

The Church, Theologians and Bishops:

A dynamic Tension?

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Introduction

Besides being complex, the topic of how bishops and theologians should get along is highly contested, especially, recently, in our own country. We live at a time of heightened polarization, not just in our political life, but also in our life as a Church. Polarizations often end in standoffs. Can they be turned into dynamic tensions, relationships which respect differences, even welcome disagreements, but eventually lead us to serve the common good better than we would otherwise? This question is worth exploring.

I will begin my remarks this afternoon with a brief overview of the way in which bishops and theologians have functioned in the history of the Church, and then describe the way in which their relationship, and theirs with the whole Church, can be dynamic. I will also describe how these tensions, mishandled, harm the whole Church. Finally, I will offer a few modest suggestions that might help to keep these tensions dynamic, not the least of which is a greater role for the Church as a whole—a Church which both bishops and theologians are called serve in their distinctive ways.

A Brief History

Not surprisingly, the relationship between bishops and theologians has evolved over the centuries. Many of the great theologians in the early Church were bishops, some of whom were married, who developed a theology deeply embedded in the pastoral issues of their own time. One needs only to mention names such as Chrysostom, Gregory of Nazianzen, Jerome, Ambrose and Augustine to realize how theologically creative the patristic period was. From the sixth century on, the theological work of monks retained the pastoral dimension, but with a slightly different focus on the spiritual life and the ways of asceticism.

With the establishment of the universities in the 12th and 13th centuries, however, the pastoral theology of the patristic period began to be influenced by academic theology, done then mainly by Dominicans and Franciscans and secular priests. Often highly technical questions were debated and explored, such as the authority of the newly translated works of Aristotle within theology. Did they displace the authority of the Bible? Theologians also debated the doctrine of creation and the role of natural law, issues with which many ordinary believers were not preoccupied. By that time, though, few theologians were bishops. Nonetheless they exercised a major influence in determining what was orthodox. Bishops, even popes, did not want to get on the wrong side of major theological schools. For example, in 1334 the Avignon Pope John XXII pleaded with the theologians in Paris not to judge prematurely the orthodoxy of his sermons on the relationship of the body and soul after death.¹ He sought to reassure them

¹ James L. Heft, *John XXII (1316-1334) and Papal Teaching Authority*, (Edwin Mellen Press, 1986), pp. 97-99.

that he was speaking not as pope, but only as a private person. One might be reminded of our present pope, Benedict XVI,² who, in the introductions to his two books on Jesus of Nazareth, explained that he also wrote not as the pope but only as a private theologian open to criticism from other theologians. However, Pope John XXII faced a theological community, which unlike today, could exercise considerable directly. I doubt that Benedict is worried that a powerful theological guild will preemptively judge the orthodoxy of his books.

Even in the turmoil into which the Protestant Reformation threw Christian tradition in the sixteenth century, theologians still exercised considerable influence. For example, at the Council of Trent, theologians of different schools examined the issues in the presence of the bishops who listened to them before drawing their own conclusions.³ The Reformation, however, profoundly affected the tone of theological work; it became dominantly defensive, even adversarial. Two centuries later, the French Revolution pushed the leaders of the Church into an even more intensely defensive posture, combating not only Protestantism but also the Enlightenment. Those Catholic theologians who attempted to address in a sympathetic way the issues raised by the Enlightenment (e.g., the recognition of the historical character of doctrine, the importance of experience and the role of the *Sensus fidelium*) came under increasing episcopal scrutiny. From the first half of the 19th century through to the Second Vatican Council, the Vatican actually set out to control the work of theologians. According to ecclesiologist Joseph Komonchak, “Under Gregory XVI and Pius IX, every significant attempt at an independent encounter between faith and reason, between religion and modern society came under suspicion if not outright condemnation....”⁴ Bishop John Talbot, who served as the Papal Chamberlain to Pope Pius IX, described Blessed John Henry Newman as “the most dangerous man in England.”⁵ In 1863, Pius IX published what was called the “Munich Brief” in which he asserted that bishops were not just to oversee the work of theologians, but also to direct it.⁶ The following year he published the *Syllabus of Errors*, a sweeping condemnation of modernity.

In more recent times, one of the most wide-reaching ways that popes themselves began to direct theological reflection was through the increasing number of encyclicals they have written. Throughout most of the history of the Church, popes published mainly decisions on

² Pope Benedict XVI, *Jesus of Nazareth*, (Doubleday, 2007). “It goes without saying that this book is in no way an exercise of the *magisterium*, but is solely an expression of my personal search ‘for the face of the Lord’ (cf. Ps 27:8). Everyone is free, then, to contradict me. I would only ask my readers for the initial good will without which there can be no understanding,” (pp. xxiii-xxiv).

