

# THE CHURCH AS TEMPLE OF THE SPIRIT: IS THERE ROOM FOR MAGISTERIAL ERROR?

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“Debating the possibility of magisterial error only makes sense within the framework of commitment in faith to the reality that the Church is the temple of the Holy Spirit.”



## 1. INTRODUCTION

This essay explores how a Church that is truly the temple of the Holy Spirit and is being led by the Spirit into the fullness of Christ’s truth can also be marred by errors. Let me be clear at the outset: I strongly disagree with the religiously liberal “reforms” proposed by theologians such as Hans Küng, Edward Schillebeeckx, and their followers—reforms that would destroy the Catholic Church by contradicting dogmatic truth. Such Catholic religious liberalism is exemplified by Hans Küng’s 2013 book, *Can We Save the Catholic Church?* Addressing the newly elected Pope Francis, Küng urges him to “[carry] out the long-overdue, radical structural reforms and the urgently needed revision of the obsolete and unfounded theology behind the many problematical dogmatic and

ethical positions that his predecessors have attempted to impose upon the Church.”<sup>1</sup> With unconscious irony, Küng places his hope in the power of Pope Francis to bring about the end of “the monarchical-absolutist papacy” and its domination of the Church.<sup>2</sup>

My view of Catholic dogma diverges sharply from that of Küng. Yet, I can agree with him—if only to a certain extent—that the Church’s Magisterium makes errors in its teaching. Of course, I do not think that popes or councils regularly make doctrinal errors in their handing on of the Catholic faith. If I did, I would have to dissent (as I do not) from the teachings of the *Catechism of the Catholic Church* that Pope John Paul II promulgated against the wishes of many Catholic theologians in 1994.<sup>3</sup> But although the history of papal magisterial teaching is a history of reliable instruction, it is mingled with some errors.

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1. Hans Küng, *Can We Save the Catholic Church?* (London: William Collins, 2013), xvii.

2. *Ibid.*, 6.

3. See, for example, Thomas J. Reese, SJ, ed., *The Universal Catechism Reader: Reflections and Responses* (New York: HarperCollins, 1990). See also the notable observations of Avery Dulles, SJ, “The Challenge of the Catechism,” in his *Church and Society: The Laurence J. McGinley Lectures, 1988–2007* (New York: Fordham University Press, 2008), 157–74. Dulles describes the perspective of religious liberalism as follows: “According to a widely prevalent view, religious truth consists in an ineffable encounter with the transcendent. This encounter may be expressed in symbols and metaphors, but it cannot be communicated by propositional language, since it utterly surpasses the reach of human concepts. All statements about revelation, moreover, are said to be so culturally conditioned that they cannot be transferred from one age or one cultural region to another. Every theological affirmation that comes to us from the past must be examined with suspicion because it was formulated in a situation differing markedly from our own. Each constituency must experience the revelation of God anew and find language and other symbolic forms appropriate to itself” (157). In his essay, Dulles surveys the outraged responses by prominent theologians, including Schillebeeckx and Johann Baptist Metz, to Pope John Paul II’s plans to produce a universal *Catechism*, and he argues that the *Catechism*’s confident presentation of the Catholic faith challenges “four very popular tendencies: positivist exegesis, historicist dogmatics, revisionist speculation, and experience-based catechetics” (167). Dulles aptly concludes, “While her teaching can be differently expressed in different ages, the Church cannot disavow her apostolic foundations and her doctrinal commitments. The revelation, permanently given in Christ, has been authoritatively mediated by Scripture and tradition. The concept of a ‘deposit of faith,’ so irksome to the progressive mentality, is authentically biblical and Christian. Christianity would dissolve itself if it allowed its revealed content, handed down in tradition, to be replaced by contemporary theories” (169).

The extent to which error may be present in papal and conciliar teaching has long been debated. In recent years, this debate has unfolded especially with respect to the status of the teachings of the ordinary universal Magisterium. I wish to emphasize that the context for this debate is theological, not sociological. Debating the possibility of magisterial error only makes sense within the framework of commitment in faith to the reality that the Church is the temple of the Holy Spirit—the “Spirit of truth” who guides the Church “into all the truth” (Jn 15:26, 16:13; cf. 1 Tim 3:15).

With this latter point in view, the first section of this essay will explore various witnesses from the Catholic theological tradition who can help us understand what it means for the Church to be the temple of the “Spirit of truth.” On this basis, the second section of the essay turns to the issue of magisterial error. I will examine various contemporary theological perspectives on the ordinary universal Magisterium, including those of Francis Sullivan, Thomas Guarino, and Lawrence Welch. I will attend also to the Congregation for the Doctrine of the Faith’s *Donum veritatis* (“On the Ecclesial Vocation of the Theologian”). In conversation with these viewpoints, I will develop a constructive position on magisterial error.

