoretical possibility with no actual instances. This infallibility, however, does not pertain to some extraordinary teaching acts of the bishops, but to their agreement—in one judgment as definitively to be held—in their ordinary, day-to-day teaching acts. Therefore, not some extraordinary teaching acts of the

²⁹ "The 'Secondary Object' " 547.

³⁰ "Contraception and the Infallibility" 276; cf. my "Infallibility and Specific Moral Norms" 275–78.

³¹ "Contraception and the Infallibility" 270; cf. 275.

bishops but their ordinary acts must afford identifiable examples in which doctrines on faith or morals are proposed as truths to be held definitively. However, apart from cases in which bishops explicitly point out that a revealed truth calls for the assent of faith, there is no case in which the bishops, dispersed around the world, do anything in their day-to-day teaching more plausibly called "proposing something to be held definitively" than the cases in which they propose a teaching in the way Ford and I describe.

But Sullivan also advances a new argument. He begins by suggesting that a "much sounder basis" than Ford and I used for interpreting "definitive tenendam" is found in "recent documents of the magisterium."³² For the Congregation for the Doctrine of the Faith, in the new formula for the Profession of Faith,³³ uses "definitive proponuntur" in speaking simultaneously of truths solemnly defined and those proposed by the universal ordinary magisterium as to be held definitively, and similarly uses "proponit definitive" in its Instruction on the Ecclesial Vocation of the Theologian, *Donum veritatis*.³⁴ Sullivan rightly explains that, in their reference to the teachings of the ordinary magisterium, these expressions cannot be understood as identical with "solemnly define" but must rather be taken as elliptical expressions equivalent to *Lumen gentium's* "agree in one judgment as that to be held definitively."³⁵ From this he concludes: "These documents recognize that there is an important difference between the 'definitive proposal' of doctrine, which is infallible, and the nondefinitive exercise of the ordinary magisterium, which is not."³⁶

Now, while this conclusion surely is correct, Sullivan fails to show that the recent documents provide a basis sounder than Ford's and mine for interpreting "definitive tenendam." For, since, as Sullivan himself realizes, the Profession's "definitive proponuntur" and the Instruction's "proponit definitive," insofar as they refer to the ordinary magisterium, mean the very same thing as *Lumen gentium's* "in unam sententiam tamquam definitive tenendam conveniunt," the new expressions adopted by the CDF provide no basis whatever for interpreting Vatican II's expression. Rather, the opposite: the Council's fuller articulation of the conditions for the infallibility of the ordinary mag-

³² "The 'Secondary Object' " 547.

³³ AAS 81 (1989) 105.

³⁴ AAS 82 (1990) 1559.

³⁵ "Both of these documents take the term 'to propose in a definitive way' as equivalent to *Lumen gentium's* phrase 'propose as definitively to be held.' In the context, one cannot interpret the phrase 'to propose in a definitive way' as though it were identical with 'solemnly define'; it undoubtedly includes the 'definitive' proposal of doctrine by the ordinary universal magisterium" ("The 'Secondary Object' " 548).

³⁶ *Ibid.*

isterium is the only sound basis for interpreting the CDF's elliptical expressions.

Sullivan, however, at once goes on:

Ford and Grisez argue that in order to prove that the sinfulness of contraception has been proposed as "definitively to be held" it is enough to show that for at least a century, prior to 1962, Catholic bishops and popes were agreed in teaching that the practice of contraception was objectively a grave sin. They argue that they could not have taught that some act would objectively be a grave sin unless they proposed this as certain, and therefore they must have proposed this doctrine as "definitively to be held."