³ See John O’Malley, S. J., “A Lesson for Today? Bishops and Theologians at the Council of Trent,” *America* (get exact biblio info). O’Malley explains: “The Bishops at Trent were typical of the Catholic episcopacy. They had little formal training in theology, even though they otherwise might be well educated according to the standards of the day. If they had university degrees, those degrees tended to be in canon law. The theologians at Trent, however, came exclusively from universities or comparable institutions, and some were men of great distinction. They were not hand-chosen to promote a particular perspective but represented a random sampling of the theological ‘schools.’ The bishops did well to hear them out before proceeding to their own deliberations.” See also his book, *Trent: What Happened at the Council* (Harvard, 2013), pp. 84-85, 92, 108, 131, 145, 154 and 189.

⁴ Joseph Komonchak, “Modernity and the Construction of Roman Catholicism,” *Cr. St. 18* (1997), p.374.

⁵ Sheridan Gilley, *Newman and His Age* (Christian Classics, 1990), p. 348. Cardinal Manning also deeply distrusted Newman (Gilley, p. 341).

⁶ Komonchak, *Loc. Cit.*

various matters, not teaching documents or encyclicals. Beginning in the 19th century, all this began to change rapidly. Compare, for example, Benedict XIV (1740-1758), who published only one encyclical and Pius VI (1775-1799) who published just two, to Pius IX (1846-1878) who published thirty-eight and Leo XIII (1878-1903) who published seventy-five. Historian John O'Malley comments that "even before but especially after the definition of infallibility, what popes said in their encyclicals tended to assume an irreversible quality."⁷ This trend has continued to the present day, and presents special difficulties when popes, who are also competent theologians, become, through their encyclicals, the theologians for the whole Church.⁸ Popes serve the Church best, it seems to me, when they facilitate vigorous and faithful theological exchange rather than run the risk of being seen as *the* theologian for the Church.

Before the 19th century, the word *magisterium* (Latin: teacher) applied in different ways to the work of both theologians and bishops. During the 19th century, especially after the 1870 definition of papal infallibility, the word came to be applied only to those who taught with public authority—namely, the bishops. Henceforth, theologians taught only as private persons, without official authority. Since the 19th century, the word has been used exclusively to describe teaching authority of the hierarchy.

During the so-called Modernist crisis, theologians were required by Pope Pius X (1903-1914) to take Oaths against Modernism. Prominent theologians such as Yves Congar, Henri de Lubac, John Courtney Murray and others were silenced in the 1950s and forbidden to publish. But in 1958 an elderly pope was elected who the following year surprised the world when he called for an ecumenical Council to renew the life of the Church. At Vatican II, bishops and theologians interacted more extensively and fruitfully than perhaps at any time in the history of the Church. Bishops recognized not only the importance of the work of theologians, even those who had been silenced the previous decade, but they now invited them to the Council to be their theological advisors. Together, bishops and theologians balanced the emphasis of Vatican I on papal primacy and infallibility with a strong affirmation of the laity and the Church as a whole. It reaffirmed the traditional teaching about the infallibility of the whole people of God, all of whom, along with bishops and theologians, are called by baptism to be priests, prophets and kings. The close collaboration between theologians and bishops seemed to have ushered in a new age. Once again, bishops and theologians were learning from each other. In 1966, Pope Paul VI (1963-1978) could write:

Without the help of theology, the *magisterium* could indeed safeguard and teach the faith, but it would experience great difficulty in acquiring that profound and full measure of knowledge which it needs to perform its task thoroughly, for it considers

⁷ John O'Malley, S.J., *What Happened at Vatican II*, (Harvard, 2008), pp. 55-56.

⁸ Shortly before being elected pope, Cardinal Ratzinger wrote: "The pope is not an absolute monarch, whose will is law, but completely the opposite: he must always seek to renounce his will and call the Church to obedience, but he himself must be the first to obey." Quoted by Andres Torres Queiruga, in "*Magisterium* and Theology: Principles and Facts," p. 55, in *Concilium: Theology and Magisterium* (2012/2) eds. Susan A Ross and Felix Wilfred.

itself to be endowed not with the charism of revelation or inspiration, but only with that of the assistance of the Holy Spirit.⁹

During the fifty years since the Council, as we shall see, that dynamic relationship has suffered new strains and difficulties, with the work of theologians once again coming under closer episcopal scrutiny.