In sum, beginning with the connection between the Holy Spirit and the building up of the Church in the truth of the Gospel—and thus beginning with the Church as the temple of the Spirit of truth—I seek to press the question of how, and to what degree, such a Spirit-filled temple can be marred by erroneous teaching without forfeiting its claim to transmit faithfully God’s Word and to praise God’s name “in spirit and truth” (Jn 4:23–24).

## 2. THE TEMPLE OF THE HOLY SPIRIT AND THE TRANSMISSION OF THE TRUTH OF CHRIST

The great Tübingen theologian Johann Adam Möhler, speaking about Pentecost, remarks that the Holy Spirit came in visible signs (tongues of fire) in order to show that the Spirit-constituted

Church is a visible reality in the world.<sup>4</sup> Möhler emphasizes that union with Jesus Christ involves entering into communion with Christ's (visible) Church. Since this is so, he reasons, the visible Church must in fact teach the true Gospel; otherwise, union with the Church would lead us away from Christ. He concludes that "the Church, in the Catholic point of view, can as little fail in the pure preservation of the word, as in any other part of her task:—she is infallible."<sup>5</sup>

Möhler goes on to reflect upon the link between divine revelation and the Church. If the truth of divine revelation were present only among the Apostles and the community of believers soon deviated from the divine truth proclaimed and embodied by Christ, then "the object of the divine revelation in Christ Jesus, would . . . either have wholly failed, or in any case have been very imperfectly attained."<sup>6</sup> In favor of the Holy Spirit's guidance of the Church in the proclamation of the truth about the Gospel, Möhler cites John 15:26 and 16:13, which he paraphrases as "I will send the Spirit of truth, who will lead you into all truth."<sup>7</sup>

Earlier, in his 1825 *The Unity of the Church*, Möhler had put the matter somewhat differently but with the same purpose. Here he argues that the Church communicates the truth of the Gospel because she is guided by the Holy Spirit in transmitting and interpreting "the doctrine that the apostles taught."<sup>8</sup> Holding firmly to the Church (as embodied in the local churches), believers receive the fullness of what Christ's Holy Spirit has willed to be transmitted. Möhler argues that a failure of truth is not possible here. He states, "If Christian doctrine is the necessary complete expression of the Holy Spirit living in the totality of believers, this totality cannot in any way ever forget a doctrine

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4. See Johann Adam Möhler, *Symbolism: Exposition of the Doctrinal Differences between Catholics and Protestants as Evidenced by Their Symbolical Writings*, trans. James Burton Robinson (New York: Crossroad, 1997).

5. *Ibid.*, 261.

6. *Ibid.*, 265.

7. See *ibid.*

8. Johann Adam Möhler, *Unity in the Church, or, The Principle of Catholicism: Presented in the Spirit of the Church Fathers of the First Three Centuries*, trans. Peter C. Erb (Washington, DC: The Catholic University of America Press, 1996), 102.

or allow it to perish because the Spirit *active* in the totality would thereby be proven *inactive*.”<sup>9</sup> The Holy Spirit’s activity ensures that the Church as a whole preserves the fullness of the Gospel. Since the Holy Spirit is not a spirit of contradiction, the Church does not fall into false doctrine.

Möhler points out that this fact would have been especially clear at Pentecost and in apostolic times, since the Holy Spirit was then so powerfully and visibly present. Yet the basic situation remains the same today, because the Spirit has poured out his gifts upon the members of the Church and has ensured that those who rely upon the Church for the truth of the Gospel are nourished by the truth. Möhler sums up, “Doctrines cannot and must not be viewed as a human work, but as the gift of the Holy Spirit.”<sup>10</sup>

John Henry Newman likewise appeals to the Spirit of truth when in his *An Essay on the Development of Christian Doctrine* he contends, “A revelation is not given, if there be no authority to decide what it is that is given.”<sup>11</sup> Newman follows up this point by citing not only 1 Timothy 3:15, where the Church is proclaimed to be “the pillar and bulwark of the truth,” but also Isaiah 59:21, which contains the prophecy that the divine Redeemer will place his own Spirit upon his people and his own words into their mouths. Thus, it will be by the Holy Spirit that the Church will know and proclaim the truth about God and salvation. The Isaian prophecy makes clear that the Holy Spirit will ensure that the true word of God will forever be found in the Church.

In his 1875 “A Letter Addressed to His Grace the Duke of Norfolk on Occasion of Mr. Gladstone’s Recent Expostulation”—written in defense of the dogma of papal infallibility—Newman observes again that God in Christ willed to make a public revelation. In order to be public, this revelation had to be given not merely to individuals privately or anonymously but to a body of believers in a manner authenticated to proceed from God himself. As the recipient of divine revelation that faithfully

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9. Möhler, *Unity in the Church*, 103.