It seems to me that this argument would tend to eliminate the difference between the ordinary, authoritative, but nondefinitive teaching of the magisterium, and its proposal of doctrine "in a definitive way," or as "definitively to be held." For even when popes and bishops declare something to be gravely wrong in their ordinary, nondefinitive exercise of magisterium, they teach it not merely as probably sinful, but as certainly such. If it were true that proposing doctrine as "definitively to [be] held" meant no more than proposing it as certain, it would follow that the magisterium could never declare a way of acting to be gravely morally wrong without speaking "definitively."³⁷

The summary here of Ford's and my argument is inadequate.³⁸ But the summary's inadequacy apart, there is a fallacy in Sullivan's argument that our interpretation of "definitive tenendam" implies that the magisterium necessarily speaks "definitively" if it declares a way of acting to be gravely wrong. For in this argument, "magisterium" is ambiguous: in Ford's and my interpretation of "definitive tenendam," "magisterium" refers to bishops (and popes) individually proposing a moral norm as certain, while as the subject of Sullivan's "speaking 'definitively,'" it refers to the bishops and popes *agreeing in one judgment* as that to be held definitively. Without agreeing in one judgment, individual bishops (and popes) could declare a way of acting to be morally wrong and grave matter, and in doing so make it clear not only that they proposed that teaching as certain but that they considered themselves obliged to propose it and the faithful obliged to accept it. In such a case, the magisterium (*those* individual bishops [and popes]) would

³⁷ Ibid.

³⁸ The inadequacy is threefold. First, Sullivan once more overlooks two of the three phrases in Ford's and my explanation of the conditions which define a bishop's proposing a judgment as to be held definitively. Second, he omits three of the four considerations we offer to show that the teaching on contraception was proposed as one to be held definitively ("Contraception and the Infallibility" 281–85). Third, he ignores my more adequate articulation, in response to his previous criticism, of the one consideration on which he focuses ("Infallibility and Specific Moral Norms" 281–83).

propose that point of teaching as one to be held definitively, yet the magisterium (the morally unanimous collectivity of the bishops including the pope) would not speak "definitively."

This ambiguity enters Sullivan's argument due to his use of the CDF's elliptical expressions in which "definitive" modifies "proponit" and "proponuntur" (rather than "tenendam"), where those verbs refer not only to acts of solemnly defining but also to situations in which the teaching of the bishops dispersed around the world meets *all* the conditions for the infallibility of the ordinary magisterium. When the magisterium solemnly defines something, infallibility qualifies the act itself, and more is required for such an act of speaking definitively than that a doctrine be proposed as certain. Likewise, when the ordinary magisterium infallibly teaches something, more is required for it to speak definitively than the proposal by bishops (and popes) as individuals of a point of doctrine on faith or morals *tamquam definitive tenendam*, since infallibility qualifies their acts, not as those of distinct individuals, but as those of the episcopate whose members, though dispersed throughout the world, are morally unanimous in agreeing in one judgment. Thus, the single *acts* involved in the ordinary magisterium's infallible teachings cannot and need not be definitive; they need only propose a teaching (on a matter of faith or morals) as *to be held* definitively.

The fourth and final question Sullivan discusses begins from "the significance of the fact that there is no evidence of a consensus among Catholic theologians that this doctrine [the norm excluding contraception] has been infallibly taught by the ordinary universal magisterium."³⁹ Sullivan says that this lack of consensus among theologians—and, he adds, bishops—shows that it has not been "clearly established" that the norm has been infallibly taught. "On the other hand," he continues, "canon law prescribes that 'no doctrine is understood to be infallibly defined unless it is clearly established as such' (can. 749.3)." So, Sullivan's final question is: "Does the requirement that no doctrine be recognized as infallibly *defined* unless this fact is clearly established, also apply to recognition of doctrine as infallibly *taught* by the ordinary universal magisterium?"⁴⁰

Sullivan's and my earlier exchange touched on the significance of the cited canon.⁴¹ Thus, after summarizing the whole of canon 749 and my previous remarks about the requirement, Sullivan now grants (but does not seem to concede) that it only applies to defined doctrines. He argues on theological grounds, however, for an analogous noncanoni-

³⁹ "The 'Secondary Object' " 548.

⁴⁰ *Ibid.* 549.