Characteristics of Dynamic Tension

Before offering some comments on our current situation, I want to offer a description of how bishops and theologians might work together well and, as a consequence, sustain a dynamic tension that contributes to the good of the whole Church. Interestingly enough, I return first to the 19th century when despite laboring under hostile suspicions of bishops and the Vatican, John Henry Newman, now blessed, made, in the opinion of his prominent biographer Ian Ker, his “last great contribution towards a theology of the Church.” In the third edition of the *Lectures on the Prophetic Office*,¹⁰ Newman distinguished three offices in the Church, “indivisible though diverse,” namely teaching, rule and sacred ministry. The Church is at once

a philosophy, a political power and a religious rite: as a religion, it is Holy; as a philosophy, it is Apostolic; as a political power, it is imperial, that is, one and Catholic. As a religion, its special centre of action is pastor and flock; as a philosophy, the Schools; as a rule, the Papacy and its Curia.¹¹

On the other hand, Newman grants to theology a “fundamental and regulating principle of the whole Church system,” and adds that the Church is in its greatest danger when the schools of theology are weakened or no longer exist. On the other hand, theologians cannot always have their own way: they can be “too hard, too intellectual, too exact, to be always equitable, or to be always compassionate.”¹² Moreover, ordinary Catholics, left to themselves, lapse into superstition just as the hierarchy left to themselves inclines to power and coercive control. When both the theologians and the bishops are attentive to the thought and practice of the laity, to the *sensus fidelium*, which Vatican II restored to its rightful prominence, all three relate in a dynamic way, even though they often may not agree. In his ground breaking essay,

⁹ Quoted by Avery Dulles, “The Freedom of Theology,” *First Things* (May 2008), p. 21.

¹⁰ Ian Ker, *John Henry Newman: A Biography* (Oxford, 1988), p. 701.

¹¹ Ian Ker’s biography, p. 703. “Truth is the guiding principle of theology and theological inquiries; devotion and edification, of worship; and of government, expedience. The instrument of theology is reasoning; of worship, our emotional nature; of rule, command and coercion. Further, in man as he is, reasoning tends to rationalism, devotion to superstition and enthusiasm; and power to ambition and tyranny.”

¹² Ker, p. 704. Friedrich von Hügel (1852-1925), writing in 1918, describes himself as seeking to do “all that I can to make the old Church as inhabitable *intellectually* as I can—not because the intellect is the most important thing in religion—it is not; but because the old Church already possesses in full the knowledge and the aids to *spirituality*, whilst, for various reasons which would fill a volume, it is much less strong as regards the needs, rights and duties of the mental life.” Von Hügel was writing during the anti-Modernist period in the Church.

“On Consulting the Faithful in Matters of Doctrine,”¹³ Newman highlighted the critically important contribution to orthodox teaching that the laity, who constitute 99% of the Church, made during the Arian controversy.

That capacity to help shape correct teaching continues, of course, in our own day. As the International Synod of Bishops that met in 1980 to discuss the family, Cardinal Basil Hume of England stressed the need to consult the laity especially on matters that have to do with the family and sexuality. He explained that the prophetic mission of husbands and wives is based on their experience as married people “and on an understanding of the sacrament of marriage of which they can speak with their own authority.” Both their experience and their understanding constitute, the Cardinal suggested, “an authentic *fons theologiae* from which we, the pastors, and indeed the whole Church can draw.” It is because, the Cardinal continued, married couples are the ministers of the sacrament and “alone have experienced the effects of the sacrament,” that they have special authority in matters related to marriage.¹⁴ I should add that while the *sensus fidelium* is the sense of faithful Catholics, not just nominal ones, and cannot be determined by a poll of some sort, it should not be assumed that the sense of the faithful, as Newman has shown, will necessary support every current teaching of the hierarchy, any more than did the bishops themselves, gathered at Vatican II, fully support the official Church teachings then in force on the separation of Church and state, religious freedom and ecumenical and interreligious dialogue.

Newman’s ecclesiology has continued to influence thinking about the Church.¹⁵ In an essay published in the 1981 issue of *Concilium*, the late Cardinal Avery Dulles stressed that all three offices in the Church, the laity, theologians and bishops, needed to be open and receptive to each other. Reflecting Newman’s emphasis, Dulles explained that bishops, when they are isolated from theologians and the laity, tend to “encourage passive conformity and blind conservatism,” are tempted to “suppress troublesome questions,” and “avoid new and provocative issues such as, in our day, the changing patterns family life and sexual mores.”¹⁶ In a similar way, theologians (“intellectuals”) “with their love of speculation, are often inclined to neglect the spontaneous piety of the people and the practical wisdom of the pastoral leaders,” becoming “infatuated with their own systems and neglectful of the beliefs and practices that do not fit harmoniously into their own mental categories.” Dulles concluded that it is important that none of these three groups in the Church should take over the specialization of the others and “reduce the others to innocuous servitude.”¹⁷

¹³ It was originally published as an article in the *Rambler* in July of 1859, and later, with some additions, in 1871 as an appendix to the third edition of *The Arians of the Fourth Century*. See John Coulson, ed., *On Consulting the Faithful in Matters of Doctrine* (Sheed and Ward, New York; 1961).