10. *Ibid.*

11. John Henry Newman, *An Essay on the Development of Christian Doctrine*, 6th ed. (Notre Dame: University of Notre Dame Press, 1989), 89.

transmits it to all generations, the Church is “its home, its instrument, and its guarantee.”<sup>12</sup> Newman makes his case for the infallibility of the pope on the basis of the infallibility of the Church. He recalls how Paul urged Timothy to hold fast in the doctrine of the faith that Timothy had received and to be sure to transmit this doctrine in its fullness.

Affirming that the central purpose of the Church is to proclaim, preserve, and interpret the revelation given by Christ, Newman argues that God must have ensured that, “so far as the message entrusted to it is concerned, the Church is infallible,” preserved from error.<sup>13</sup> This means that the Church not only contains the Sacred Scriptures but also has the ability to interpret them when questions are raised whose answers are not immediately clear. The Holy Spirit guards councils and popes, “as far as their ultimate decisions are concerned, from the effects of their inherent infirmities, from any chance of extravagance, of confusion of thought, of collision with former decisions or with Scripture, which in seasons of excitement might reasonably be feared.”<sup>14</sup>

More recently, one finds in the *Catechism of the Catholic Church* a section titled “The Church Is the Temple of the Holy Spirit.”<sup>15</sup> This section argues that all the Church’s activities, insofar as they bear upon salvation, are enlivened by the Holy Spirit. The indwelling Holy Spirit unites all the members of the body of Christ to one another and to Christ the head. The Holy Spirit not only dwells in Christ but also fully dwells in his whole body, the Church, as well as in each individual member. The Holy Spirit pours out charisms or graces that build up the Church in

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12. John Henry Newman, “A Letter Addressed to His Grace the Duke of Norfolk on Occasion of Mr. Gladstone’s Recent Expostulation,” in his *Certain Difficulties Felt by Anglicans in Catholic Teaching Considered*, vol. 2 (London: Longmans, Green & Co., 1896), 171–347, at 322.

13. *Ibid.*, 323.

14. *Ibid.*, 328. For more on Newman’s understanding of the papacy, see the chapter on Ignaz von Döllinger in my *Newman on Doctrinal Corruption* (Park Ridge, IL: Word on Fire Academic, 2022); and Reinhard Hütter, *John Henry Newman on Truth and Its Counterfeits: A Guide for Our Times* (Washington, DC: The Catholic University of America Press, 2020).

15. See *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Libreria Editrice Vaticana, 1997), §§797–801.

manifold ways. Preeminently, the Spirit builds up the Church by governing the Church's interpretation of the scriptural word, by acting through the sacraments, and by infusing the virtues and the gifts of the Spirit. In Scripture, the Church is called "the temple of the living God" (2 Cor 6:16). Paul describes each member of the Church as "God's temple" because "God's Spirit" dwells in each charitable believer (1 Cor 3:16). In Ephesians, he describes the Church both as the "household of God" and as a "holy temple in the Lord" (Eph 2:19, 2:21). He affirms that with Christ as the cornerstone (and with the Apostles and prophets as the foundation), the Church "is joined together and grows into a holy temple in the Lord; in whom you also are built into it for a dwelling place of God in the Spirit" (Eph 2:21–22).

Early twentieth-century ecclesialogists were not hesitant to develop the theme of the Church as the temple of the Holy Spirit. In his book *Ecclesiology*, Guy Mansini cites various biblical passages that point toward this theme, including numerous passages from the book of Acts. He concludes, "The church which is the body of Christ is, then, also the new temple, the temple of the Holy Spirit. So, Charles Journet can say, the church 'is the Holy Spirit insofar as he is manifested visibly in the world.' And for Anscar Vonier, the church precisely in her visibility is the visible mission of the Spirit."<sup>16</sup> Vonier and Journet connected the Church's truthfulness firmly to its status as the temple of the Spirit. Journet's contemporary Sebastian Tromp published a two-volume study of the Church Fathers (East and West) precisely on the theme *De Spiritu Sancto anima Corporis mystici*, the Holy Spirit animating the Church.<sup>17</sup>

Another twentieth-century theologian of the Church and the Spirit, Yves Congar, emphasized the role of the Spirit in leading us toward God, enriching our prayer, enabling us to recognize Jesus as Lord, giving us true freedom, and making us a

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16. Guy Mansini, OSB, *Ecclesiology* (Washington, DC: The Catholic University of America Press, 2021), 121, citing Charles Journet, *Théologie de l'Église* (Paris: Desclée, 1958), 359; and Anscar Vonier, OSB, *The Spirit and the Bride* (London: Burns, Oates and Washbourne, 1935), 26–27.

