

# Authority and Obedience in the Church Today—II

by Ronald Torbet, O.P.

In the first part of this paper, I suggested something of the nature and justification of our current questioning of authority in the Church, and tried to indicate the relevant scriptural criteria for evaluating the issues. Towards the end of this first part, brief reference was made to some of the actual questions being raised in the present crisis of authority. A great many of these deal with what we could call 'outward' and disciplinary matters. But there are others which belong more directly to the realm of doctrine, where *teaching* authority comes in. These would seem to give rise to a more serious inner sense of anguish than many of the others, since they penetrate more deeply into the inmost reserves of our Christian commitment.

It should be noted that the more disciplinary difficulties date mainly from the Middle Ages, whereas the doctrinal are more peculiar to the post-Reformation Church. Of course, heretics were burned in the Middle Ages, but the theory at least was that this took place because they were a threat to the social cohesion of the Christian world. It was only when the Church was progressively robbed of her grip on society, from the sixteenth century onwards, that there was added the intense preoccupation with a demand for a thorough-going conformity of conscience all along the line, even in detail, in matters of doctrine, according as these were examined, decided and prescribed entirely from above.

It would then, perhaps, be useful to devote the rest of our space to a few considerations on teaching and teaching authority in the Church. This is a vast topic and we cannot hope to cover all the aspects.

To get things in proper perspective, we had better first go back to the New Testament. The New Testament, as we have already suggested, says very little explicitly about teaching *authority*. Indeed, John Mackenzie is undoubtedly justified when he says (*Authority in the Church*, p. 83): 'the evolution of the teaching office from its New Testament forms exhibits a degree of modification which is really unparalleled.' But the New Testament has very important and interesting things to say about teaching in the Church.

For the New Testament, the basis of all teaching in the New Covenant is the bestowal of the Spirit on all in fulfilment of the Old Testament promises. Thus Peter in Acts 2 quotes Joel 3, 1-5: 'I will pour out my spirit on all mankind. . . . Their sons and daughters will

prophecy.’ This is the realization of the prophecy of the New Covenant in Jeremiah 31: ‘I will put my law within them and I will write it upon their hearts. . . . And no longer shall each man teach his neighbour . . . they shall all know me, from the least of them to the greatest.’ (Cf. also Ezech. 36.)

We see from this text that all under the New Covenant by the outpouring of the Spirit are taught directly by God. This is the message of Isaiah 54, 13 too: ‘All your sons shall be taught by the Lord’, which is referred to by Jesus in John 6, 44. The same theme appears in 1 Thessalonians 4, 9 and in 1 John 2, 27: ‘but the anointing which you received from him abides in you, and you have no need that anyone should teach you; as his anointing teaches you about everything, and is true, and is no lie, just as it has taught you, abide in him’. All this stresses the *inner* aspect of being invited to faith and of the gift of faith itself, which is not, of course, to deny the necessary complementary outer aspect of the preaching of the Gospel by men (cf. Romans 10, 14: ‘And how are they to hear without a preacher?’).

Now this direct, inner *being taught* from above is the basis for a real ability *to teach* possessed by the Church as a whole. This is what the Joel prophecy says: ‘Their sons and daughters shall prophesy.’ And we see this happening in the early Church. The following texts are instructive:

Acts 4, 31: ‘And when they had prayed . . . they were *all* filled with the Holy Spirit and spoke the word of God with boldness.’

Acts 8, 1: ‘they were *all* scattered . . . except the Apostles. . . . Now those scattered went about preaching the word’ (cf. Acts 11, 19).

The derisive reproach of Hebrews 5, 12: ‘For though by this time you ought to be teachers, you need someone to teach you again the first principles of God’s word.’

1 Corinthians 14, 26: ‘When you come together, *each one* has a hymn, a lesson, a revelation, a tongue or an interpretation. . . .’

Colossians 3, 16: ‘Let the word of God dwell in you richly as you teach and admonish one another in all wisdom, and as you sing psalms and hymns and spiritual songs. . . .’