¹⁴ G. B. Hume, “Development of Marriage Teaching,” *Origins* 10 (16 October 1980), p. 276.

¹⁵ Again, von Hügel, who acknowledged a great intellectual and spiritual indebtedness to Newman, distinguish three important, inter-acting dimensions in the life of the Church: the institutional, the intellectual and the mystical (see his *The Mystical Element of Religion* (James Clark and Co., London; 1961), Volume 1, originally published, 2nd ed., 1923, pp. 50-82, especially at p. 61.

¹⁶ Avery Dulles, “*Successio Apostolorum*,” in *Concilium: Who Has the Say in the Church?*, Seabury Press; New York, 1981), eds. Jürgen Moltmann and Hans Küng, p. 64.

¹⁷ Dulles, Loc. Cit.

In that same 1981 volume, Yves Congar contributed a final summary essay in which he returned to the dangers described by Dulles. One very important fact of the tradition, according to Congar, is that both bishops and theologians are accountable to Scripture, tradition and the faith of the people. Everyone in the Church, including bishops, are required to seek the truth. Congar goes so far as to assert that all theological research should focus not on infallibility, but on “‘life in the truth of Christ’ (1 Cor. 12:3).”¹⁸ When interpreting documents issued by the bishops, theologians should go (1 Cor. 12:3) “beyond a naïve reading” of them and offer instead a “maturely critical understanding and a re-rendering that meets the needs of the educated world today.”¹⁹ Concerning the faith of the whole Church, the *Sensus fidelium*, Congar gives great importance to Christian practice, especially in situations of oppression and injustice, and above all in the witness of martyrs: “The blood of witnesses guarantees the seriousness involved.”²⁰ Given, then, that all three offices in the Church are called to be obedient to the truth of the Gospel, it makes sense to remind not just the laity and especially theologians, as is the custom in most Episcopal documents, but also bishops themselves, to discern carefully the faith of the whole Church, to be temperate and cautious in their pronouncements, to not give scandal in their words and deeds, and above all, to search for and be obedient to the Truth.

Newman, Dulles and Congar stress the interaction and openness that should characterize the three groups who compose the Church: the laity, theologians and the hierarchy. They recognize their distinctive roles, but do not see them as opposed. All three of them agree that while these three dimensions of the Church can be in tension with each other, that very tension is to be expected, even welcomed.

When Tension is Destructive: Some Recent Examples

Because of the limitation of space, in this next section of my remarks, I will concentrate on how the relationship between theologians and bishops can become dysfunctional. I have already sketched how the roles of theologians and bishops changed over the centuries. During the 19th century, theologians who critiqued the tradition experienced little support from the hierarchy. Newman, who lived through most of that century, fought for greater freedom for theologians to do their work, and did not hesitate to describe the inevitable tensions between theologians and bishops as an “awful, never-dying duel.”²¹ Aware of the length of time that Tridentine Catholicism held sway, historian John O’Malley describes what he calls the “long 19th century”—a century that by his calculation lasted from the French Revolution in 1789 to the death of Pope Pius XII in 1958. Moreover, except for theologians like Newman and Adam Möhler, theological creativity was hard to find. In private correspondence, Newman often complained about the overreach of the hierarchy. Explaining his reluctance to publish his own theological work, he wrote:

¹⁸ Yves Congar, “Towards a Catholic Synthesis,” *Ibid.*, p. 69. “Infallibility—a terribly weighted term which we need to use very warily—is a function of truth. We must not make infallibility the foundation stone of our structures and make truth a function of it.”

¹⁹ “Towards a Synthesis,” p. 75.

²⁰ See my “‘*Sensus fidelium*’ and the Marian Dogmas,” in *Mater Fidei et Fidelium* (Marian Library Studies (Volume 17-23, 1991), pp.767-786.

²¹ Newman, *Apologia pro vita sua*, ed. By Martin J. Svaglic (Oxford, 1967), p. 224.