17. See Sebastian Tromp, SJ, *De Spiritu Sancto anima Corporis mystici*, 2 vols., 2nd ed. (Rome: Pontificia Università Gregoriana, 1948 and 1952).

temple of right worship.<sup>18</sup> He argues that when the Church is being renewed and reformed by the Spirit, a sign of this will be that the reform movement will not destroy unity, because “the Spirit is, in an essential and radical way, the source of communion.”<sup>19</sup> The Spirit, moreover, is inseparable from the Word, Jesus Christ. Since the Church is the body of Christ, the Church has the fullness of the Spirit’s gifts.

Congar notes that the Second Vatican Council on three occasions (*Lumen gentium* 17, *Ad gentes* 7, and *Presbyterorum ordinis* 1) describes the Church as the “temple of the Holy Spirit,” an appellation that these conciliar documents join to the titles “people of God” and “body of Christ.”<sup>20</sup> For Congar, the image of the Church as the temple of the Holy Spirit has to do especially with the fact that the Church is being built up into God’s perfect temple. Citing Louis Bouyer, Congar remarks that the Spirit works to build up the Church in the *truth of the Gospel*—since the Spirit is the “Spirit of truth” (Jn 14:17, 15:26, 16:13). The truth, of course, is none other than Jesus Christ, and the Spirit ensures that the truth that is Christ vitalizes the Church.<sup>21</sup>

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18. See Yves Congar, OP, “The Spirit Is the Source of Life in Us Personally and in the Church,” in his *Spirit of God: Short Writings on the Holy Spirit*, ed. Susan Mader Brown, Mark E. Ginter, and Joseph G. Mueller, SJ, trans. Susan Mader Brown, Mark E. Ginter, Joseph G. Mueller, SJ, and Catherine E. Clifford (Washington, DC: The Catholic University of America Press, 2018), 36–51, at 40–41.

19. *Ibid.*, 47.

20. See Yves Congar, OP, “An Ecclesiological Pneumatology,” in *Spirit of God*, 87–101, at 87; and Congar, “Christological and Pneumatological Implications of Vatican II’s Ecclesiology,” in *Spirit of God*, 225–42, at 241. See also the lengthy and rich section “The Church Is the Temple of the Spirit,” in Benoît-Dominique de La Soujeole, OP, *Introduction to the Mystery of the Church*, trans. Michael J. Miller (Washington, DC: The Catholic University of America Press, 2014), 140–98.

21. See Congar, “An Ecclesiological Pneumatology,” 98, citing Louis Bouyer, *Le Consolateur. Esprit-Saint et vie de grâce* (Paris: Cerf, 1980), 419. For further insight, see Henri de Lubac, SJ, “The Problem of the Development of Dogma,” in his *Theology in History*, trans. Anne Englund Nash (San Francisco: Ignatius Press, 1996), 248–80, in which de Lubac argues that Christ is “the total Object, the incredibly rich Object of revelation. We can call it, to use an equivalent expression, ‘the Whole of Dogma’” (274). See also Yves Congar, OP, *True and False Reform in the Church*, trans. Paul Philibert, OP (Collegeville, MN: Liturgical Press, 2011), 125–26.



Congar adds the important detail that “Augustine . . . always linked the Church with the Holy Spirit, of whom the Church was the temple.”<sup>22</sup> Of course, the Church is also the temple of the whole Trinity—the temple of God. Augustine comments in his *Enchiridion on Faith, Hope, and Love*, “God, then, dwells in His temple: not the Holy Spirit only, but the Father also, and the Son. . . . The temple of God, then, that is, of the Supreme Trinity as a whole, is the Holy Church, embracing in its full extent both heaven and earth.”<sup>23</sup> Augustine also employs the images of the city of God and the household of God in this section of the *Enchiridion*. His central image, however, is the temple of God. The main task of the Church as the temple of God is to praise God. To praise God involves knowing who God is—knowing God’s name and knowing his wondrous love for his creation. The center of any true knowledge of God is Jesus Christ, both because he is God (the perfect image of the Father) and because his humility conquers our proud idolatry.

For Augustine, the Church is the temple of the Holy Spirit because Paul teaches in 1 Corinthians 6:19 that each believer is a temple of the Holy Spirit, and believers can only be temples of God, not of a mere exalted creature. Augustine emphasizes that the Creed demands “that the Church should be made subordinate to the Trinity, as the house to Him who dwells in it, the temple to God who occupies it, and the city to its builder.”<sup>24</sup> Augustine thereby defends the divinity of the Spirit.

