

# Magisterium and Moral Theology Bibliography

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URL: <https://www2.bc.edu/james-bretzke/MagisteriumBibliography.pdf>

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For more titles in related areas of moral theology see James T. Bretzke, S.J., *A Research Bibliography in Christian Ethics and Catholic Moral Theology*, (Lewiston NY: Edwin Mellen Press, 2006).

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*Statements/Documents of the Magisterium*

### Documents from the Holy See

Congregation for the Doctrine of the Faith [CDF]. "*Donum veritatis*. Instruction on the Ecclesial Vocation of the Theologian." Vatican City: Libreria Editrice Vaticana, 1990. Internet version found September 21, 2010 at the following URL:  
[http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19900524\\_theologian-vocation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html)

Gives directives to theologians on how to be loyal and defend the Magisterium. In the rare case in which a theologian might have genuine doubts about the truth or aptness of a magisterial document the theologian is instructed to take the matter to prayer, and if still necessary after that to report his/her concerns privately to the proper magisterial office, but under no circumstances to make these concerns public.

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*Mysterium Ecclesiae*. Declaration in Defense of the Catholic Doctrine on the Church Against Certain Errors of the Present Day. 24 June 1973.  
[http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19730705\\_mysterium-ecclesiae\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19730705_mysterium-ecclesiae_en.html).

Issued on the Feast of St. John the Baptist by the Congregation for the Doctrine of the Faith this Declaration defends the ministerial priesthood and the infallibility of the Universal Church and the Magisterium.

International Theological Commission. "*Sensus fidei* in the Life of the Church." 2014. Available on the Vatican web-site at  
[http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20140610\\_sensus-fidei\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20140610_sensus-fidei_en.html).

John Paul II. "*Ad tuendam fidem*. Apostolic Letter Motu Proprio by which certain norms are inserted into the Code of Canon Law and into the Code of Canons of the Eastern Churches. 18 May 1998. Internet version found September 21, 2010 at the following URL:

[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/motu\\_proprio/documents/hf\\_jp-ii\\_motu-proprio\\_30061998\\_ad-tuendam-fidem\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/motu_proprio/documents/hf_jp-ii_motu-proprio_30061998_ad-tuendam-fidem_en.html)

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\_\_\_\_\_. "Discourse to the International Congress of Moral Theology." Rome 10 April 1986. In *Persona Verità e Morale: Atti del Congresso Internazionale di Teologia Morale (Roma, 7-12 aprile 1986)*, 11-14. Roma: Città Nuova Editrice, 1987.

In this discourse the Pope repeated the affirmation of immutable concrete moral norms, and gave as two examples the prohibition against contraception and direct killing of the innocent. The tone of the Pope's discourse is clearly that of the Caffarra-Grisez-Finnis line, and contains many thinly veiled negative references to the Proportionalist school.

The Congress was sponsored jointly the John Paul II Pontifical Institute for the Study of Matrimony and the Family of the Lateran University (Msgr., now Cardinal, Carlo Caffarra), and the Holy Cross (Santa Croce) Center in Rome of the University of Navarra (Opus Dei).

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\_\_\_\_\_. *Veritatis splendor*. Encyclical Letter on the Fundamental Moral Theology. 6 August 1993. [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_06081993\\_veritatis-splendor\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html)

Contains much material relating the role of the Magisterium in moral teaching and conscience formation.

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## **Episcopal Documents**

Bacani, Bishop Theodore. Column in *Today* (Philippines) 18 July 2002.

Mahoney, Most Rev. Roger. "The Magisterium and Theological Dissent." *Origins* 16: (6 November 1986).

Speech given at the USC Seminar on Dissent (Curran also present), 16 October 1986: "Even theologians in university situations are likely to be overinfluenced by the reigning ethos of academic freedom. It therefore becomes more necessary than ever for the Church to have firm authority structures so as to preserve its rich and ancient heritage and to address new problems in the light of Christ."

At this time Mahoney was archbishop (later cardinal and now retired) of Los Angeles.

National Conference of [USA] Catholic Bishops. "The Teaching Ministry of the Diocesan Bishop: A Pastoral Reflection." *Origins* 21 (2 January 1992): 474-492.

Pilarczyk, Most Rev. Daniel. "Pastoral Letter on Dissent to the Cincinnati Archdiocese," 6 June 1986. Reported in *Origins* 16 (31 July 1986).

Also found in Curran and McCormick, *Readings in Moral Theology*, No. 6, pp. 152-163.

The specific role of the theologians calls them to explore the implications of Church teachings, to investigate it, to refine it, to probe it, to push back its horizons. If not all Church teaching is guaranteed to be infallible, then some of it could be fallible, reformable, conceivably even incorrect. It is part of the theologian's responsibility to speak to Church teaching which he or she conscientiously believes to be inexact or erroneous.

Quinn, Most Rev. John R. "The Exercise of the Primacy." *Commonweal* 123 (12 July 1996): 11-20.

Address on the role and some problems associated with the Roman Curia given by Quinn, the former Archbishop of San Francisco, at Oxford.

\_\_\_\_\_. *The Reform of the Papacy: The Costly Call to Christian Unity*. Ut Unum Sint: Studies on Papal Primacy. New York: Crossroad, 1999.

Ratzinger, Joseph Cardinal. "The Drama of Morality." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 307-314. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *The Ratzinger Report: An Exclusive Interview on the State of the Church*. San Francisco: Ignatius Press, 1985.

\_\_\_\_\_. "Kirchliches Lehramt, Glaube, Moral." In Id., Hrsg. *Prinzipien Christlicher Moral*, 41-66. Einsiedeln, 1975.

*Traduzione italiana*: In *Prospettive di morale cristiana*. Contributi di teologia, 3. Ed. Joseph Cardinal Ratzinger. Roma: Città Nuova Editrice, 1986.

*In English*: "The Church's Teaching Authority--Faith--Morals." In *Principles of Christian Morality*, 47-73. Translated by Graham Harrison. San Francisco: Ignatius Press, 1986.

Also found under the title, "Magisterium of the Church, Faith, Morality," in *Readings in Moral Theology, No. 2*, 174-189. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1980. Initial English version appeared in *Problems of the Church Today*, 74-83, (Washington, D.C.: U.S. Catholic Conference).

*En français*: In Joseph Ratzinger et Philippe Delhaye, ed., *Principes d'éthique chrétienne*. Le Sycomore. Paris: Editions Lethielleux, 1979.

Sklba, Bishop Richard J. "Theological Diversity and Dissent within the Church." In *Shepherds Speak: American Bishops Confront the Social and Moral Issues that Challenge Christians Today*, 20-33. Edited by Dennis M. Corrado and James F. Hinchey. New York: Crossroad, 1986.

Sklba has a degree in Scripture from the Biblicum in Rome, and was auxiliary bishop in the Archdiocese of Milwaukee until his retirement.

Untener, Msgr. Kenneth. "Humanae vitae: What Has It Done to Us?" *Commonweal* (18 June 1993).

Critiques the polarizing effect of *Humanae vitae*, noting that "In the eyes of many people, the teaching Church has committed a teacher's cardinal sin: it has become more concerned about itself than about the truth." (p. 12)

Untener was Bishop of Saginaw, Michigan until his death from cancer.

Wuerl, Cardinal Donald. "A New Relationship: Bishops, Theologians and the New Evangelization." *America* (26 September 2011): 11-13.

The Cardinal Archbishop of Washington, D.C. begins by lamenting that so "many have fallen away from the practice of the faith and lack a foundation in the essentials of the faith" (p. 11). Hope though is still to be found in the Gospel as expressed "in the teaching office of the church...preserving its integrity and its validity only through the church that he [Jesus] himself founded, beginning with the apostles and carried on in each by their successors, the bishops. It is through the teaching office of the church that we can be sure of the authenticity of the message that we proclaim" (p. 12). Since so many University students today are so deficient in their faith formation it is important to recognize that they come "in need of evangelization and faith formation more than theological speculation" (p. 13). Theologians do have a role to play and "enjoy a legitimate autonomy, but it is an autonomy defined by the standards of their discipline and the boundaries of what is known with certainty. In the case of theology, it is precisely the truths of the faith, taught by the magisterium, that constitute the subject matter of their work. It is an academic freedom, like any freedom, that is ordered to the truth and to human flourishing" (p. 13). Quoting Pope Benedict XVI's 2008 at The Catholic

University on no account can appeals be made “to the principle of academic freedom in order to justify positions that contradict the faith and the teaching of the church” (p. 13).

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*Articles on the Magisterium and/or Dissent*

Albacete, Lorenzo. "Infallibility of the Magisterium in the Field of Morals." In *Persona Verità e Morale: Atti del Congresso Internazionale di Teologia Morale (Roma, 7-12 aprile 1986)*, 269-276. Roma: Città Nuova Editrice, 1987.

The Congress was sponsored jointly the John Paul II Pontifical Institute for the Study of Matrimony and the Family of the Lateran University (Msgr., later cardinal, Carlo Caffarra), and the Holy Cross (Santa Croce) Center in Rome of the University of Navarra (Opus Dei).

Barrett, Richard J. "Assent: Not a Compelling Problem--A Response to J.F. Keenan." *Irish Theological Quarterly* 59 (1993): 264-285.

Makes extensive use of Bart Kiely's writings and argues for a positive understanding of the Magisterium's imposition of the Oath of Fidelity on theologians.

See James F. Keenan, S.J.'s "Compelling Assent: Magisterium, Conscience and Oaths." *Irish Theological Quarterly* 57 (1991): 209-227.

Bennett, John C. "Ecumenical Dimensions of the Curran Case: The Vatican Moves to Repress Dissent." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 508-511. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *Christianity and Crisis* in 1986.

Berbusse, Edward J. "The Catholic College Versus Academic Freedom." *Homiletic and Pastoral Review*. 87 (1986).

Also in *Readings in Moral Theology, No. 6: Dissent in the Church*, 276-289. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Blank, Josef. "The Concept of Power in the Church: New Testament." *Concilium* 197 (3/1988): 3-12.

"The decisive factor in the New Testament understanding of the concepts of 'power, sovereignty', etc., is that all exercise of power in Christ's Church is understood

fundamentally as *diakonia* and not as *arché*." p. 8.

Boyle, John P. "The Magisterium and the Natural Law." *Catholic Theological Society of America (CTSA) Proceedings* 34 (1979): 189-210.

\_\_\_\_\_. "The Ordinary Magisterium: Towards a History of the Concept." *Heythrop Journal* 20 (1979): 380-398.

\_\_\_\_\_. "Teaching Authority in the 1983 Code." *Jurist* 45 (1985): 136-170.