...as well might a bird *fly* without wings, as I write a book without the *chance*, the *certainty* of saying something or other (not, God forbid! against the Faith), but against the views of a particular school in the Church, which is dominant. I cannot accept as of faith, what is not of faith; who can? I cannot, as I said before, work without elbow room. I cannot fight under the lash, as the Persian slaves. To be the slave of Christ and of His Vicar, is perfect freedom; to be the slave of man is as bad in the mind as in the body. Never, as I know, was it so with the Church, as it is now, that the acting authorities as [at] Rome...have acted on the individual thinker without buffers. Mere error in theological opinion should be met with argument, not authority, at least by argument first.²²

The buffers to which Newman protect the ordinary give and take between theologians, free to write what they think and to criticize one another without the fear of immediate hierarchical intervention. Newman explained that the great theological vigor of the medieval schools depended on theologians who were allowed “free and fair play,” and did not feel “the bit in their mouths at every word they spoke.” Instead, he believed that spirited debate displaced weak arguments with stronger ones. Only when such disputes became dangerous for the whole Church did Newman think that hierarchical should intervene was appropriate, as it was in the 17th and 18th centuries, ordering the Jesuits and the Dominicans to stop arguing about grace. Newman lamented that the great theological schools of Europe were destroyed by the French Revolution, and that in their place schools of one mindset were then established in Rome.²³ There, the dominant school of theology, in its early formative stages, was manualist scholasticism. In Rome, many assumed it to be the only orthodox form of theology. Newman worked out of a different tradition—one grounded in the writings of the fathers of the Church, sensitive to historical development, and often inductive, aware of the psychological and pastoral dimensions of faith. Representatives of this manualist scholastic school, which became even more dominant during the next century, were the very people who in the 1950s had Congar, Murray and de Lubac silenced.

One would assume that with the great achievements of Vatican II—its recognition of the central role of the laity, its openness to dialogue with Protestants and followers of other religions, its declaration of religious freedom and its recognition of inescapable effects of history even on formulations of infallible teachings—one would assume that a new age had dawned that ensured that theologians and bishops will continue to enjoy a dynamic and, therefore fruitful, tension. The changes brought about by Vatican II were far-reaching. Newman observed that Church councils have “ever been times of great trial.”²⁴ I do not think, therefore, that we should be surprised that problems between theologians and bishops have

²² *Letters and Diaries*, XXI, pp. 48-49, cited by Joseph Komonchak, “The Catholic University in the Church,” in *Catholic Universities in Church and Society: A Dialogue on Ex corde ecclesiae*, eds. John P. Langan, S.J., p. 46. Some authors have found fault with Newman for being hyper-sensitive, just as Erasmus, writing to his friend Thomas More, faulted theologians of his day as “a remarkably supercilious and touchy lot” (Nicholas Lash, *Seeing in the Dark: University Sermons* Darton, Longman and Todd, London; 2005), p.19. Newman was indeed very sensitive, but not supercilious. His beatification should encourage all struggling theologians.

²³ Newman, *Letters and Diaries* XX, (London: Nelson, 1970), p. 447, also cited by Komonchak, p. 47.

²⁴ Quoted by Ian Ker, “Wisdom of the Future,” in *The Tablet* (September 18, 2010), p. 14.

continued to arise, and not, as we shall see, just because of Vatican II and the current battle over its interpretation.

Besides the impact of the Council, we also need to recognize the dramatic change that has taken place in Catholic colleges and universities, and the religious orders that have founded in the United States over 90% of them. In 1960, for example, there were 8,338 Jesuits in the United States; in 2011 there were 2,650.²⁵ In 1965 there were over 3,500 Marianists worldwide; now there are about 1200. Since the early 1960s, the nearly 230 Catholic colleges and universities, one sixth of all the Churches institutions of higher education, have undergone extraordinary changes: the scholastic theological and philosophical synthesis has mostly collapsed, most productive theologians are no longer to be found on seminary faculties, but in these universities where lay theologians greatly outnumber priests and religious and employ multiple theological methods. Theology has become highly professionalized, certainly a positive development, but one that also can eclipse the important pastoral dimension of all theological work.²⁶ Faculty and students are more diverse in their beliefs and ethnicity. The overall governance of nearly all these institutions has since the late 1960s been confided to lay boards of trustees who exercise full fiduciary responsibility.