Here we find again a circular relationship between the Church’s ability to proclaim the truth of the Gospel—in this case by declaring (in AD 381) that the Holy Spirit is fully divine—and the understanding of the Church as Spirit-filled and Spirit-guided. After all, if the Church could err in solemnly teaching the divinity of the Spirit, then Augustine (and we today) could not be certain that the Church really is the temple of the Spirit. A “temple” worthy of the name can only be a temple of God,

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22. Yves Congar, OP, “The Church Is Made by the Spirit,” in his *I Believe in the Holy Spirit*, trans. David Smith (New York: Crossroad, 1997), vol. 2, 5–14, at 5.

23. Augustine, *Enchiridion on Faith, Hope, and Love*, trans. J. B. Shaw (Washington, DC: Regnery Publishing, 1996), LVI, p. 68.

24. *Ibid.*, LVI, p. 66.

since God alone is to be worshiped. In the book of Acts, Gentile believers are depicted as receiving the gift of the Holy Spirit even prior to baptism (10:44–48), and when the Church is gathered in Jerusalem in council, the Apostles and elders come to a decision regarding Gentile converts and declare, “For it has seemed good to the Holy Spirit and to us to lay upon you no greater burden than these necessary things” (15:28). If the Holy Spirit were not divine, then the Church constituted by the pentecostal outpouring of the Spirit, and the Church built up in the truth of the Gospel precisely by the Spirit, would in fact be idolatrous. As it stands, however, Augustine asserts that the Spirit is fully divine and the Church is the temple of the Holy Spirit, thus affirming that the Church’s solemn conciliar teaching on the divinity of the Spirit is true. As Basil the Great says (in *On the Holy Spirit*, written a few years before the Council of Constantinople), because the Spirit is God, he can properly glorify the Son and do so “not as a creature, but as the Spirit of truth, who clearly manifests the truth in himself (Jn 16:14).”<sup>25</sup>

The Holy Spirit, then, leads the Church into the Gospel truth that the Holy Spirit is divine, a distinct divine person with the Father and the Son. It is the Holy Spirit who enabled the Church’s bishops, meeting at the Council of Constantinople, to declare solemnly and once and for all that the Holy Spirit is divine, in accordance with the Scriptures. In the section of the *Enchiridion* from which I have been drawing, Augustine highlights the fact that, if the Holy Spirit were not divine, “He would not have a temple, for He Himself would be part of a temple,” since only God can rightly have a temple, and all creatures are part of the cosmic temple established for the praise of God.<sup>26</sup> It is because the Church is the temple of the Holy Spirit that the Church can “worship the Father in spirit and truth” (Jn 4:23), which entails being led by the Spirit “into all the truth” (Jn 16:13). The Church as the temple of the Holy Spirit is able to undertake true worship because it is able to know and proclaim the Gospel without error.

Hans Urs von Balthasar describes this reality with his inimitable dramatic power. In Christ, God has revealed himself

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25. Basil the Great, *On the Holy Spirit*, trans. Stephen Hildebrand (Yonkers, NY: St. Vladimir’s Seminary Press, 2011), 18.46, p. 82.

26. Augustine, *Enchiridion on Faith, Hope, and Love*, LVI, p. 67.

as the God who gives himself away completely, who pours himself out entirely for the good of the other. The cruciform Christ, therefore, is the Word who expositis the Father. The task of the Spirit is to exposit Jesus Christ—the Word in which everything is said (including through his silence)—over the course of the Church’s history. Balthasar conceives the Church as being built up by the Holy Spirit ever more into the truth that is Christ. The Spirit, therefore, does not lead the Church into self-contradiction or into error. Instead, Balthasar says, “the Spirit is capable of taking what seems unspoken within the spoken and of fitting it into always new words that deepen and explain, without, for all that, ever coming to an end, either in time or in eternity.”<sup>27</sup>

Regarding the divinity of the Spirit, Balthasar draws attention to the passages in John 14 and 15 where Jesus promises the sending of the Spirit. If the Spirit were merely “God” rather than a distinct divine person, he could not be sent.<sup>28</sup> In this section, Balthasar devotes his efforts primarily to exhibit the Spirit’s connection with truth in the Church. He calls the Spirit “the Interpreter,” and he adopts as his own Bouyer’s contention in *Le Consolateur* that “it is the Spirit who imparts universal meaning, in the Church and in world history, to the uniqueness of Jesus, the only Son of the Father.”<sup>29</sup> Balthasar emphasizes that in John’s Gospel, Jesus identifies himself as the “truth” (Jn 14:6) and Jesus proclaims that the Spirit will lead believers “into all the truth” (Jn 16:13).