Also in *Readings in Moral Theology, No. 6: Dissent in the Church*, 191-230. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Bretzke, James T., S.J. "Debating Intrinsic Evil: Navigation between Shibboleth and Gauntlet" *Horizons* 41/1 (June 2014): 116-129.

Referencing Robert Schreiter's notion of philosophical and theological "intercultural" communication, this paper engages the Catholic moral tradition's conception of *intrinsece malum in se* and proposes a taxonomy of views taken both from this tradition and how the term has been referenced by the Magisterium in documents such as *Veritatis splendor* and episcopal pronouncements connected with some hot button moral issues. At times the expression "intrinsically evil" functions as a shibboleth that only partially succeeds in demonstrating Schreiter's "competence criteria of effectiveness and appropriateness," and at other times the term functions more as a gauntlet thrown down to sharpen sides in political policy debates. Hopefully the notion of the taxonomy of conceptions and uses of "intrinsic evil" may aid in more dispassionate ethical analysis and overcoming some of the divisions that either the shibboleth or gauntlet usages effect.

Chapman, Mark E. "The Spirit and the magisterium: authority in the community of freedom." *Ecumenical Review* 42 (1990): 268-278.

Charlton, William. "Natural Law, Aquinas, and the Magisterium." *New Blackfriars* 2014 (published online 27 December 2014 at <http://onlinelibrary.wiley.com/doi/10.1111/nbfr.12108/pdf>).

*Author provided Abstract:* The Catholic Church claims that its ethical teaching, especially on sex, is based upon natural law. I first show that natural law theories prior to the Middle Ages provide no authority for the Church's teaching on sex. I then examine Aquinas's teaching on natural functions and natural law in the two *Summae*. I suggest that he partly anticipates Enlightenment thinking about law and morals. I compare his theory of natural law with that of Germain Grisez and John Finnis. Finally, I examine the notion of a principle of practical reasoning and indicate how such principles could be formulated to correspond to elements in human nature.

Congar, Yves, O.P. "Pour une histoire sémantique du terme 'magisterium'." *Revue des sciences philosophiques et théologiques* 60 (1976): 84-97.

*In English:* "A Semantic History of the Term 'Magisterium'." In *Readings in Moral Theology, No. 3: The Magisterium and Morality*, 297-313. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1982.

\_\_\_\_\_. "Brief historique des formes du 'magistère' et des ses relations avec les docteurs." *Revue des sciences philosophiques et théologiques* 60 (1976): 98-112.

*In English:* "A Brief History of the Forms of the Magisterium and Its Relations with Scholars." In *Readings in Moral Theology, No. 3: The Magisterium and Morality*, 314-331. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1982.

\_\_\_\_\_. "Saint Thomas and the Infallibility of the Papal Magisterium (*Summa Theologiae*, II-II, a. 1, a. 1)." *The Thomist* 38 (1974): 81-105.

Connery, John R., S.J. "The Non-Infallible Moral Teaching of the Church." *The Thomist* 51 (1987): 1-16.

Coriden, James. "Conscience & Communion: What's a Remarried Catholic to Do?" *Commonweal* (27 January 2012): 16-18. Also Posted online 16 January 2012 at <http://commonwealmagazine.org>.

Canonist who argues that under certain conditions a divorced and remarried Catholic who does not have an annulment can still in good conscience opt to return to the sacraments.

Costanzo, Joseph F., S.J. "Academic Dissent: An Original Ecclesiology. A Review Article. [Curran; Hunt]." *The Thomist* 34 (1970): 636-653.

Costigan, Richard F., S.J. "The Consensus of the Church: Differing Classic Views." *Theological Studies* 51 (1990): 25-48.

Studies the historical background of Vatican I's doctrine of papal infallibility, especially in reference to positions of both Gallicanists and papalists.

Cowdin, Daniel M. "Religious Liberty, Religious Dissent and the Catholic Tradition." *The Heythrop Journal* 32 (1991): 26-60.

Crosson, Frederick J. "Liberty and Authority in the Church." In *Law for Liberty: The Role of Law in the Church Today*, 147-155. Edited by James E. Biechler. Baltimore: Helicon Press, 1967.



Essay written for the Canon Law Society of America's seminar on The Role of Law in the Church.

Curran, Charles. "Academic Freedom and Catholic Institutions of Higher Learning." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 253-270. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *The Journal of the American Academy of Religion*.

\_\_\_\_\_. "Strand Four: Papal Teaching Office." Ch. 4 in Id. *The Development of Moral Theology: Five Strands*, 148-223. Washington, D.C.: Georgetown University Press, 2013.

Much of this chapter deals with the arguments and claims revolving around papal Catholic Social Teaching from Leo XIII onwards, and special focus on Paul VI's 1968 *Humanae vitae* and John Paul II's 1993 *Veritatis Splendor*.

\_\_\_\_\_. "Public Dissent in the Church." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 387-407. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *Origins* in 1986.

\_\_\_\_\_. "A Teaching Moment Continues." *America*, 156 (25 April 1987): 336-340.

Curran's own apologia for continuing to resist the stripping of his teaching post at CU, after the CDF declaration, on the grounds that this very process can be seen as a "teaching moment" for the Church. He is the teacher.

DeCosse, David. "Bishops' Conscience Model Makes Light of Practical Reason." *National Catholic Reporter* (online edition) January 23, 2012.

DeCosse analyzes and critiques the current stance espoused by various U.S. Bishops in their treatment of conscience and Magisterial teaching on concrete matters of the moral law which have political ramifications, especially in the areas of sexual ethics.

DeCosse has his doctorate in theological ethics from Boston College and currently is director of campus ethics programs at Santa Clara University in California.

Delhaye, Philippe. "Conscience and Church Authority." *Louvain Studies* 2 (1968-69): 355-375.

Demmer, Klaus, M.S.C. "La competenza normativa del magistero ecclesiastico in morale." In *Fede cristiana e agire morale*, 144-170. A cura di Klaus Demmer, M.S.C. e Bruno

Schüller, S.J. Traduzione italiana di Giuliano Riva. Assisi: Cittadella, 1980.

Auf Deutsch: In Christlich glauben und handeln: Fragen einer fundamentalen Moralthologies in der Diskussion. Dusseldorf: Patmos Verlag, 1977.

DiNoia, J.A., O.P. "Authority, Public Dissent and the Nature of Theological Thinking." The Thomist 52 (1988): 185-207.

Dulles, Cardinal Avery R., S.J. "Authority and Conscience." *Church* (Fall, 1986): 8-15.

Also in *Readings in Moral Theology, No. 6: Dissent in the Church*, 97-111. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

\_\_\_\_\_. "Authority and Conscience: Two Need Voices." Ch. 6 in Id. *The Reshaping of Catholicism*, 93-109. New York: Harper & Row, 1988.

Slightly fuller version of the "Authority and Conscience" article which is found in *Readings in Moral Theology, No. 6: Dissent in the Church*, 97-111. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

\_\_\_\_\_. "Authority and Insight in the Assent of Faith," Chapter 2 in Id. *The Survival of Dogma*, 32-43. Garden City: Doubleday, 1971.

\_\_\_\_\_. "Authority and Pluralism in the Church." Chapter 5 in Id. *The Survival of Dogma*, 79-94. Garden City: Doubleday, 1971.

\_\_\_\_\_. "Authority in the Church." Ch. 9 in *The Cambridge Companion to John Henry Newman*, 170-188. Edited by Ian Ker and Terrence Merrigan. Cambridge & New York: Cambridge University Press, 2009.

\_\_\_\_\_. "Conscience and Church Authority." In *Conscience: Theological and Psychological Perspectives*, 115-122. Edited by C. Ellis Nelson. New York: Newman Press [Paulist], 1973.

\_\_\_\_\_. "Doctrinal Authority for a Pilgrim Church." Chapter 3 in Idem. *The Resilient Church*, 93-112. Garden City: Doubleday, 1977.

\_\_\_\_\_. "Gender and Priesthood: Examining the Teaching." *Origins* 25 (2 May 1996): 778-784.

Dulles gives an overview of the basic reasons for and against the Roman Catholic Church's refusal to ordain women, and concludes that this teaching requires "firm assent," and that the teaching has been proposed as virtually *de fide*, though technically one cannot be condemned a heretic who does not hold the teaching.

\_\_\_\_\_. "The Hermeneutics of Dogmatic Statements." Chapter 11 in Id. *The Survival of Dogma*, 171-184. Garden City: Doubleday, 1971.

Presents six principles for the exegesis and interpretation of magisterial teachings, as well as some historical, theological and psychological reflections on problematic uses of authority in the crafting and defense of certain doctrinal formulations.

\_\_\_\_\_. "'Humanae Vitae': How the Dissent Affects the Church." *Origins* 22 (1993): 774-777.

Address given in a workshop on medical and moral issues sponsored by the Pope John XXIII Medical-Moral Research and Education Center, and held in Dallas from 1-5 February 1993.

\_\_\_\_\_. "The 'Irreformability' of Dogma." Chapter 12 in Id. *The Survival of Dogma*, 185-203. Garden City: Doubleday, 1971.

Concluding essay in this book.

\_\_\_\_\_. "Magisterium and Theological Method." *Seminarium* 31 (1991): 289-299.

Outlines the relation of theologians and theological method to the Magisterium from the 19th scholastic manuals, through the papacy of Pius XII (and *Humani Generis*), through Vatican II and post-conciliar developments up to the present.

\_\_\_\_\_. "The Magisterium in a Time of Change." Chapter 7 in Id. *The Survival of Dogma*, 108-124. Garden City: Doubleday, 1971.

\_\_\_\_\_. "The Magisterium in History: Theological Considerations." Chapter 7 in Id., *A Church to Believe In: Discipleship and the Dynamics of Freedom*, 102-117. New York: Crossroad, 1982.

\_\_\_\_\_. "The Magisterium, Theology and Dissent." *Origins* 20 (28 March 1991): 692-696.

Dulles proposes five ground rules that the Magisterium itself might observe in its practical exercise of the teaching office.

\_\_\_\_\_. "Moderate Infallibilism: An Ecumenical Approach." Chapter 9 in Id., *A Church to Believe In: Discipleship and the Dynamics of Freedom*, 133-148. New York: Crossroad, 1982.

Borrowing the term from George Lindbeck's work Cardinal Dulles outlines a middle ground of "moderate infallibilism" that is located between "absolutistic infallibilism" and "fallibilism" and which holds the greatest promise for satisfying the traditional Roman

Catholic understandings of this role of the Magisterium and the Petrine office, while still not becoming an insurmountable stumbling block to dialogue with other Christian traditions.