Given these dramatic changes, it is understandable why the Vatican took the initiative to try to clarify the mission of these institutions that in so many ways have dramatically changed. Published in 1990, *Ex corde ecclesiae* says many very helpful things about the nature and mission of Catholic universities, and affirms that a Catholic university “possesses the institutional autonomy necessary to perform its functions effectively” (par. 12), and that while bishops have a responsibility to promote Catholic universities, “they do not enter directly into the internal government of the university” but nonetheless should not be seen simply as “external agents” (Part 1, par. 28). Here I wish to focus only on what *Ex corde* says about theologians and bishops. It guarantees that in the university “academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good” (Part I, art. 2; Part II, art. 2, par. 5). Academic freedom is guaranteed to theologians as long as they are faithful to the “proper principles and methods” of their discipline. Since the bishops are the authentic interpreters of the Word of God, Catholic theologians should recognize and accept their authority.²⁷ Finally, theologians who teach Catholic theology are to seek a mandate from the “competent ecclesial authority” (Part II, art. 4, referring to Canon 812).

That said, Joseph Komonchak, a leading ecclesialogist, still worries about a certain juridical imbalance in *Ex corde* with regard to the relationship between bishops and theologians.

²⁵ Raymond A. Schroth, S.J., “How We Got Here,” in *Conversations on Jesuit Higher Education* (Spring 2012, Number 41), p. 4.

²⁶ See James Heft and Leo O’Donovan, “A University that Evangelizes? *Ex corde ecclesiae* six years Afterwards,” in *Horizons*, 23/1, (1996), pp. 103-112.

²⁷ If, however, the teaching of the bishops reflects only one school of theological thought, conflicts arise, as in the case of Newman vs. the growing neo-scholastic orthodoxy of the 19th century.

To preserve the integrity of faith there is the requirement that Catholic theologians have a mandate from ecclesiastical authority, but to preserve the exigencies of reason, there is only the affirmation, in principle, of institutional autonomy and of academic freedom; no institutional safeguards of these are indicated.²⁸

To correct this juridical imbalance, I do not think it would be wise to adopt without qualifications the American Association of University Professors' definition of academic freedom, drawn as it is from a liberal theory of individual rights.²⁹ While there is much to be affirmed in that AAUP definition—especially the practices of due process and peer review—the freedom of Catholic theologians is exercised within, not against, the Christian tradition, respecting its dogmatic boundaries, though these boundaries too are legitimately sometimes contested. Communion with the whole Church is essential for Catholic theologians; here there ought to be solidarity with the great tradition. Having affirmed that solidarity that theologians should maintain with the great tradition, it still must be asked what protection is there for them to explore, to enjoy, in Newman's words, the necessary "elbow room" to clarify theological issues? Komonchak asks why the principle of subsidiarity, invoked by the Church to ensure the rights of the family, civil and cultural associations over against an imperial state, should not also be invoked to protect the appropriate autonomy of theologians.³⁰

Most recently, we see this same juridical imbalance in the recent case of theologian Elizabeth Johnson and the US bishops. Instead of following the procedures of due process of the 1989 document, *Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings between Bishops and Theologians*, written by theologians, canon lawyers and bishops, and then approved by the bishops' conference, the bishops Committee on Doctrine decided to publish its severe criticisms of her 2007 book, *Quest for the Living God* without any prior conversation with her. The critical reaction of the theological community to ignoring the 1989 agreement was swift and clear. I believe that the bishops, at that point, realized that they needed to say something, and explained that the 1989 document was meant to be used by a single bishop who thought that he needed to talk with a local theologian. Then, the Doctrinal Committee issued a "pastoral resource" for bishops explaining their responsibilities as official teachers of the faith.³¹ In it, bishops are encouraged to maintain a close relationship with the theologians in their diocese but, once again, the appropriate juridical protection for individual theologians is sadly missing. Without that juridical protection, the rights of the theologian are overlooked—rights that include, according to the 1989 agreement, "the right to a good reputation, and, if needed, the defense of that right by appropriate

²⁸ Joseph Komonchak, "The Catholic University in the Church," p. 45.

²⁹ See my "Catholic Universities as Open Circles," *Origin* 35:40 (March 23, 2006), pp. 660-663.

³⁰ *Ibid.*, p.50.

³¹ The text, as well as all the major statements regarding Sr. Elizabeth Johnson's book and her exchanges, subsequent to the publication of the bishops' criticisms of her book, with the bishops' Doctrinal Committee may be found in *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church* (Liturgical Press; Collegeville Minn., 2012), ed. By Richard R. Gaillardetz.

administrative or judicial processes within the Church,” and “in cases of dispute the right to expect access to a fair process.”³²