Balthasar therefore places his extended discussion of the Spirit within the third part of his *Theo-logic*, which deals with truth. Asking why the Holy Spirit’s mission is needed if Jesus has already revealed the Father, Balthasar explores the Spirit’s bringing to remembrance the words and deeds of Jesus. He notes that “it is only in the wake of [the Paschal mystery] that the

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27. Hans Urs von Balthasar, *Theo-logic: Theological Logical Theory*, vol. 2: *Truth of God*, trans. Adrian J. Walker (San Francisco: Ignatius Press, 2004), 280.

28. See Hans Urs von Balthasar, *Theo-logic: Theological Logical Theory*, vol. 3: *The Spirit of Truth*, trans. Graham Harrison (San Francisco: Ignatius Press, 2005), 51.

29. *Ibid.*, 60. This quotation describes Walter Kasper’s position, but just prior to this quotation, Balthasar has associated Kasper with Bouyer’s insights.

Word can be interpreted in its totality.”<sup>30</sup> The truth into which the Spirit will lead the Church is the fullness of Jesus Christ. Balthasar underscores, “Thus ‘all the truth’ [Jn 16:13] does not mean a synthesis of a given number of individual truths but the one truth of the Son’s interpretation of God in the inexhaustible fullness of its concrete universality.”<sup>31</sup> The Church’s dogmas unpack and uphold Christ’s embodied expression of the Father, and this process of interpretation involves the Holy Spirit in the role of interpreter.

Thus, the Spirit-filled Church does not abandon her dogma but rather is built up further into it. As Balthasar says with reference to the Second Vatican Council, “Everything that appears to be new must be traced back to the primal source of revelation and interpreted on the basis of this.”<sup>32</sup> The Spirit ensures the presence in the Church of “the *knowledge* that, flowing from faith, is found in those who have been initiated by the Spirit.”<sup>33</sup> Commenting on Vatican II’s *Dei Verbum*, Balthasar emphasizes that it is the Spirit who guarantees the truth of Scripture and tradition, ensuring that the Church does not go astray.<sup>34</sup> He has in

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30. Balthasar, *Theo-logic*, vol. 3, 73.

31. *Ibid.*, 74.

32. Hans Urs von Balthasar, “The Council of the Holy Spirit,” in his *Explorations in Theology*, vol. 3: *Creator Spirit*, trans. Brian McNeil, CRV (San Francisco: Ignatius Press, 1993), 245–77, at 256–57.

33. Balthasar, *Theo-logic*, vol. 3, 77. What Balthasar finds in John’s gospel, he also finds in Paul’s letters. He argues that, for Paul, “unless the Spirit is poured forth into our hearts, unless we are ‘saturated’ with him (1 Cor 12:13), we will never attain the *understanding* of divine truth, nor will we be empowered to *live* within it. . . . For Paul, the ability to understand is the prerequisite for the broader instruction he gives with regard to life in the Spirit” (*ibid.*, 86).

34. See *ibid.*, 311: “It should be noted how often this constitution [*Dei Verbum*] speaks of the operation of the Holy Spirit in connection with these three interrelated aspects of the Church’s objective holiness: it is in the Spirit that Scripture is inspired, and it is in the Spirit that Scripture is interpreted, through all time, in doctrine, life, and culture, so that this ‘Tradition that comes from the apostles makes progress in the Church, with the help of the Holy Spirit’ through a pondering on the meaning of the Scriptures, through the ‘sense of spiritual realities’ that believers ‘experience’, but also through ‘the sure charism of truth’ in those who have received the episcopate, who, ‘enlightened by the Spirit of truth, . . . faithfully preserve, expound and spread it abroad by their preaching.’” The internal quotations are from *Dei Verbum*, 8–9.

view passages such as the following: “This tradition which comes from the apostles progresses in the church under the assistance of the Holy Spirit. . . . The Holy Spirit, too, is active, making the living voice of the gospel ring out in the church, and through it in the world, leading those who believe into the whole truth.”<sup>35</sup>

Balthasar does not have recourse to the image of the Church as the temple of the Holy Spirit, so far as I can tell. Instead, he prefers the images of the Church as the body and (especially) bride of Christ. He interprets the latter image in primarily Marian terms, with attention as well to the Paschal mystery, to the Eucharist, and, of course, to the Holy Spirit.<sup>36</sup> But the very fact of his attention to the person of Mary leaves room for the Church as temple of the Holy Spirit, since Mary is preeminently (among human beings) such a temple, indwelt fruitfully by God’s Spirit (Lk 1:35). Jesus, the Incarnate Word who is filled with the Holy Spirit, is uniquely the eschatological temple (see Jn 2:21), and so the Church as his body will also be the temple of the Holy Spirit.