All this is not to deny, of course, the undoubted leadership in faith, preaching and teaching possessed and exercised by the Apostles in the early community, but it does give the *context* within which the leadership was exercised. Nor would one wish to deny the legitimacy of the development of the doctrine of teaching ‘office’ and ‘authority’ from the New Testament situation, although these terms, like ‘obedience’ to teachers, are comparatively absent from the New Testament text itself.

At this stage I could imagine some of my hearers saying within themselves: ‘All right. We get your point. We see what you are driving at. The *context* within which leadership in preaching and

teaching is practised in the Church today is vastly different from the New Testament context, and so stands under its judgment. We can hope and pray that things will change, that the Holy Spirit will renew this aspect of the Church too. But meantime what is the position of the man here and now who finds himself in anguish of conscience as a result of *Humanae Vitae*?

This is a legitimate serious question, and for the rest of this paper I shall try to cope with it. What really is the position of the magisterium in the Church today and of the Christian with reference to the magisterium?

Let us begin by saying that fundamentally it is the Church as a whole that teaches, as it is the Church as a whole that believes—and the Church as a whole that fundamentally enjoys the privilege of infallibility in believing and teaching. All said here could be readily substantiated by quotations from recent documents of the Church.

However, within the Church today there are some specially competent teachers—those marked out as successors of the Apostles by episcopal consecration; and within these, one even more marked out: the head of the college of bishops, the Pope, successor of Peter. These can teach with authority because they are authorized teachers.

What this authorized teaching consists in is given in *Lumen Gentium*, para. 25. Pride of place is given to ‘preaching of the gospel. Bishops are heralds of the faith—they bring new disciples to Christ.’ It is only after this primary element that the Constitution goes on to speak of ‘clarification’ of faith and ‘preservation from error’.

Again the teaching of any authorized teacher only takes place within the community as a whole. This applies to individual bishops, including the Bishop of Rome with all his special prerogatives. The community we refer to here is the College of Bishops certainly, but also fundamentally and radically the whole People of God.

The term ‘magisterium’ is used in connection with this authorized teaching. This is a slippery word. Here I should simply like to distinguish two ways in which it may be used:

(a) we can say the Pope and Bishops *are* the magisterium. This means that they alone permanently exist as the members of the People of God who are competent to exercise acts of teaching with authority and possess the ‘teaching office’.

(b) we can use the term to refer to such ACTS of teaching with authority.

In connection with this, two remarks:

(i) we learn from history that sometimes the magisterium in sense (a) thought and claimed they were exercising magisterium in sense (b), but weren’t.

(ii) as a Catholic I must give permanent and undeviating reverence to the Pope and Bishops as magisterium in sense (a); even although in extraordinary cases I may have to withhold *assent* from a specific claimed exercise of magisterium in sense (b) by them.

Turning now to magisterial acts, there are two main types here:

(a) *Defining magisterial acts*. These are *definitions* of Christian doctrine on faith and morals to be held by the whole Church. In making these—and only then—the Pope and Bishops actually exercise the *infallibility* which belongs to the whole Church.

There are three forms of such acts:

(i) the Pope, as Head of the College of Bishops, speaking *ex cathedra* (in accordance with the Vatican I definition).

(ii) *definitions* of Ecumenical Councils (e.g. Vatican I on papal infallibility).

*N.B.*: Not all acts of Ecumenical Councils are definitions—Vatican II did not set out to make any.

(iii) the Universal Ordinary Magisterium of the College of Bishops scattered throughout the world, with the Pope at its head: ‘When, in the course of their authentic teaching on faith and morals, they agree on a single opinion *to be held as definitive*’, as *Lumen Gentium*, 25, has it. The last five words of the quotation are an important clarification which Vatican II has made about the Universal Ordinary Magisterium.

A very important text always to keep in mind in connection with definitions and infallibility is taken from the *Codex Iuris Canonici*, namely, Canon 1323, 3: *Declarata seu definita dogmatice nulla res intelligitur, nisi id manifeste constiterit*.

To such definitions the Catholic must give the assent of divine faith under pain of heresy. We have no ‘choice’ in the matter, in so far as the Church is here finally and irrevocably declaring what God wills us to believe.

(b) *The teaching of individual bishops*, including (as admittedly a special case) the Pope ‘when he is not speaking *ex cathedra*’ (*Lumen Gentium*), or ‘when not exercising his teaching authority to the full’ (*Humani Generis*). In fact most magisterial acts are of this nature. Definitions are rare events in the Church.