I need to point out one other major complicating factor peculiar to our own times— information technology. Drawing upon the work of numerous cultural critics, theologian Vince Miller of the University of Dayton has been writing about the impact of the media and consumer culture on the life of the Church.³³ Responding to and going beyond an article³⁴ by Anthony Godzieba that explored how “digital immediacy” (for example, the Vatican website) supports to an unprecedented degree the centralization and reach of papal authority, Miller explains how contemporary media facilitates the formation of like-minded enclaves and special agenda organizations not limited to local geographical communities. Instead of sustaining “the complex orthodoxy and orthopraxis of a tradition,” these groups gravitate around a single issue, thereby creating a narrowly defined identity, which in our diffused society, is empowering. Some very vocal Catholics have formed enclaves that focus either on pro-life or social justice issues.³⁵ As Godzieba points out, many of the laity are religiously sub-literate, unaware of the traditional criteria that theologians use for interpreting not only papal texts but also the entire tradition.³⁶ They simply have no time for careful analysis; what is worse, they also seem to have little interest in doing such careful analysis. Newman, who had to deal only with newspapers, wanted the bishops to be more patient with theological disagreements; he pleaded for the generous amount of time needed for theologians to work out their differences before any Episcopal intervention. In our age, digital immediacy has largely replaced newspapers, and such patience is nearly non-existent. The capability for immediate intervention is now, well, immediate.

A Way Forward

H. Richard Niebuhr, the Protestant ethicist, recommended that before we ask “What should we do?” we should first ask “What is going on”? I have tried in the preceding paragraphs to describe at least some of what has been going on since Vatican II in our media saturated culture. What remains is to suggest a way forward.

I think there are some positive developments afoot. The first I wish to mention is the 2011 study of the Vatican’s International Theological Commission (ITC) on “Theology Today: Perspectives, Principles and Criteria.” As you may know, the ITC is comprised of an international group of theologians appointed by the Vatican. It reports directly to the Congregation for the Doctrine of the Faith (CDF). Its latest study is good news for several reasons. It affirms that “the

³² NCCB, Paragraph 8 of *Doctrinal Responsibilities*.

³³ I refer here only to two of his writings, a book, *Consuming Religion: Christian Faith and Practice in a Consumer Culture* (Continuum, 2005) and “When Mediating Structures Change: The *Magisterium*, the Media and the Culture Wars,” in *When the Magisterium Intervenes*, note 22.

³⁴ “The *Magisterium* in an Age of Digital Reproduction,” in *When the Magisterium Intervenes*.

³⁵ See Terrence W. Tilley’s “Culture Warriors,” in *The Tablet* November 22, 2012, pp. 9 and 11, for a sharp criticism of how identity political polarize the Church in the United States.

³⁶ See Francis Sullivan, S.J., *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium* (Paulist Press, 1996). Typical criteria include knowing historical context, degree of authority with which it is issued, and its congruence with Scripture and tradition.

years following the Second Vatican Council have been extremely productive for Catholic theology” (art. 1), and praises the development of multiple theologies, adding that diverse theological traditions are needed simply because revelation is “too great to be grasped by any one theology” (art. 5). It affirms the historicity of revelation (art. 22 and 29), the use of both the historical-critical and the theological forms of interpretation (art. 22), argues that the Church’s living tradition should never “fossilize” (art. 26), that theologians are called to be “constructively critical” of movements in the Church (art. 35), and acknowledges the importance of distinguishing different levels of teaching authority (art. 37). It underscores the critical importance of the *Sensus fidelium* (especially articles 33-36) mentions spiritual experience as an important source for theology (art. 88 and ff., especially 94). It explains that

bishops and theologians have distinct callings, and must respect one another’s particular competence, lest the *magisterium* reduce theology to a mere repetitive science or theologians presume to substitute the teaching office of the Church’s pastors (art. 37).

This acknowledgement of the creative role of theology suggests, it seems to me, that bishops should not criticize the work of theologians when those theologians go beyond simply repeating the formulations of the *Catechism of the Catholic Church*.³⁷ However, as positive as this statement is, it rarely cites the work of any major contemporary theologians (e.g., Rahner on the self-communicating mystery of God, von Balthasar on the beauty of revelation, or Lonergan on theology as a framework of creative collaboration), and once again offers no suggestions on how protect the legitimate rights of theologians. Moreover, all criticism is to be “constructive,” though there will surely be differences of opinion as to what constitutes constructive criticism. And while the unity of theology is understood not to require uniformity, the degree of legitimate diversity will continue to be debated. While it remains to be seen how much influence this study will have in how bishops treat theologians, that it exists and is approved by the Vatican is a hopeful sign.³⁸

A second positive development is the recognition by some theologians of the limits of organized public disagreements. In 2007, Dan Finn, then the president of the Catholic Theological Society of America, devoted his presidential address to issues of power, and particularly to how power plays out between theologians and bishops. He recommended that to foster dialogue it would be wise for the national organization to stop making public statements defending themselves against ecclesiastical power. Not only did votes by the members of the organization on statements on controversial issues divide the membership of

³⁷ In a recent issue of the *U.S. Catholic*, Heather Grennan Gary quotes a letter of Cardinal Donald Wuerl of Washington to his seminarians, warning them that “there are theologians who present teachings contrary to that of the Church’s *magisterium*....” He directs his seminarians, if they have doubts about whether something a theologian writes contradicts the teaching of the Church, they need only consult the *catechism of the Catholic Church*. See www.uscatholic.org/print/26587, accessed December 19, 2012.