\_\_\_\_\_. "The Two Magisteria: An Interim Reflection." Chapter 8 in Id., *A Church to Believe In: Discipleship and the Dynamics of Freedom*, 118-132. New York: Crossroad, 1982.

Discusses briefly the history of the concept of the "magisteria" of both the bishops and theologians and then outlines a contemporary articulation of the proper function of each, as well as the ways in which both bishops and theologians should dialogue and cooperate with each other.

Fitch, David. "Curran and Dissent: The Case for the Holy See." *America* 156 (25 April 1987): 341-343; 349-350.

Fitch refuses to allow for the possibility of legitimate public dissent on the grounds that it causes scandal. Careful exposition of pre-Vatican II understanding of theological speculation and dissent.

Also in *Readings in Moral Theology, No. 6: Dissent in the Church*, 435-441. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Ford, John C., S.J., and Grisez, Germain. "Contraception and the Infallibility of the Ordinary Magisterium." *Theological Studies* 39 (1978): 258-312.

The authors argue that the teaching on contraception fulfills the requirements to be considered infallible, and therefore binding and irreformable.

Fratellone, Raimondo. "Norma morale oggettiva, Magistero e coscienza soggettiva." In *Problemi morali dei giovani oggi*, 81-104. Edited by Guido Gatti and Gianfranco Coffele. Roma: LAS, 1990.

"Freedom to Disagree" [unsigned editorial]. *The Tablet* (14 July 2001): 1007.

Articulates a potential abuse of authority in these words: "There is a flawed circular argument behind much of the Vatican's efforts to police theological discussion in the Catholic Church at present. Disciple is used to produce a spurious sense of consensus. Then the existence of the consensus is cited as evidence of the settled position of the Church. And thus those who speak against that settled position are accused of disagreeing with a teaching that has the Church's authority behind it. But this is just an exercise in tautology. It convinces nobody. The only consensus that matters is one that emerges after free and exhaustive debate, without any attempt to silence those holding different opinions. Only thus can the Holy Spirit be seen to have the time and space in

which to work.”

Fuchs, Josef, S.J. "Die Last moraltheologischer Lehrautorität." *Stimmen der Zeit* 120, #213 (April 1995): 219-232.

English digest: "The Burden of Moral Theological Teaching Authority," *Theology Digest* 34, no. 1 (Spring 1996): 47-54.

\_\_\_\_\_. "The Magisterium and Moral Theology." *Theology Digest* 38 (1991): 103-107.

Critiques the maximalist position of Mucci, published in *Civiltà Cattolica* in 1988. Digest of Fuch's 1989 article, "Magisterium und Moraltheologie," in *Freiburger Zeitschrift für Philosophie und Theologie*.

\_\_\_\_\_. "Magisterium und Moraltheologie." *Freiburger Zeitschrift für Philosophie und Theologie* 36 (1989): 395-407.

*In English:* "The Magisterium and Moral Theology." Chapter 9 in Idem. *Moral Demands and Personal Obligations*, 140-150. Washington, D.C.: Georgetown University Press, 1993.

English language digest as "The Magisterium and Moral Theology," *Theology Digest* 38 (1991): 103-107.

\_\_\_\_\_. "Teaching Morality: The Tension Between Bishops and Theologians Within the Church." In Readings in Moral Theology, No. 6: Dissent in the Church, 330-353. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in Christian Ethics in a Secular Arena. Translated by Bernard Hoose and Brian McNeil. Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1984.

*Traduzione italiana:* Etica cristiana in una società secolarizzata. Casale Monferrato: Piemme, 1984.

\_\_\_\_\_. "'Whoever hears you hears me': episcopal moral instruction." *Theology Digest* 41 (1994): 3-7.

English digest of "'Wer euch hört, der hört mich': Bischöfliche Moralweisungen." *Stimmen der Zeit* 117 (1992): 723-731.

Briefly highlights instances where both individual bishops and different bishops' conferences have issued position statements on a particular issue, such as PVS, which are

not in agreement with one another. Fuchs notes the difference between enunciation of principles (about which there is usually greater agreement) and application of these principles to concrete ethical issues (and concerning which there will necessarily be less agreement. Moreover, Fuchs stresses that while respect for such episcopal teaching is a value, it is not an *absolute* value, and the *absolute* value would be only to the moral truth (and the common search for that truth).

Gaillardetz, Richard. "Are we seeing changes in the teaching ministry of the pope?" *America* (September 15, 2017)  
<https://www.americamagazine.org/faith/2017/09/15/are-we-seeing-changes-teaching-ministry-pope>

Gaillardetz begins by observing that since Vatican II in papal magisterium, which "once limited to relatively rare and pointed statements on doctrinal issues, has expanded significantly and in multiple directions." He outlines these developments in this article and concludes by looking at Pope Francis' expanded use of the papal interview as a genuine instance of the ordinary papal magisterium. "In the synodal, listening church of Pope Francis, we are witnessing the gradual emergence of a new exercise of papal teaching, one that is more patient, persuasive and dialogical. It is an exercise of papal teaching particularly attentive to the complexities and challenges of living the Gospel within the concrete conditions of daily life. It is teaching put directly to the service of discipleship."

At this writing Gaillardetz is Joseph Professor of Systematic Theology at Boston College

Galvin, John P. "Papal Primacy in Contemporary Roman Catholic Theology." Theological Studies 47 (1986): 653-667.

Summarizes and discusses the themes of the theology of papal primacy developed by Charles Journet (1891-1975) and notes some recent ecumenical proposals.

Genovesi, Vincent, S.J. "Magisterium and Conscience: Living as Faithful and Responsible Catholics," *Chicago Studies*, 48/1 (Spring, 2009): 64-84.

Gres-Gayer, Jacques M. "The Magisterium of the Faculty of Theology of Paris in the Seventeenth Century." Theological Studies 53 (1992): 424-450.

Historical account of the resistance to the transfer of ecclesiastical teaching authority "from those who had acquired knowledge to those who received power."

Gres-Gayer is associate professor of church history at The Catholic University of America.

Grisez, Germain. "How to Deal with Theological Dissent," Homiletic and Pastoral Review. 87 (November 1986).

Theological dissent is like a cancer growing in the Church's organs and interfering with her vital functions.

Also in Readings in Moral Theology, No. 6: Dissent in the Church, 442-472. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

\_\_\_\_\_. "Infallibility and Moral Norms: A Review Discussion." In Readings in Moral Theology, No. 6: Dissent in the Church, 58-96. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *The Thomist*.

\_\_\_\_\_. "Magisterium's Responsibility and Public Dissent." In Teaching the Catholic Faith: Central Questions for the '90's, 155-160. Proceedings of the Thirteenth Convention of the Fellowship of Catholic Scholars, Philadelphia, Pennsylvania, 1990. Edited by Msgr. Eugene V. Clark. New York: St. John's University Edition, with the Fellowship of Catholic Scholars, 1991.

Originally appeared in «Humanae vitae»: 20 anni dopo. Atti del II Congresso Internazionale di Teologia Morale, Roma, 9-12 novembre 1988. Milano: Edizioni Ares, 1989.

The Fellowship of Catholic Scholars was founded in 1977 and includes, among others, Joseph Fessio, S.J., Germain Grisez, James Hitchcock, Donald Keefe, S.J., Msgr. George A. Kelly, Ronald Lawler, OFM, Cap., William E. May, Msgr. William Smith, et. al.

Gudorf, Christine E. "The magisterium and the Bible: North American experience." In The Bible and its readers, 79-90. Edited by W. Beuken, et al. 1991.

Gula, Richard, S.S. "The Right to Private and Public Dissent from Specific Pronouncements of the Ordinary Magisterium." Eglise et théologie 9 (1978): 319-343.

Gula taught moral theology for many years at St. Patrick's Seminary in Menlo Park, California, and then at the Franciscan School of Theology in Berkeley until his retirement in 2011.

Häring, Bernard, C.Ss.R. "The Curran Case: Conflict Between Rome and a Moral Theologian." In Readings in Moral Theology, No. 6: Dissent in the Church, 370-386. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally presented on West German radio in September 1986.

\_\_\_\_\_. "Magistero." In Dizionario Enciclopedio di Teologia Morale, 583-594. Edited by Ambrogio Valsecchi and Leandro Rossi. Roma: Edizioni Paoline, 1974.

Hinze, Bradford. "A Decade of Disciplining Theologians." *Horizons* 37 (Spring 2010): 92-126.

The article examines in some detail the processes used in the Congregation for the Doctrine of the Faith in its investigation of what might be suspect writings and/or theologians. Several concrete cases which occurred in the last decade are also used to illustrate this process. While the author is clearly not in favor of the Vatican's office or approach, and while he does not seem to acknowledge the possibility of actual problematic theological writings his overall treatment is very helpful in outlining the actual, lengthy process used before any theologian would actually be disciplined.

Hinze taught systematic theology for many years at Marquette University and is now on the theology faculty at Fordham.

Hoffmann, Paul. "Paul as a Witness to Dissent." *Concilium* 158 (1982): 75-80.

One of a series of articles on various aspects of this issue.

Hoose, Bernard. "Authority, Obedience and Dissent." Chapter 1 in Received Wisdom?: Reviewing the Role of Tradition in Christian Ethics. 9-42. London: Geoffrey Chapman, 1994.

Hoose taught on the faculty of Heythrop College in London.

\_\_\_\_\_. "Proportionalists, Deontologists and the Human Good." The Heythrop Journal 33 (1992): 175-191.

Discusses the theories of Germain Grisez in terms of the human good, and his extreme reluctance to accept even the hypothetical possibility of disagreeing with the Magisterium. Hoose goes on to clarify part of the problematic of the incommensurability of goods associated with the proportionalist school.

Hughes, Gerard J., S.J. "Conscience." Ch. 10 in in *The Cambridge Companion to John Henry Newman*, 189-220. Edited by Ian Ker and Terrence Merrigan. Cambridge & New York: Cambridge University Press, 2009.

"Responding to Official Church Teaching." Priests & People 8 (October 1994): 382-86.

Hütter, Reinhard. "Ecclesial Ethics, the Church's Vocation and Paraclesis." Pro Ecclesia 2



(1993): 433-450.

Janssens, Louis. "The Non-infallible Magisterium and Theologians." Louvain Studies 14 (1989): 195-259.

Jordan, Mark D. "On Defending Catholic Higher Education in America." In Readings in Moral Theology, No. 6: Dissent in the Church, 290-303. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in Communio in 1986.