⁴¹ See his *Magisterium* 150, and my "Infallibility and Specific Moral Norms" 273.

cal norm “that no doctrine should be understood as having been infallibly taught by the ordinary universal magisterium unless this fact is clearly established.”⁴² His argument for this is based on the consequences for the faithful of a doctrine’s being infallibly taught: they are obliged to accept it with the appropriate assent and are guilty of sin if they fail to do so.⁴³ Given that the consequences for the faithful are the same whether a doctrine is solemnly defined or infallibly taught by the ordinary magisterium, Sullivan draws his first conclusion: No doctrine should be understood as infallibly taught by the ordinary magisterium unless this fact is clearly established. From this conclusion and the point he made previously—that it is not clearly established that the norm excluding contraception has been infallibly taught by the ordinary magisterium—Sullivan draws his final conclusion: “Catholic theologians are fully justified in continuing to treat this as a doctrine that, while authoritative, has not been infallibly taught, and consequently is not irreformable.”⁴⁴

My first point in response to this argument is that it depends in part on a questionable translation. The Latin for the phrase “unless it is clearly established as such” in canon 749.3 is simply “nisi id manifeste constiterit,” which Sullivan himself previously translated: “unless this is manifestly the case.”⁴⁵ 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. Thus, Sullivan’s interpretation of the canonical requirement implies that one cannot identify a defined doctrine unless there are cogent arguments leading to a theological consensus that the magisterium’s statement of it is indeed a solemn definition. The Latin of the canon, however, is open to a different interpretation: one should not judge that this or that magisterial statement is a solemn definition unless the very formulation and its context makes this clear. On this interpretation, the canonical directive for identifying defined doctrines cannot possibly have the exact theological analogue in regard to infallible teachings of the ordinary magisterium for which Sullivan argues, since, in the nature of the case, a teaching of the latter sort is not expressed in a single statement, whose formulation and context could make it clear that the doctrine is being proposed infallibly.

My second point is that, *with respect to the faithful*, I think there is

⁴² “The ‘Secondary Object’ ” 549.

⁴³ *Ibid.* The documents which Sullivan cites in stating this argument all refer to doctrines proposed as divinely revealed, and so the consequences are the requirement of divine faith and the sin of heresy; I grant the implicit assumption that the norm excluding contraception was proposed as divinely revealed.

⁴⁴ *Ibid.* 550.

⁴⁵ *Magisterium* 150.

a theological analogue: the assent which is due an infallible teaching should not be given unless the way in which the bishops in communion with the pope have proposed a teaching makes it clear to you that it is proposed infallibly. For whether an infallible teaching is by a solemn definition or by the ordinary universal magisterium, a faithful Catholic's consequent responsibilities only take hold if and when he or she becomes aware of the teaching's infallibility. So, with respect to most of the faithful, I agree in part with Sullivan: even if they are aware of the argument that the Church's teaching on contraception has been proposed infallibly, they need respond to that teaching only as proposed authoritatively, that is, with religious assent.⁴⁶ For, in view of the silence up to now of virtually all the bishops on the teaching's infallibility, as well as the absence of consensus among theologians who have dealt with the issue, most of the faithful who lack theological training will be unable to see that this teaching has been proposed infallibly.

My third, and last, point is that, *for theologians*, lack of consensus for a position is no argument against it, and an alleged consensus for a position is a bad argument in its favor. Psychologically, no doubt, it is reassuring to find one's views supported by many colleagues. Methodologically, however, this at best provides an unreliable sign of where the truth might lie. And logically, it provides no justification for participating in the alleged consensus; invoked as a response to a reasoned theological argument, it is fallacious.⁴⁷

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⁴⁶ In saying this, I by no means concede that the faithful may legitimately dissent from the teaching or violate it in practice; on this, see my *Living a Christian Life* 46–55.

⁴⁷ On the appeal to an alleged theological consensus, see also my "Infallibility and Specific Moral Norms" 271–72.