³⁸ In an article suggesting ways to improve the processes used by the CDF, Gerald O’Collins notes that “frequently the texts coming from the ITC and, especially, the PBC (Pontifical Biblical Commission) have handled their sources more skillfully, argued their case more compellingly, and, in short, produced more convincing documents than those coming from the CDF itself. Would the CDF enhance its standing by authorizing and publishing as its own the texts of the PBC and the ITC?” See the “Art of the Possible,” in *The Tablet*, July 14, 2012, p. 7.

the CTSA, but, in Finn's opinion, they also did the organization damage. One of the consequences of such public statements of disagreement was that "conservative and liberal theologians in the United States largely attend their own meetings, read their own journals and talk mostly to one another." None of this serves the Church well. Finn did not hesitate to support individual theologians or even groups of theologians making public statements, nor did he disagree with the content of the organization's public statements. He did doubt, however, their positive impact. In his judgment, the CTSA needed to do more to foster a dialogue that brings into conversation and collaboration a wider variety of theologians. His address was greeted with a standing ovation. Since Finn's address, the CTSA has continued to vote upon resolutions, but seems to have taken a more circumspect way of expressing their concerns.

Third, there are clear public recommendations by prominent and well respected theologians as to how bishops might improve. Just a few years before his recent death, Cardinal Dulles recommended that bishops could do more to moderate charges and counter charges between theologians of different schools, could avoid issuing too many statements that appear to carry with them an obligation of assent, could do more to consult a wide variety of theologians before issuing any binding statement, could anticipate objections and seek to address them before issuing a statement, and could take greater care to be sensitive to multiple cultures in the world.³⁹ In a similar vein, when the new head of the CDF, Bishop Gerhard Müller was appointed in 2012, Gerald O'Collins, a long-time professor at the Gregorianum, suggested similar reforms, and stressed the importance of respecting subsidiarity (allowing matters to be addressed first locally, and only if unresolvable at that level, then in Rome), and of making sure that a more diverse and internationally representative group of theologians advise the CDF. O'Collins especially emphasized that bishops should recognize "the right of the accused to be present from the outset, to meet their accusers, to be given the accusations in writing well beforehand, and to be represented by someone of their own choice,"⁴⁰ something that never happened in the Johnson case.

If two theologians with the stature and credentials of Dulles and O'Collins make such recommendations, I take that as a very positive sign. Genuine reform in Episcopal practice and in the Curia has always, it seems, been difficult. These recommendations, however, seem, at least to me, imminently sane.

Conclusion

Permit me to conclude on a personal note. As many of you know, I have been involved in Catholic higher education for most of my life. As a faculty member, I have been involved in many departmental and curricular struggles and, as a provost, played a key role in hiring faculty, building doctoral programs as well as dealing with lawsuits. As important as the work of theologians is, they should not be expected to carry the full Catholic identity of a University. One of the benefits of John Paul II's emphasis on "faith and culture" is that it opens the way for all the disciplines to be appropriately involved in the mission of the university. But that is

³⁹ Avery Dulles, "The Freedom of Theology," in *First Things* (May 2008), pp. 22-23,

⁴⁰ O'Collins, "Art of the Possible," pp. 6-7.

another topic, and my task this afternoon was to explore an important but more narrowly focused issue: the relationship of bishops and theologians, and their relationship to the whole Church.

To conclude, then, allow me to reaffirm what should be obvious: namely, that the most important persons in the academy are the faculty. I should admit that I am not an optimist when I think about the future of Catholic higher education; rather, I am a person of hope. As Nicholas Lash remarked, “optimism and despair already know the outcome—they prematurely complete the story.”⁴¹ Optimism and pessimism are, he adds, implicitly totalitarian, whereas hope is open and confident, if not cocky, about the future. I am confident about our future because, with excellence in all that we do, and with the assistance of the Holy Spirit, competent and dedicated faculty can and will make our institutions even stronger, and appropriately distinctive. Thank you for your attention. I look forward to your comments and suggestions!

⁴¹ Nicholas Lash, *Seeing in the Dark*, p. 15.