Keenan, James F., S.J. "Compelling Assent: Magisterium, Conscience and Oaths." Irish Theological Quarterly 57 (1991): 209-227.

Centers on the new oath of fidelity while giving an overview of some of the issues involved on magisterial competence, authority, and cooperation between theologians and Magisterium.

See reply by Richard J. Barrett, "Assent: Not a Compelling Problem--A Response to J.F. Keenan." Irish Theological Quarterly 59 (1993): 264-285.

Kelly, Kevin. "Do We Believe in a Church of Sinners?" The Way 33 (1993): 106-116.

Kelly suggests that inasmuch as the Church is made up of sinners the Church itself (e.g., the Magisterium) will also reflect sin and sinfulness. A viable Christian spirituality needs to take account of this fact.

Kelly is a priest of the Liverpool Archdiocese and former lecturer in Christian ethics at Heythrop College.

Kirtland, Robert. "Authority and Academic Freedom." America, 156 (25 April 1987): 348-349.

Author is a historian. States that theological questions should not be solved by administrative fiat, lest these institutions regress into "theological stodginess" of previous eras. Reference to the Curran case at CU.

Küng, Hans, and Moltmann, Jürgen, eds. "The Right to Dissent." Concilium 158 (1982).

Series of articles on various aspects of this issue.

Lakeland, Paul. "The Ethical Discourse of the Church." In *Theology and Critical Theory: The Discourse of the Church*, 174-207. Nashville: Abingdon Press, 1990.

Brings into dialogue the critical theory of Habermas with the ecclesiology of the Post-Vatican II Church. Lakeland's thesis is that the Church's failure to enact the Conciliar vision is due to a lack of a critical theory of church and society which could have provided an intellectual context in which social teachings and praxis could give a consistent direction which in turn would welcome a reflexive critique of the internal dynamics of church life.

Lakeland is the Aloysius P. Kelley, S.J. Professor of Catholic Studies at Fairfield University.

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\_\_\_\_\_. "The U.S. Church, the Secular World and the Temptation to 'Integrism'." *Horizons* 38/1 (Spring 2011): 7-35.

(From the author's own abstract): "Recent activity among the American Catholic bishops in the social and political arena shows in some cases at least a tendency towards the 'heresy' of integrism as defined by Karl Rahner, namely, the inclination to see the ethical teaching of the Church as a blueprint or template for secular society. This article surveys some examples of this tendency. It argues for a vision of the secular world as independent and grace-filled. The constructive proposal towards which this article moves, which is an effort to place the Church's ethical outlook on the secular world in the space between integrism and esotericism, is worked out in dialogue with Rahner, Archbishop Charles Chaput, Archbishop Rowan Williams and Professor James Davison Hunter.

Lash, Nicholas. "Teaching or Commanding? When Bishops Instruct the Faithful." *America* (13 December 2010): 17-20.

Adapted from his 2009 Boston College Lecture Lash outlines some of the difficulties involved in understanding magisterial instruction when presented as a command to be obeyed rather than as teaching whose force is found in presenting convincing arguments.

Lawler, Ronald D., OFM Cap. "The Magisterium and Catholic Moral Teaching." In *Persona Verità e Morale: Atti del Congresso Internazionale di Teologia Morale (Roma, 7-12 aprile 1986)*, 217-233. Roma: Città Nuova Editrice, 1987.

The Congress was sponsored jointly the John Paul II Pontifical Institute for the Study of Matrimony and the Family of the Lateran University (Msgr. Carlo Caffarra), and the Holy Cross (Santa Croce) Center in Rome of the University of Navarra (Opus Dei).

Mahoney, John, S.J. "On the Other Hand..." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 315-329. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *The New Blackfriars* in 1985.

Mannion, Gerard. "Retrieving a Participatory Teaching 'Office': A Comparative and Ecumenical Analysis of Magisterium in the Service of Moral Discernment." *Journal of the Society of Christian Ethics* 34/2 (2014): 61-86.

Argues that in today's pluralistic context the understanding and exercise of the office of magisterium in both Protestant and Roman Catholic churches out to be more broadly based and ecumenical in nature. Three theologians are then discussed to outline possible ways of understanding magisterium in this new way: Protestants Richard Robert Osmer, Willem Visser 't Hooft and Catholic layman Richard Gaillardetz.

Mannion is the Joseph and Winifred Amaturio Professor in Catholic Studies and Senior Research Fellow of the Berkley Center for Religion, Peace and World Affairs at Georgetown University.

May, William. "Church Magisterium and Public Dissent." In Teaching the Catholic Faith: Central Questions for the '90's, 137-154. Proceedings of the Thirteenth Convention of the Fellowship of Catholic Scholars, Philadelphia, Pennsylvania, 1990. Edited by Msgr. Eugene V. Clark. New York: St. John's University Edition, with the Fellowship of Catholic Scholars, 1991.

The Fellowship of Catholic Scholars was founded in 1977 and includes, among others, Joseph Fessio, S.J., Germain Grisez, James Hitchcock, Donald Keefe, S.J., Msgr. George A. Kelly, Ronald Lawler, OFM, Cap., William E. May, Msgr. William Smith, et. al. May died in December, 2014.

McCormick, Richard A., S.J., and McBrien, Richard P. "L'Affaire Curran II." America (8-15 September 1990): 127-132; 142-143.

Also found in McCormick's Corrective Vision: Explorations in Moral Theology. Kansas City: Sheed & Ward, 1994.

Reviews the aftermath of the Curran affair in the light of the subject's difficulty in obtaining a position in a Catholic university. Some additional material discussed, such as the recent CDF document on the Role of the Theologian.

\_\_\_\_\_. "Theology as a Public Responsibility." America 165 (28 September 1991): 184-189; 203-206.

Basically a response to the 1990 CDF document on the "Vocation of the Theologian." Excellent statement of the concerns of the middle-to-left sector of the Church in reference to the current policies of the Vatican in regards to dissent.

Also found in McCormick's Corrective Vision: Explorations in Moral Theology. Kansas City: Sheed & Ward, 1994.

McCormick, Richard A., S.J. "L'Affaire Curran." *America* (5 April 1986): 261-267.

Also found in *Readings in Moral Theology, No. 6: Dissent in the Church*, 408-420. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Written before Curran's definitive condemnation by the CDF. Delineation of the issues and the "non-issues" of the case. Gives references to Curran's points of dissent, and discusses the necessity of theological dissent in the Church.

\_\_\_\_\_. "Dissent in Moral Theology and Its Implications: Some Notes on the Literature." In Readings in Moral Theology, No. 6: Dissent in the Church, 517-539. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in Theological Studies in 1987.

\_\_\_\_\_. "'Moral Considerations' Ill Considered." America 166 (14 March 1992): 210-214.

Also found in McCormick's Corrective Vision: Explorations in Moral Theology. Kansas City: Sheed & Ward, 1994.

Critiques the statement issued on 12 December 1991 of the Pennsylvania bishops entitled "Nutrition and Hydration: Moral Considerations" (Origins 30 January 1992). McCormick argues that the bishops' statement disagrees with other episcopal statements and is an overly specific application of general moral principles of a controverted case, and therefore cannot enjoy the same magisterial authority as a more general statement.

\_\_\_\_\_. "The Search for Truth in the Catholic Context." In Readings in Moral Theology, No. 6: Dissent in the Church, 421-434. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Also found in McCormick's Corrective Vision: Explorations in Moral Theology. Kansas City: Sheed & Ward, 1994.

Originally appeared in America in 1986.

\_\_\_\_\_. "The Teaching Office as a Guarantor of Unity in Morality." *Concilium* 150 (1981): 72-81.

Interesting for delineating various views on the magisterium, authority, nature of legitimate dissent, and the role of *sensus fidelium*.

\_\_\_\_\_. "Theologians and the Magisterium." In Id. *Corrective Vision: Explorations in Moral Theology*, 82-99. Kansas City: Sheed & Ward, 1994.

Melina, Livio. "Coscienza, libertà e Magistero." La Scuola Cattolica 120 (1992): 152-171.

Melina is professor of moral theology at the John Paul II Institute for Studies of Marriage and the Family in Rome.

\_\_\_\_\_. "Moral conscience and 'communio': Toward a response to the challenge of ethical pluralism." Communio 20 (1993): 673-686.

Melina holds that Christian conscience is a call to assume an internal, ecclesial form in conformity with a Marian disponability to the Spirit. This article does not discuss *Veritatis Splendor*.

\_\_\_\_\_. "Moral theology and the ecclesial sense: Points for a theological 're-dimensioning' of morality." Communio 29 (1992): 67-93.

*En español*: "Consciencia, libertad y Magistero." Communio 14 (1992): 162-179.

According to Melina, moral theology needs a re-dimensioning which would reestablish the bonds between moral theology and other key branches of theology, specifically Christology, theological anthropology, and ecclesiology. Melina argues that the Eucharist is the locus *par excellence* of the moral life, and that a strong trust in, and reliance on the Magisterium is the only sure guarantee of following the promptings of the Holy Spirit in the moral life. In terms of the specificity of Christian ethics Melina seems to recast the issue. No longer does the discussion revolve around the question "Is there a specific Christian ethics?" but implicitly, following Melina's view, one is led to the conclusion that there is no authentic morality which is not rooted in the Catholic Church, and especially in the Eucharist.

Müller, Alois. "Authority and Obedience in the Church." Concilium 5 (2/1966): 40-48.

Murphy, Cullen. "Inquisitions: From Torquemada to the 'War on Terror.'" *Commonweal* (27 January 2012): 10-15. Also posted online 16 January 2012 at <http://commonwealmagazine.org>.

Discusses both the history of the Holy Roman Office of the Inquisition (today the Congregation for the Doctrine of the Faith) and the experience of working with materials from the Secret Archives of the Vatican Library. Adapted and extracted from his book *God's Jury: The Inquisition and the Making of the Modern World*, (Houghton Mifflin Harcourt, 2012).

Murphy, Roland E. "Prophets and Wise Men as Provokers of Dissent." Concilium 158 (1982): 61-66.

One of a series of articles on various aspects of this issue.

Nilson, Jon. "The Rights and Responsibilities of Theologians: A Theological Perspective." In Readings in Moral Theology, No. 6: Dissent in the Church, 5-34. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in Cooperation Between Theologians and the Ecclesiastical Magisterium. A Report of the Joint Committee of the Canon Law Society of America and the Catholic Theology Society of America, 1982.

Noonan, John T., Jr. "On the Development of Doctrine." *America* 180 (3 April 1999): 6-8.

Looks at changes and development in magisterial teaching in five areas: adultery, death penalty, religious liberty, slavery, and usury.