*Lumen Gentium* speaks of the ‘religious allegiance of mind and will’ which (individual) flocks must give to the judgment of their own bishops on faith and morals delivered in the name of Christ, and adds that the same is owed to the authentic magisterium of the Roman Pontiff even when he is not speaking *ex cathedra*.

However, *Lumen Gentium* goes on to say, ‘individual bishops do not enjoy the prerogative of infallibility’. Nor, we can add, does the Pope when not defining.

From all this it follows—and here I go on to apply the principles just enunciated to the situation of *Humanae Vitae*—that statements of Popes exercising their authentic magisterium but not defining *ex cathedra* are, in principle, revocable. They can be withdrawn, modified by a later statement—or forgotten. They may be erroneous.

Of course, because of God’s promises to the Church, the Catholic

normally is ready to accept what the Pope teaches as authentic Christian doctrine and to give a religious allegiance of mind and will. But just because of the principle mentioned in the previous paragraph, there can be exceptional cases where this call for allegiance presents difficulty in the way of its honest and conscientious elicitation. This is evidently the case with many—on a wider scale than ever before in our experience—with the issue of *Humanae Vitae*.

This should not necessarily dismay us, even though the public outcry which broke out at the end of July last year is something unprecedented in our experience. History presents us with sufficient examples of papal statements being found unsatisfactory and subsequently modified (or forgotten . . .). Just as it presents us with sufficient examples of public 'outcry' in reaction to Popes in their life-time (St Paul began it all—cf. Galatians 2). The comparative absence of this in the last hundred years or so does not necessarily mean that the modern period is the healthiest one in the Church's history. We should be realistic enough to recognize it rather as an exceptional period in the Church life, and perhaps also recognize in the present situation a sign of the emergence—not unexpected after the experience of Vatican II—from an unduly 'papalistic' period in the Church's history.

In order to come to closer grips with the present difficulty, I should like at this stage to make three remarks about encyclicals as a form of papal teaching:

(i) There used to be a theological debate as to whether Popes would, could, or ever did exercise their defining power in encyclicals. To my mind no less an authority than Pius XII settled the matter in the negative. *Humani Generis*: 'In writing encyclicals, it is true, the Popes do not exercise their teaching authority to the full.'

(ii) In the same *Humani Generis*, Pius XII, still speaking of encyclicals, said: 'And when the Roman Pontiffs go out of their way to pronounce on some subject which has hitherto been controverted, it must be clear to everybody that in the mind and intention of the Pontiffs concerned, this subject can no longer be regarded as a matter of free debate among theologians.' Now it seems to me an important example of how non-infallible statements can be modified by later ones that this passage appeared in a preliminary draft for Vatican II's Constitution on the Church, but was omitted from the final text. It is not then so clear that an encyclical does close all free debate among theologians.

(iii) A quotation from Yves Congar on encyclicals in *La Foi et la Théologie*, p. 159:

'Depuis surtout Pie IX, les encycliques sont la forme la plus caractéristique de l'activité du magistère romain, adaptée aux conditions du monde moderne.

Elles représentent:

1—un enseignement actuel, qui développe largement ses raisons et ses applications;

2—un moyen de réaliser l'unanimité du corps enseignant de l'Église, non plus tant, comme autrefois, par les voies d'une catholicité horizontale, encore que cette voie soit toujours valable (échange de lettres et de visites, conciles), mais par la communion avec le centre, qui est aussi la tête et qui exprime, avec son autorité propre, une doctrine qui peut être déjà, ou ne pas être encore, acquise dans l'ensemble de l'épiscopat; les encycliques sont un des moyens par lesquels le Pape explique en tant que chef de l'Église, c'est-à-dire lié à tout le corps, le personnifiant et lui donnant une voix. . . .

3—ainsi, soit qu'elles l'expriment, soit qu'elles la créent, les encycliques tendent, au moins dans les parties les plus solennelles de leur enseignement, à représenter l'unanimité du magistère ordinaire.'