In the foregoing, I hope to have said enough to show why the Church is the temple of the Holy Spirit and why this particularly applies to the Church’s being built up by the Spirit “into all the truth.” From what I have said, however, it hardly seems that the Spirit-filled Church can err in any way. Since the Church is infallible in its transmitting of the truth of the Gospel, it would seem that the Magisterium of the Church is infallible in all its teachings.

In fact, this maximalist position is not the Church’s own understanding of the Magisterium. To be the temple of the Holy Spirit requires that the Church, “in its teaching, life and worship, perpetuates and hands on to every generation all that it is and all that it believes,” as *Dei Verbum* says.<sup>37</sup> The successors of the Apostles are “enlightened by the Spirit of truth” so that they can “faithfully preserve, expound and disseminate the word by their preaching”

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35. *Dei Verbum*, 8, in *Decrees of the Ecumenical Councils*, vol. 2: *Trent to Vatican II*, ed. Norman P. Tanner, SJ (Washington, DC: Georgetown University Press, 1990), 971–81, at 974.

36. See, for instance, Hans Urs von Balthasar, “Who Is the Church?” in his *Explorations in Theology*, vol. 2: *Spouse of the Word*, trans. A. V. Littledale with Alexander Dru (San Francisco: Ignatius Press, 1991), 143–91.

37. *Dei Verbum*, 8, in *Decrees of the Ecumenical Councils*, vol. 2, 974.

across generations.<sup>38</sup> *Dei Verbum* concludes that the Church's Magisterium teaches "nothing but what is handed down, according as it devotedly listens, reverently preserves and faithfully transmits the word of God, by divine command and with the help of the Holy Spirit."<sup>39</sup> But these affirmations do not entail that *everything* in the documents promulgated by councils and popes is true or that *all* decisions of councils and popes are correct.

To explore the possibility of error, let me now turn to the debate among recent theologians regarding the ordinary universal Magisterium. This debate will assist me in carving out a middle ground between maximalist and minimalist positions—a ground that recognizes the Church is indeed the temple of the "Spirit of truth," while also ensuring, I hope, that controversial papal or conciliar statements do not needlessly propel the Church into epistemological crisis or schism.

### 3. MAGISTERIAL INFALLIBILITY AND MAGISTERIAL ERRORS: THE ORDINARY UNIVERSAL MAGISTERIUM

#### 3.1. Francis A. Sullivan, SJ, *'s Magisterium*

The Jesuit theologian Francis Sullivan treats the ordinary universal Magisterium at some length in his 1983 *Magisterium: Teaching Authority in the Catholic Church*.<sup>40</sup> He notes that Pope Pius IX, in his 1863 letter to the then-Archbishop of Munich, Gregor von Scherr, promulgated as the encyclical *Tuas libenter*, made the first reference to the "ordinary Magisterium," referring to the consistent and shared beliefs of the Church across time and space. Pope Pius emphasized that the teachings of this ordinary Magisterium require assent. He drew his understanding of the doctrine of the ordinary universal Magisterium and its infallibility from Joseph Kleutgen.<sup>41</sup>

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38. *Dei Verbum*, 9, in *Decrees of the Ecumenical Councils*, vol. 2, 975.

39. *Ibid.*

40. Francis A. Sullivan, SJ, *Magisterium: Teaching Authority in the Catholic Church* (Mahwah, NJ: Paulist Press, 1983).

41. See John P. Boyle, "The Ordinary Magisterium: Towards a History of the Concept," *Heythrop Journal* 20 (1979): 380–98; 21 (1980): 14–29.

In *Dei Filius*, Vatican I's Dogmatic Constitution on the Catholic Faith, we find the following statement: "Wherefore, by divine and catholic faith all those things are to be believed which are contained in the word of God as found in Scripture and tradition, and which are proposed by the Church as matters to be believed as divinely revealed, whether by her solemn judgment or in her ordinary and universal magisterium."<sup>42</sup> Sullivan raises the question of whether, according to *Dei Filius*, this ordinary universal Magisterium includes what is taught solely by the popes, as distinct from what is taught by the popes joined by the whole episcopate outside of councils. On the basis of the *Acta* of the council, he argues that it does not include things taught by popes *alone*. Sullivan also asks whether *Dei Filius* teaches that the ordinary universal Magisterium is infallible. In response, he says that while in his view *Dei Filius* does not define the infallibility of the universal ordinary Magisterium, nonetheless its infallibility follows from the fact that *Dei Filius* teaches that Catholics are obligated in faith to believe, precisely as divinely revealed, everything taught by the ordinary universal Magisterium. He adds that the Second Vatican Council, while not *defining* any dogmas, describes the precise conditions under which the universal ordinary Magisterium is infallible. *Lumen gentium* 25 teaches in this regard,

Although individual bishops do not enjoy the prerogative of infallibility, nevertheless, even though dispersed throughout the world, but maintaining the bond of communion among themselves and with the successor of Peter, when in teaching authentically matters concerning faith and morals they agree about a judgment as one that has to be definitively held, they infallibly proclaim the teaching of Christ.<sup>43</sup>

Sullivan next inquires how the bishops around the world could exercise this ordinary universal Magisterium, since they are not gathered in a council. Certainly, they must be acting with the pope as the head of the college of bishops, since they cannot be infallible if they act without him. Individual bishops

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42. *Dei Filius*, chap. 3, in *Decrees of the Ecumenical Councils*, vol. 2, 804–11, at 807.