Norris, Kathleen. "Infallibility." In Id. *Amazing Grace*, 369-374. New York: Riverhead Books (Penguin Putnam), 1998.

Reflection on both human religious claims to infallibility from this well-known American literary figure who has one foot in the Protestant tradition and one foot in Catholicism.

Novak, Michael. "Dissent in the Church." Catholicism in Crisis 4 (January, 1986): 8-13.

Also in Readings in Moral Theology, No. 6: Dissent in the Church, 112-126. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

O'Hanlon, Daniel J., S.J. "The Nature, Extent and Style of Authority in the Church." In Law for Liberty: The Role of Law in the Church Today, 109-118. Edited by James E. Biechler. Baltimore: Helicon Press, 1967.

Essay written for the Canon Law Society of America's seminar on The Role of Law in the Church.

O'Riordan, Sean, C.Ss.R. "The Teaching of the Papal Encyclicals as Source and Norm of Moral Theology." Studia Moralia 14 (1976): 135-157.

Orsy, Ladislav, S.J. "The Congregation's 'Response': Its Authority and Meaning." *America* 173 (9 December 1995): 4-5.

Canonical analysis of the CDF's "Response" declaring John Paul II's *Ordinatio*

*Sacerdotalis* to be infallible. See also the article by Francis A. Sullivan, S.J., "Guideposts from Catholic Tradition" in the same issue.

\_\_\_\_\_. "Magisterium: Assent and Dissent." *Theological Studies* 48 (1987): 473-497.

\_\_\_\_\_. "Reflections on the Text of a Canon." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 231-238. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *America* in 1986.

O'Rourke, Kevin, O.P. "Rights of Conscience: Responding to a Bishop's Disciplinary Decisions." *America* (1-8 August 2011): 12-16.

References the controversial decision in 2009-10 of Bishop Thomas Olmsted regarding the revoking the Catholic status in Phoenix of the hospital and declaration of excommunication for one of administrator that allowed the termination of a life-threatening pregnancy to save the life of the mother. O'Rourke distinguishes this as a prudential judgment and thus the response called for by the Catholic faithful differs from that which would be accorded to either an infallible doctrine or even a non-infallible statement of moral doctrine.

Padberg, John W., S.J. "Ignatius, the Popes, and Realistic Reverence." *Studies in the Spirituality of Jesuits* 25, no. 3 (May 1993): 1-38.

Pesce, P.G. "Osservazioni sul dissenso ecclesiale in questioni morali." *Antonianum* 53 (1978): 574-604.

Contiene ampia bibliografia.

Porter, Jean. "Natural Law, Moral Discernment, and Authority of the Church." Paper presented at the Catholic Theological Society of America Annual Convention, Miami, June 1999.

Taken from a forthcoming book, *Natural and Divine Law: Reclaiming the Roots of Christian Ethics*. Ontario: Novalis, and Grand Rapids: Eerdmans, 2000.

Provost, James, and Walf, Knut, eds. "Power in the Church." *Concilium* 197 (3/1988).

Series of articles devoted to various factors involved in ecclesial authority and power.

Quelquejeu, Bernard. "Acceptance of the Rights of Man, Disregard for the 'Rights of Christians': The Inconsistency of Rome." *Concilium* 201 (1989): 118-132.

Critique of some aspects of the new Code of Canon Law and current procedural practices in the Roman Curia in respect to treatment of the "rights" of individuals, especially theologians.

Rahner, Karl, S.J. "Theology and Magisterium: Self-Appraisals." In Readings in Moral Theology, No. 6: *Dissent in the Church*, 35-41. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in Theology Digest 29 (1981): 257-261.

\_\_\_\_\_. "Zur Situation der Jesuitenorden nach den Schwierigkeiten mit dem Vatikan," Schriften XV.

A talk to German Jesuits (14 April 1982) concerning Dezza's instruction of 25 March 1982 which stated that all Jesuit theology be aligned strictly with the Pope's teaching: R. stated, "Jesuit theology would lose its credibility to the outside world, if it were to be judged as a simple megaphone [blosses Sprachrohr] of authoritarian teaching power." p.362

Rausch, Thomas P., S.J. "Who Speaks for the Church?" America, 156 (25 April 1987): 344-346.

Good balanced article, which maintains the principle of the authoritative teaching office of the bishops while stressing that other voices must also be heard. Article points out that the touted "self-policing" among theologians does not always work in highly charged issues, such as women and gay rights, which instead become "advocacy" theology.

Reimer-Barry, Emily. "The Listening Church: How Ethnography Can Transform Christian Ethics." Ch. 6 in *Ethnography as Christian Theology and Ethics*, 97-117. Edited by Christian Scharen and Anna Marie Vigen. New York: Continuum, 2011.

Reimer-Barry uses her fieldwork on Catholic women suffering from HIV/AIDS in Chicago and Kenya to outline a call for "empathetic listening" that seeks first to discover what is genuinely going on in people's lives—before moving to a judgment of what the proper ethical position might be. In this regard she is particularly critical of Pope Benedict XVI's 2009 negative comments about condom use in Africa which he delivered in an airborne news conference on the way to Africa. Far more effective would have been to land in Africa, talk with a variety of people there who knew the situation first-hand, and then—and only then—presume to take a position on a practical issue like the advisability of condom usage in a situation common in sub-Saharan Africa.

At this writing Reimer-Barry was Assistant Professor of theological ethics at the University of San Francisco.



Rigali, Norbert J., S.J. "Moral Theology and the Magisterium." Horizons 15 (1988): 116-124.

Rigali teaches moral theology at the University of San Diego.

Römelt, Josef, C.Ss.R. "Glaubende Kirche und Ethik." Theologie der Gegenwart 31 (1988): 144-154.

Ruggieri, Giuseppe. "Ecclesiologia ed etica." Cristianesimo nella Storia 9 (1988): 1-22.

Russo, Giuseppe, SDB. "Magistero cattolico, verità e metafisica. Analisi filosofica e teologica degli interessi ideologici nella bioetica." Palestra del Clero 70 (1991): 853-885.

Ryan, Peter F., S.J. and Grisez, Germain. "Indissoluble Marriage: A Reply to Kenneth Himes and James Coriden." *Theological Studies* 72 (June 2011): 369-415.

Strong critique that the Congregation for the Doctrine of the Faith required the editors of *Theological Studies* to publish of the Kenneth Himes and James Coriden "The Indissolubility of Marriage: Reasons to Reconsider," *Theological Studies* 65 (September 2004): 453-499. 2004 article . Himes & Coriden argued that the present teaching of the Catholic Church on indissolubility has had a complex history and propose that the teaching may be open to revision, and furthermore, that current arguments against the revision of the teaching are insufficient. The end of the article argues that this position meets all of the requirements for an infallible teaching of the Church in the ordinary Magisterium.

Ryan is professor of moral theology and Grisez emeritus professor at Mount Saint Mary's in Emmitsburg MD.

Sala, Giovanni. "Insegnamenti «fallibili» e assistenza dello Spirito Santo." Rassegna di teologia. 34 (1993): 516-543.

Schlögel, Herbert, O.P. "Zur Kompetenz des Lehramts für das sittliche Handeln: Ekklesiologische Perspektiven." Trier Theologische Zeitschrift 92 (1983): 22-31.

Schlögel did his *Habilitation* on Gerhard Ebeling: Nicht moralisch sonder theologisch. Zum Gewissensverständnis von Gerhard Ebeling.

\_\_\_\_\_. "Kirchenbilder in der Moraltheologie." Stimmen der Zeit 117 (1992): 109-114.

Criticizes the lack of prominence given to the role of the Church in moral theology by a number of contemporary moralists. As negative examples Schlögel cites Böckle and Demmer, and as a positive example uses Livio Melina.

Selling, Joseph A. "Authority and Moral Teaching in a Catholic Christian Context." In *Christian Ethics: An Introduction*, 57-71. Edited by Bernard Hoose. Collegeville: Liturgical Press, 1998.

Selling taught moral theology on the Faculty of Theology at the Catholic University of Louvain until his retirement in 2011.

\_\_\_\_\_. "Magisterial Authority and the Natural Law." *Doctrine and Life* 47 (August 1997): 334-342.

Very negative review of Frank Mobbs' *Beyond Its Authority: The Magisterium and Matters of Natural Law* (Sydney: E.J. Dwyer, 1997), and concludes with a thoughtful exposition of Selling's own positions in this area. Mobbs's basic thesis is that inasmuch as the natural law is not part of revelation the authority of the Magisterium does not extend to authoritative pronouncements on the natural law. Selling's views are much more nuanced.

\_\_\_\_\_. "Magisterial Teaching on Marriage, 1880-1968. Historical Constancy or Radical Development?" *Studia Moralia* 28 (1990): 439-490.

Also found in *Historia: Memoria Futuri. Mélanges Louis Vereecke (70° anniversaire de naissance)*, 351-402. Edited by Réal Tremblay, C.Ss.R. and Dennis J. Billy, C.Ss.R. Roma: Editiones Academiae Alphonsianae, 1991.

By analyzing the teachings of Popes Leo XIII to Paul VI *Humane Vitae's* claim of the existence of a clearly definable body of teaching with respect to marriage which has been "constantly" taught by the Magisterium is evaluated. Selling concludes that a new norm, "openness to procreation" emerged which went "considerably beyond what Pius XII had explicitly taught." *Humanae vitae* itself "can be better characterized either as a radical development in the line of teaching of Leo XIII, Pius XI and Pius XII, or a departure from the developing teaching of [these same popes] and the Second Vatican Council."

Smith, William B., Msgr. "The Question of Dissent in Moral Theology." In *Persona Verità e Morale: Atti del Congresso Internazionale di Teologia Morale* (Roma, 7-12 aprile 1986), 235-254. Roma: Città Nuova Editrice, 1987.

A very conservative treatment of the legitimate (im)possibility of theological dissent. Smith concludes that "The only way for genuine dissent in theory and practice to be legitimate is to accept and adopt an illegitimate ecclesiology which not only changes but also contradicts the teachings of Vatican II about the nature of sacred and certain Catholic teaching and the very nature of the Church (LG 25; DV 7-10)." p. 253.

The Congress was sponsored jointly the John Paul II Pontifical Institute for the Study of

Matrimony and the Family of the Lateran University (Msgr. Carlo Caffarra), and the Holy Cross (Santa Croce) Center in Rome of the University of Navarra (Opus Dei).

Smith is Professor of Moral Theology at St. John's Seminary (Dunwoodie) in New York, and moral columnist for *Homilectic and Pastoral Review*.<sup>2</sup>

Spohn, William C. "Notes on Moral Theology: 1992. The Magisterium and Morality." *Theological Studies* 54 (1993): 95-111.