This, of course, is a dated piece of theological writing. After Vatican II's teaching on collegiality, one would surely now mention that a 'horizontal' realization of the unanimity of the teaching corps in the Church was not only something of the past, but is a hope and expectation for our own days.

But let us take what Congar says about the modern 'vertical' mode of attempting to realize this unanimity by encyclicals—and of this *Humanae Vitae* is an outstanding example. Père Congar says they are a 'means' of realizing this unanimity, 'tend' to realize it, and express a doctrine which can either already be, *or is not yet*, something made their own by the episcopal body as a whole.

We must surely say that the second alternative here is the case with *Humanae Vitae*. In brief we can say that *Humanae Vitae* is an attempt to rally the universal episcopate to the Pope's own position, to 'create' (rather than 'express') that unanimity. For we know that a fair number of bishops throughout the world have difficulties in this matter. It is not a question of their holding and propounding contradictory or contrary doctrine, but rather of their being unable to see that the restrictive features of the traditional teaching—reaffirmed by Paul VI—do really belong to the revealed deposit or to what is necessarily bound up with revelation.

This fact (quite apart from any other considerations drawn from the realm of moral theology) seems to present a formidable difficulty in the way of giving the assent the Pope asks of priests in *Humanae Vitae*, 28. For surely one's general readiness to give this assent is based on the assumption that he is expressing the authentic teaching of the Church and is 'the voice' of the official teaching body in the Church. This is, however, just what is obscure and in doubt here for many, and until the matter becomes clear and certain there is no possibility for them of assenting.

What does one do in such circumstances? There are, of course, time-honoured remedies suggested here, e.g. distinguishing between internal and external assent, 'obsequious silence', etc. None of these seem particularly relevant in the present circumstances. I think we

should rather pay attention to what Alois Müller in his *Obedience in the Church* (footnote 41 to c. iv) calls 'an almost forgotten juridical point', namely the *ius remonstrandi*. He goes on: 'This right to remonstrate (with the Pope) may be exercised especially by bishops, but also by other members of the Church. It presupposes that the lawgiver has no complete and effective knowledge of the special situation in an individual church or community. The *remonstratio* suspends the force of the law and obliges the lawgiver to discuss the matter. If he fails to do so the *remonstratio* is taken to be ratified . . . the *remonstratio* is meant to guarantee that the Church's law corresponds to the common good.'

This, of course, is presented in terms of a particular disciplinary rule, but there is no reason why the right to remonstrate should not apply, *mutatis mutandis*, in the case of doctrinal statements. Indeed it seems to me that bishops have an even greater duty to remonstrate with the Pope in cases where the Pope in an encyclical attempts sincerely and in good faith to rally the universal episcopate behind himself in a doctrinal position, but where also the bishops, who have the duty of being the judges of the faith of the whole local communities in their charge, find that that faith does not agree. This is a duty to the Church *and* to the Pope. It *is* the Pope's task to voice the faith of the whole Church. But he has no hot line direct from the Holy Spirit in this matter: he *has* to ascertain the faith of the whole Church by consulting the whole Church: he cannot by-pass his brethren. The bishops, who have also a care for the universal Church, must help him in this. What is sad is that a number of episcopal statements since *Humanae Vitae* suggest that some bishops are in the grip of the alarming ideology that subscribes to the papal direct hot line and sees the bishops as performing their task of judges of the faith of the People of God solely by automatic and unreflecting assent to whatever a Pope may say.

One can sympathize with the bishops of the Catholic world and the unenviable position they have been forced into by *Humanae Vitae*. And one is ready enough to co-operate with the practical directives the more reflective among them have made, so that the present explosive situation be coped with prayerfully, thoughtfully, charitably, calmly. But it must also be coped with *honestly*. And *this* demands (among other things) that the bishops not only speak to their flocks, but have the courage to speak frankly, urgently, and honestly to the Pope as well. If *this* task is loyally carried out, then we may hope that the crisis of authority and obedience in the Church which *Humanae Vitae* has undoubtedly precipitated will result in an equally precipitate emergence of a renewed doctrine of authority and obedience, and in the incidental purification of the minds of many from a prevailing ideology of authority and obedience which stands under the judgment both of the signs of our times and of the dominical and apostolic norm of the New Testament.