Discusses primarily some of the issues and ramifications of the CDF document on "The Ecclesial Vocation of the Theologian," the required Profession of Faith for theology professors, and the Catechism of the Church concerning the extension of the assent and limitation of dissent, from teachings of the ordinary, non-infallible magisterium, as well as the inherent competence and limitations of the magisterium to teach infallibly and/or "authoritatively" in moral matters.

Spohn was Professor of Theology at the University of Santa Clara until his death in 2005.

Strykowski, John. "Theological Pluralism and Canonical Mandate." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 239-249. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *The Jurist*.

Sullivan, Francis A., S.J. "The Authority of the Magisterium on Questions of Natural Moral Law." *Readings in Moral Theology, No. 6: Dissent in the Church*, 42-57. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *Magisterium: Teaching Authority in the Catholic Church*, 138-152. Dublin: Gill and Macmillan, 1983.

*Traduzione italiana: Il magistero nella chiesa cattolica.* Teologi saggi. Assisi: Cittadella, 1986.

Sullivan was Dean of the Faculty of the Theology at the Pontifical Gregorian University and professor of ecclesiology from the 1950s to 1992 when he became theologian in residence at Boston College.

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\_\_\_\_\_. "The Definitive Exercise of the Teaching Authority." *Theological Studies* 3/75 (September 2014): 502-14.

Considers the teaching authority of the Magisterium and the obligation of the faithful to give their assent, and then moves to a discussion of the replies given by Cardinal

Ratzinger as Prefect of the CDF to the question of the definitive character of Pope John Paul II's teaching in *Ordinatio sacerdotalis* that the priesthood is reserved to males only. Sullivan concludes with a position on this abstract question of assent to papal teaching outlined by the then Father Joseph Ratzinger in a 1969 essay (which was never retracted by Ratzinger).

\_\_\_\_\_. "Developments in Teaching Authority Since Vatican II." *Theological Studies* 73/3 (September 2012): 570-589.

Part of a series of articles on the 50<sup>th</sup> Anniversary of Vatican II. Discusses episcopal conferences and the Congregation for the Doctrine of the Faith, definitive teaching of objects not revealed, and papal declarations of doctrines taught infallibly by the ordinary universal magisterium.

\_\_\_\_\_, "The Doctrinal Weight of *Evangelium Vitae*." *Theological Studies* 56 (September 1995): 560-65.

\_\_\_\_\_. "Guideposts from Catholic Tradition." *America* 173 (9 December 1995): 5-6.

Theological analysis of the CDF's "Response" declaring John Paul II's *Ordinatio Sacerdotalis* to be infallible and belonging to the deposit of faith. See also the canonical analysis by Ladislav Orsy, S.J., "The Congregation's 'Response': Its Authority and Meaning," in the same issue.

\_\_\_\_\_. "Infallibility." Ch. 8 in *The Cambridge Companion to John Henry Newman*, 156-169. Edited by Ian Ker and Terrence Merrigan. Cambridge & New York: Cambridge University Press, 2009.

\_\_\_\_\_. "Recent Theological Observations on Magisterial Documents and Public Dissent." *Theological Studies* 58 (1998): 509-515.

Critiques an article of Archbishop Tariscio Bertone, Secretary of the CDF, published in *L'Osservatore Romano* on December 20, 1996 in which Bertone argues for papal infallibility for various positions taught in the ordinary magisterium, but which lack the usual traditional criteria for establishing the objective fact of their being so taught.

\_\_\_\_\_. "The Theologian's Ecclesial Vocation and the 1990 CDF Instruction." *Theological Studies* 52 (1991): 51-68.

A careful "exegesis" and interpretation of the Congregation for the Doctrine of the Faith's 1990 "Instruction on the Ecclesial Vocation of the Theologian."

Taylor, Charles. "Magisterial Authority." Chapter 9 in *The Crisis of Authority in Catholic*

*Modernity*, 259-269. Edited by Michael J. Lacey and Francis Oakley. Oxford: Oxford University Press, 2011.

Thiel, John E. "Responsibility to the Spirit: Authority in the Catholic Tradition." *New Theology Review* 8 (1995): 53-68.

Thiel is professor of theology at Fairfield University.

\_\_\_\_\_. "Theological Responsibility: Beyond the Classical Paradigm." *Theological Studies* 47 (1986): 573-598.

Historical background for the understanding of dissent. Suggests a paradigm, derived from Romanticism, for the assumption that the theologian possesses individual creativity and therefore accountable to the ecclesial community at large. This paradigm has received qualified acceptance from the official magisterium, though this acceptance has not been constant.

\_\_\_\_\_. "Tradition and Authoritative Reasoning." *Theological Studies* 56 (1995): 627-651.

Uses insights from nonfoundational epistemology to discuss some of the problematic relations between argument and authority in magisterial teaching. Teachings contained in *Humanae vitae* and *Inter Insigniores* are used to illustrate the issue.

Tineo, Luis. "Conciencia moral y Magistero de la Iglesia." *Teologia IUSI* 12 (1994): 43-76.

One of several articles in this issue devoted to an analysis of *Veritatis Splendor*.

Valadier, Paul, S.J. "L'autorité en morale." *Etudes* 379 (1993): 213-224.

Concerns the problem of authority in general in moral theology.

Venez, Hermann-Josef. "Dealing with Dissenters in the New Testament Communities." *Concilium* 158 (1982): 67-74.

One of a series of articles on various aspects of this issue.

Vertin, Michael. "The Doctrine of Infallibility and the Demands of Epistemology." *The Thomist* 43 (1979): 637-652.

See also Peter Chirico, S.S.'s "Infallibility: A Reply." *The Thomist* 44 (1980): 128-135.

Wilson, George B., S.J. "'Dissent' or Conversation Among Adults?" *America* 180 (13 March 1999): 8-10; 12.

Wilson suggests that “dissent” is really the wrong concept to use in referring to contemporary, well-educated, adult Catholics in their attempts to dialogue and agree and/or disagree with magisterial teaching: “Adults don’t ‘dissent’; they discuss and deliberate and converse and dialogue.” (P. 9).

\_\_\_\_\_. "It's Nothing Personal: The History of Papal Infallibility." *Commonweal* (12 February 2016): 17-20. Available at <https://www.commonwealmagazine.org/its-nothing-personal>

Outlines the Vatican I teaching on papal infallibility, underscoring its relation to the whole Church and not as a sort of superhuman personal prerogative of the pontiff.

Wogaman, J. Philip. "The Ecumenical Impact of the Curran Case." In *Readings in Moral Theology*, No. 6: *Dissent in the Church*, 512-516. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.

Originally appeared in *The Christian Century* in 1987.

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#### *Books on the Magisterium and/or Dissent*

Allsopp, Michael, ed. *Ethics and the Catechism of the Catholic Church*. Scranton: University of Scranton Press, 1999.

Contributions include from essays on teaching the Catechism (Mary Jo Iozzio), the Catechism and conscience (Michael Allsopp), the moral act and its moral evaluation in the Catechism (Todd Salzman), homosexuality and the Catechism (Robert Nugent), and a comparison of Catechisms in the Americas (Edward Sunshine). Others consider the political culture of the Catechism (Edward van Merrienboer) and the treatment of marriage (Ann Swaner), Catholic Social Teaching (John Pawlikowski), assisted suicide (Andrew Lustig), and Catholic health care (Gerard Magill) in the Catechism.

Ashley, Benedict M., O.P. *Justice in the Church: Gender and Participation*. Baltimore, MD: The Catholic University of America Press, 1996.

Confronting the controversial issue of women's ordination, this book provides a theological exploration of the definitive 1994 Vatican declaration, *Ordinatio Sacerdotalis*, which opposed the ordination of women. Ashley discusses the arguments of those in favor of changing the Church's practice of ordaining priests, and explains and defends the Church's reasoning for strictly denying women's participation in the priesthood.

Biechler, James E., ed. *Law for Liberty: The Role of Law in the Church Today*. Baltimore: Helicon Press, 1967.

Essays written for the Canon Law Society of America's seminar on The Role of Law in the Church.

Boyle, John P. *Church Teaching Authority: Historical and Theological Studies*. Notre Dame: University of Notre Dame Press, 1995.

Cooney, G.L. "The Magisterium and the Moral Matters of Bishops' Conferences in the Light of the Document 'The Challenge of Peace'." S.T.D. Dissertation. Rome: Pontifical Gregorian University, 1990.

Directed by Klaus Demmer, M.S.C.

Clark, Msgr. Eugene V., ed. *Teaching the Catholic Faith: Central Questions for the '90's*. Proceedings of the Thirteenth Convention of the Fellowship of Catholic Scholars, Philadelphia, Pennsylvania, 1990. New York: St. John's University Edition, with the Fellowship of Catholic Scholars, 1991.

Articles deal mostly with condemnation of theological dissent and upholding absolute fidelity to the magisterium.

The Fellowship of Catholic Scholars was founded in 1977 and includes, among others, Joseph Fessio, S.J., Germain Grisez, James Hitchcock, Donald Keefe, S.J., Msgr. George A. Kelly, Ronald Lawler, OFM, Cap., William E. May, Msgr. William Smith, et. al.

Curran, Charles E., Hunt, Robert E., et. al. *Dissent in and for the Church*. New York: Sheed and Ward, 1969.

Curran, Charles E., Hunt, John F., et. al. *The Responsibility of Dissent: The Church and Academic Freedom*. New York: Sheed and Ward, 1969.

Curran, Charles E. and McCormick, Richard A., S.J., eds. *Readings in Moral Theology, No. 3: The Magisterium and Morality*. New York: Paulist Press, 1982.

\_\_\_\_\_. *Readings in Moral Theology, No. 6: Dissent in the Church*. New York: Paulist Press, 1988.

Articles, representative of both ends of the theological spectrum, are grouped into five sections: 1) Theological Dissent in General; 2) Canonical Aspects; 3) Academic Aspects; 4) Moral Theology in Particular; 5) The Curran Case and its Aftermath.

Curran, Charles. *Faithful Dissent*. Kansas City: Sheed and Ward, 1987.

Details Curran's encounter with the CDF.

Dulles, Avery Cardinal. *Magisterium: Teacher and Guardian of the Faith*. Naples FL: Ave Maria Press, 2007.

Includes 9 Appendices of contemporary relevant Magisterial documents from Vatican I, II, Pius XII, and the CDF.

Fagan, Gerald M, S.J. *Fidelity in the Church—Then and Now*. *Studies in the Spirituality of Jesuits* 31 (May 1999).

Discusses fidelity to the Church, and what might be termed proper attitudes of discernment and religious submission of the will in the context of Jesuit spirituality, and in particular Ignatius' Rules for Thinking with the Church.

Fiedler, Maureen, and Rabben, Linda, eds. *Rome Has Spoken: A Guide to Forgotten Papal Statements and How They Have Changed through the Centuries*. New York: Crossroad, 1998.

Individual chapters dealing with a range of theological and moral topics, from infallibility, biblical interpretation, ecumenism, religious freedom, usury, sexual ethics, and so on. The format of each chapter provides a historical sampling of various magisterial statements (papal, conciliar, and from various dicasteries of the Holy See) on the topic at hand, and concludes with a short essay on the Church's teaching in this area by a specialist in the field.

Gaillardetz, Richard B., ed. *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church; Includes a Case Study on the Doctrinal Investigation of Elizabeth Johnson*. Collegeville: Liturgical Press, 2012.

Contributors include Bradford Hinze, James Coriden, Colleen Mallon, Ormond Rush, Gerard Mannion, Anthony Godzieba, Vincent Miller, Richard Gaillardetz, and Elizabeth Johnson.

[From the publisher's advertisement:] *Catholicism has always recognized the need for a normative doctrinal teaching authority. Yet the character, scope, and exercise of that authority, what has come to be called the magisterium, has changed significantly over two millennia. This book gathers contributions from leading Catholic scholars in considering new factors that must be taken into account as we consider the church's official teaching authority in today's postmodern context. Noted experts in their fields cover many intriguing topics here, including the investigation of theologians that has*



*occurred in recent years, canonical perspectives on such investigations, the role that women religious have played in these issues, the place of the media when problems arise, and possible future ways forward. The book concludes with "The Elizabeth Johnson Dossier," a selection of documents essential to understanding the case of Elizabeth Johnson, CSJ, whose work was recently the subject of severe criticism by the United States Conference of Catholic Bishops.*

Gaillardetz, Richard B. *By What Authority? A Primer on Scripture, the Magisterium, and the Sense of the Faithful*. Revised ed. Collegeville: Liturgical Press, 2003, 2018.

Gaillardetz now is the Joseph Professor of Catholic Systematic Theology at Boston College.

\_\_\_\_\_. *Witness to the Faith: Community, Infallibility and the Ordinary Magisterium of Bishops*. New York: Paulist Press, 1992.

An historical and systematic examination of the ordinary teaching authority of the bishops, emphasizing Vatican II's retrieval of the ecclesiology of communion.

Gallagher, John, C.S.B. *The Basis for Christian Ethics*. New York: Paulist Press, 1985.

Gallagher divides his work into four sections: 1) The Criteria for Moral Judgment: Human Reason and Experience; 2) The Criteria for Moral Judgment: Sacred Scripture; 3) Practical Moral Judgment; and 4) Individual Conscience and the Church. In this last section Gallagher's final chapter (20) treats the question of the Magisterium and dissent on moral issues.

González Faus, José Ignacio, S.J. Libertad de palabra en la Iglesia y en la teología: Antología comentada. Santander: Editorial Sal Terrae, 1985.

*In English: Where the Spirit Breathes: Prophetic Dissent in the Church*. Translated by Robert R. Barr. Maryknoll: Orbis Press, 1989.

Collection of various quotable quotes supporting "prophetic dissent" from throughout the history of the Church, commented upon by this Spanish theologian.

Greenleaf, Robert K. Servant Leadership: A Journey into the Nature of Legitimate Power and Greatness. New York: Paulist Press, 1977.

Häring, Bernard, C.Ss.R. My Witness for the Church. Translated by Leonard Swidler. New York: Paulist Press, 1992.

Hoose, Bernard. *Received Wisdom?: Reviewing the Role of Tradition in Christian Ethics*. London: Geoffrey Chapman, 1994.

Kaufman, Philip S., O.S.B. *Why You Can Disagree and Remain a Faithful Catholic*. Bloomington IN: Myer Stone Books, 1989.

Aimed at a popular audience, Kaufman discusses probabilism, infallibility, divorce and remarriage, and many of the issues connected with the proclamation of the birth control teaching of the Church.

Lacey, Michael J. and Francis Oakley, eds.. *The Crisis of Authority in Catholic Modernity*. Oxford: Oxford University Press, 2011.

Levada, William. *Infallible Church Magisterium and the Natural Law*. Excerpta ex dissertatione ad Doctoratum in Facultate Theologiae Pontificiae Universitatis Gregorianae. Rome: Pontifical Gregorian Press, 1971.

Dissertation done under Francis Sullivan, S.J. Levada writes that the "...traditional doctrine of infallibility as defined in Vatican I and explained in ecclesiology: infallibility (considered from the aspect of its object) refers in general to those statements which are taught as definitive and to be held by all the faithful in the Church; such definitions are irreformable in the sense that they do not admit of subsequent contradictory teaching or practice; such definitions are true in the sense that they correspond to objective Church tradition, and do not merely represent temporary symbols of faith." [Levada, *Infallible Church Magisterium and the Natural Law*, p. 75.]

"Thus we had to come ultimately to a consideration of the peculiar characteristics of the natural law norms which in our dissertation would be the object of the Church's infallible defining power. We found that the human process of formulating moral norms is marked by an essential dependence upon the data of human experience, and this dependence has, in greater or lesser degree, always been recognized in traditional moral theology. This recognition thus must serve to correct the model sometimes used in moral theology, in which man's knowledge of moral norms was simply a 'given' or was 'deduced' from nature, in which the variable factors of the moral judgment were recognized only in the conscience-decision of the unique situation. Such an understanding did not sufficiently appreciate the fact that the formulation of the moral norms is essentially marked by the 'relativity' which is inherent in the human estimation of moral values. This consideration of the natural law in its aspect of material norm led us to conclude that the variabilities which marked the human process of its discovery and formulation made such particular applications inherently unsuited to be considered for infallible definition. It is in the particular characteristics of this process which is man's [sic] discovery and application of the natural moral law in his life, and in the dependence of his reflective scientific moral knowledge upon these characteristics (which ties his moral knowledge to the perception

of values seen in relation to his human nature fully considered in its historical context), that we find the ultimate reason for the unsuitability of natural law formulations for infallible definition. For such formulations must remain essentially open to modification and reformulation based upon moral values as they are perceived in relation to the data and the experience which mark man's understanding of himself." [Levada, p. 77].

"When one examines the traditional theological teaching about the secondary object, one remarks that natural law is not traditionally included within this category. Even though there is nothing to prevent a council or a pope from extending this secondary object to questions of the natural moral law from the point of view of their authority to do so, nevertheless the 'prudential' certitude which characterizes the non-scriptural norms of the natural law argues against such an extension of this secondary object to include an infallible definition of this sort." [Levada, p. 78].

Levada concludes by accepting the competence of the infallible Magisterium, in the restricted sense "on the level of transcendental values; when we turn to the level of categorical norms, on the other hand, we cannot ignore the essential autonomy of the rational process of human discovery of the natural moral law. And the nature of this moral autonomy, considered in all its aspects, gives us the ultimate reason why we should not understand it to fall within the traditional categories of primary or secondary object of infallibility." [Levada, p. 79].

Levada went on to become installed, on 22 September 1986, as archbishop of Portland, OR, and in 1996 as archbishop of San Francisco, CA. He was then named Prefect of the Congregation for the Doctrine of the Faith in 2005 and raised to the rank of Cardinal by Pope Benedict XVI.

Locht, Pierre de. *Morale sexuelle et magistère*. Paris: Editions du Cerf, 1992.

Maguire, Daniel C. *Moral Absolutes and the Magisterium*. Washington, D.C.: Corpus Papers, 1970.

Originally part of *Absolutes in Moral Theology?* Edited by Charles E. Curran. Washington, D.C.: Corpus Books, 1968.

*En español*: "Absolutos morales y el magistero." En *¿Principios Absolutos en Teología Moral?*, 57-106. Dirigido por Charles E. Curran. Traducción de José Maria Ruiz, S.J. Santander: Editorial Sal Terrae, 1970.

May, William, ed. *Vatican Authority and American Catholic Dissent*. 1987.

Miller, Monica Migliorino. *Sexuality and Authority in the Catholic Church*. Scranton: University of Scranton Press, 1995.

A rather neo-conservative anti-feminist treatment.

Mobbs, Frank. *Beyond Its Authority: The Magisterium and Matters of Natural Law*. Sydney: E.J. Dwyer, 1997.

Mobb's basic thesis is that inasmuch as the natural law is not part of revelation the authority of the Magisterium does not extend to authoritative pronouncements on the natural law.

Very negatively reviewed by Joseph Selling in the latter's article "Magisterial Authority and the Natural Law," *Doctrine and Life* 47 (August 1997): 334-342.

Noonan, John T., Jr. *A Church That Can and Cannot Change: The Development of Catholic Moral Teaching*. ND Erasmus Institute Books. Notre Dame: University of Notre Dame Press, 2005.

*From the publisher's blurb:* "Using concrete examples, John T. Noonan, Jr., demonstrates that the moral teaching of the Catholic Church has changed and continues to change without abandoning its foundational commitment to the Gospel of Jesus Christ. Specifically, Noonan looks at the profound changes that have occurred over the centuries in Catholic moral teaching on freedom of conscience, lending for a profit, and slavery. He also offers a close examination of the change now in progress concerning divorce. In these changes, Noonan perceives the Catholic Church to be a vigorous, living organism, answering new questions with new answers, and enlarging the capacity of believers to learn through experience and empathy what love demands. He contends that the impetus to change comes from a variety of sources, including prayer, meditation on Scripture, new theological insights and analyses, the evolution of human institutions, and the examples and instruction given by persons of good will. Noonan also states that the Church cannot change its commitment to preaching the Gospel of Jesus Christ. Given this absolute, how can the moral teaching of the Church change? Noonan finds this question unanswerable when asked in the abstract. But in the context of the specific facts and events he discusses in this book, an answer becomes clear. As our capacity to grasp the Gospel grows, so too, our understanding and compassion, which give life to the Gospel commandments of love, grow."

Orsy, Ladislav, S.J. *Receiving the Council: Theological and Canonical Insights and Debates*. Collegeville: Liturgical Press, 2009.

Excellent collection of essays that consider a wide range of important ecclesiological topics such as the nature and role of the laity in the Church, development of law and doctrine, episcopal conferences, ecumenism, and the exercise of the charism of magisterial office.

Orsy (b 1921) is a Hungarian Jesuit who has taught in Rome and the United States and is one of the most respected canon lawyers of the last half-century or more.

The Pope John Center. *Moral Theology Today: Certitudes and Doubts*. St. Louis: The Pope John Center, 1984.

Contents of 1984 workshop for North and Central American bishops, addressed by Joseph Cardinal Ratzinger and various other theologians.

Sanks, T. Howland, S.J. *Authority in the Church: A Study in Changing Paradigms*. Missoula: Scholars' Press, 1974.

Schlögel, Herbert, O.P. *Kirche und sittliches Handeln: Zur Ekklesiologie in der Grundlagendiscussion der deutschsprachigen katholischen Moraltheologie seit der Jahrhundertwende*. Mainz, 1981.

Eberhard, Schockenhoff. "Die Bedeutung von Schrift, Tradition, und Lehramt für das Verständnis des christlichen Ethos." *Seminarium* 34 (1994): 72-88.

Part of a symposium on *Veritatis Splendor* held at the Pontifical Gregorian University.

Schuster, Josef. *Ethos und kirchliches Lehramt. Zur Kompetenz des Lehramtes in Fragen der natürlichen Sittlichkeit*. Frankfurt, 1984.

Sullivan, Francis A., S.J. *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*. New York: Paulist Press, 1996.

Very good for developing an understanding of how to exegete and interpret the various levels of teaching contained in Vatican documents. Helpful in dogmatic theology as well, and good historical examples are used to illustrate the various points.

\_\_\_\_\_. *Magisterium: Teaching Authority in the Catholic Church*. Dublin: Gill and Macmillan, 1983.

*Traduzione italiana: Il magistero nella chiesa cattolica*. Teologi saggi. Assisi: Cittadella, 1986.

An excellent overview of the theology of the Magisterium and related questions. Includes chapters on the biblical and historical bases for episcopal Magisterium, infallibility, and a concluding chapter on the Magisterium and role of theologians in the Church. The last half of Chapter 6, "The Infallibility of the Universal Magisterium and the Limits of the Object of Infallibility," (pp. 132-152) is also found in Curran and McCormick, *Readings in Moral Theology, No. 6*, pp. 42-57.

Tettamanzi, Dionigi. *Temi di morale fondamentale*. Milano: Ed. O.R., 1975.

Vosman, F., ed. *Aiming at Happiness: The Moral Teaching in the Catechism of the Catholic Church*. Kampen, The Netherlands: Kok Pharos Publishing House, 1996.

Witham, Larry. *Curran vs. Catholic University: A Study of Authority and Freedom in Conflict*. Riverdale MD: Edington-Rand, 1991.

Witham, a reporter for *The Washington Times*, covers the "Curran Affair" from 1986 to the 1989 court decision in favor of Catholic University. Background discussion of the ecclesial, moral and theological issues is also included.

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## ***Sensus Fidelium*** and the Magisterium

### *Magisterium-Related Documents*

International Theological Commission. "*Sensus fidei* in the Life of the Church." 2014.

Available on the Vatican web-site at

[http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20140610\\_sensus-fidei\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20140610_sensus-fidei_en.html).

### *Secondary Literature on Sensus Fidelium*

Burkhard, John. "*Sensus fidei*: Meaning, Role and Future of a Teaching of Vatican II." *Louvain Studies* 17 (1992): 18-34.

Burkhard is at the Washington Theological Union.

\_\_\_\_\_. "*Sensus Fidei*: Theological Reflections since Vatican II: I. 1965-1984." *The Heythrop Journal* 34 (1993): 41-59.

Examines the writings of various theologians writing on this theme in the years 1965-1989. This article is part one.

Costigan, Richard F., S.J. "The Consensus of the Church: Differing Classic Views." *Theological Studies* 51 (1990): 25-48.

Studies the historical background of Vatican I's doctrine of papal infallibility, especially in reference to positions of both Gallicanists and papalists.

Curran, Charles, and Fullam, Lisa, eds. *Readings in Moral Theology No. 18: The **Sensus Fidelium** and Moral Theology*. New York: Paulist Press, 2016. ISBN: 978-15876-8658-0

15 essays divided into two major sections: Part One: Historical and Theological Understandings of *Sensus Fidelium* (including the International Theological Commission document “*Sensus Fidei* in the Life of the Church: Scripture and Tradition) and Part Two: Moral and Practical Issues in Light of the *Sensus Fideilum*.

Reviewed by Ryan Marr in *Catholic Books Review* at <http://catholicbooksreview.org/2017/curran.html>

Dobbin, Edmund J. “*Sensus Fidelium* Reconsidered.” *New Theology Review* 2 (1989): 48-64.

Ekpo, Anthony. *The Breath of the Spirit in the Church: The Sensus Fidelium and Canon Law*. Strathfield NSW, Australia: St. Pauls Publications, 2014.

Fr Ekpo is a priest from the Umuahia diocese in Nigeria who currently is Archbishop Mark Coleridge’s pastoral assistant in the Brisbane Archdiocese.

\_\_\_\_\_. “Canon Law and the Agents of *Sensus Fidelium*: A Theological and Canonical Exploration.” *Canonist* 4/1 (2013): 65-86.

\_\_\_\_\_. “From *Sensus Fidei* to *Sensus Legis*: Reconciling Faith and Law in the Church.” *Canonist* 4/2 (2013): 157-168.

\_\_\_\_\_ “The *Sensus Fidelium* and the Threefold Office of Christ: A Reinterpretation of *Lumen Gentium* No. 12.” *Theological Studies* 76/2 (June 2015): 330-346.

Argues for an expansion of *Lumen gentium*’s understanding of *sensus fidelium* to include the entire triplex munera of priest, prophet, and king in which all the baptized participate.

\_\_\_\_\_. “The Structures of the *Sensus Fidelium* and Canon Law: Part I. *Australian eJournal of Theology* 21/1 (April 2014). Available at [http://aejt.com.au/\\_data/assets/pdf\\_file/0010/623881/AEJT14\\_05\\_Structures\\_of\\_the\\_Sensus\\_Fidelium\\_and\\_Canon\\_Law\\_Ekpo\\_Apr14\\_Vol21.1.pdf](http://aejt.com.au/_data/assets/pdf_file/0010/623881/AEJT14_05_Structures_of_the_Sensus_Fidelium_and_Canon_Law_Ekpo_Apr14_Vol21.1.pdf) (Accessed May 17, 2015).

*Author supplied abstract:* In 1962 Pope John XXIII convoked the Second Vatican Council to which about 2,500 bishops were invited from all over the world. It was at this council, and in its reception over the years, that the *sensus fidelium* was re-discovered as an ecclesial reality and a theological insight that has characterized the Church since its inception. The central question of this article is how the *sensus fidelium* is expressed and received in the Church through the canonical norms and structures of the 1983 Code of

Canon Law. In other words, the article investigates the *sensus fidelium*, highlighting particularly, how the canonical norms and structures of the 1983 Code aid its expression and reception in the Church. The article identifies canonical structures such as the parish pastoral council, finance council, presbyteral council and college of consultors, diocesan curia, diocesan synod, Synod of Bishops, Roman Curia and ecumenical dialogue, as structures of the *sensus fidelium*. It argues that, when these canonical structures are used to their fullest potential, they can be useful instruments for the expression and reception of the *sensus fidelium* in the Church.

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*Author supplied abstract:* Abstract: More than fifty years ago Pope John XXIII convoked the Second Vatican Council to which about 2,500 bishops were invited from all over the world. It was at this council, and in its reception over the years, that the *sensus fidelium* was re-discovered as an ecclesial reality and a theological insight that has characterized the Church since its inception. The central question of this study is how the *sensus fidelium* is expressed and received in the Church through the post-conciliar canonical norms and structures, since the post-conciliar legislation is believed to be the canonical reception of the ecclesial and theological insights rediscovered at Vatican II. In other words, the study investigates the *sensus fidelium*, highlighting particularly, how the post-conciliar canonical norms and structures aid its expression and reception in the Church. The study identifies canonical structures such as the parish pastoral council, finance council, presbyteral council and college of consultors, diocesan curia, diocesan synod, Synod of Bishops, Roman Curia and ecumenical dialogue, as structures of the *sensus fidelium*. It argues that, when these canonical structures are used to their fullest potential, they can be useful instruments for the expression and reception of the *sensus fidelium* in the Church.

Finucane, Daniel J. *Sensus Fidelium: The Use of a Concept in the Post-Vatican II Era*. Bethesda, MD: Catholic Scholars Press, 1996.

Contains an extensive review of the literature in the field.

“Freedom to Disagree” [unsigned editorial]. *The Tablet* (14 July 2001): 1007.

Articulates a potential abuse of authority in these words: “There is a flawed circular argument behind much of the Vatican’s efforts to police theological discussion in the Catholic Church at present. Discipline is used to produce a spurious sense of consensus. Then the existence of the consensus is cited as evidence of the settled position of the Church. And thus those who speak against that settled position are accused of



disagreeing with a teaching that has the Church's authority behind it. But this is just an exercise in tautology. It convinces nobody. The only consensus that matters is one that emerges after free and exhaustive debate, without any attempt to silence those holding different opinions. Only thus can the Holy Spirit be seen to have the time and space in which to work."

McCormick, Richard A., S.J. "The Teaching Office as a Guarantor of Unity in Morality." *Concilium* 150 (1981): 72-81.

Interesting for delineating various views on the magisterium, authority, nature of legitimate dissent, and the role of *sensus fidelium*.

Metz, Johann Baptist, and Schillebeeckx, Edward, eds. "The Teaching Authority of Believers." *Concilium* 180 (1985).

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*From the publisher:* Both the faithful and bishops are called to learn and to teach. Empowered by the Holy Spirit, the faithful of the local church witness to the apostolic tradition with their lives, and so are teachers. Learning to receive and respond to the sense of the faithful is an essential way the bishop grows in his personal ability to teach the church's faith in authentic and meaningful ways. How is the bishop's ministry of discernment formed by spirituality, and what structures strengthen it? Ignatian spirituality and the structures of discernment in the Society of Jesus model ways for bishops to cultivate discernment as a spiritual habit and provide insight for renovating diocesan structures to incorporate discerning dialogue with the faithful. Amanda Osheim moves from ecclesiological theory to imagining spiritual practices and church structures in the hope of contributing not only to the academic conversation about the *sensus fidelium* but also to the ways the church practically lives out our response to the Holy Spirit.

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Thinkers and Leaders program. She earned her doctoral degree in systematic theology from Boston College and is a contributor at Daily Theology. Discernment in the Exercises and the Jesuit constitutions applied to local needs.

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