43. *Lumen gentium*, 25, in *Decrees of the Ecumenical Councils*, vol. 2, 869.

(as distinct from the whole college of bishops, inclusive of the pope) do not possess the prerogative of infallibility. Yet how can they teach *with* the pope if they are not gathered in council but are instead dispersed around the world? Moreover, the Catholic Church recognizes the valid episcopal status of many non-Catholic (Eastern Orthodox) bishops.

The solution, Sullivan says, is found in *Lumen gentium*'s phrase "the bond of communion" (25). The bishops are in communion with each other and with the pope, and it is through this communion that they act together and do so infallibly. Sullivan adds that the word translated as "authentically" (*authentice*) would be better rendered "authoritatively." When, together with the pope, the Catholic bishops dispersed around the world intend to teach authoritatively about faith or morals, they teach infallibly.

But, asks Sullivan, "how can it be demonstrated that on some point of doctrine which has never been solemnly defined or been the subject of a conciliar vote, the whole Catholic episcopate [led by the pope] is teaching the same thing?"<sup>44</sup> Here lies the most difficult issue. For Sullivan, the bishops' agreement is not merely something that can be presumed so long as there is no evidence that they are actively disagreeing with the pope's teaching. Sullivan thinks it quite "possible that some ordinary papal teaching, while not openly contradicted, might be given a rather passive reception or might even be qualified by a significant number of bishops."<sup>45</sup> How, then, can we identify a case where all the bishops are actually in agreement with the pope in teaching authoritatively about a matter of faith or morals? Sullivan argues that the answer is that we must be able to demonstrate that the bishops have been actively judging the matter and have all reached—and have taught—the conclusion that a particular point of doctrine (about faith or morals) must be held by Catholics. This means that the bishops, together with the pope, must be actively intending to assert with their highest authority that Catholics are obligated in faith to give irrevocable assent to a particular point of doctrine.

Here, Sullivan is adopting Karl Rahner's interpretation of this passage from *Lumen gentium*. Rahner deems that the ordinary universal Magisterium is only infallible when the bishops

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44. Sullivan, *Magisterium*, 125.

45. *Ibid.*



(and pope) are absolutely clear about their intention to proclaim binding dogma: “An absolutely strict and irreformable assent must be explicitly called for. . . . Hence not every doctrine taught unanimously by the whole episcopate is of itself infallible, even when it deals with faith or morals or intends to do so.”<sup>46</sup> Rahner grounds this claim on the fact that *Lumen gentium* 25’s phrase “as one that has to be definitively held” was not present in the draft that became *Lumen gentium* even as late as November 10, 1962, and so its addition must be important.

Rahner is correct, literally speaking, that *Lumen gentium* 25 qualifies the phrase “when in teaching authentically matters concerning faith and morals they agree about a judgment” with the phrase “as one that has to be definitively held.” But it is hardly clear—and indeed it is quite doubtful—that this second phrase means that all the bishops and the pope must *explicitly* articulate that they intend to be solemnly defining doctrine whenever they are “teaching authentically” in this way. Sullivan defends Rahner’s position, however, by arguing that Rahner is merely preserving the necessary distinction between widely shared or customary opinions and definitive teachings.

Granted the necessity of this distinction, however, Rahner’s position on the requisites for the infallible exercise of the ordinary universal Magisterium is overly restrictive. Why bother to say that the bishops around the world, joined to Peter and agreeing about a point of doctrine being obligatory for Catholic faith, “infallibly proclaim the teaching of Christ,” if in fact this never (or almost never) can be known with certainty to have happened? Sullivan emphasizes that “it is only when the magisterium obliges the faithful to give irrevocable assent to its

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46. Karl Rahner, SJ, “Chapter III, Articles 18–27,” in *Commentary on the Documents of Vatican II*, vol. 1, ed. Herbert Vorgrimler (New York: Herder and Herder, 1967), 210–11, quoted in Sullivan, *Magisterium*, 126. See also Karl Rahner, SJ, “Magisterium,” in *Sacramentum Mundi*, vol. 3, ed. Karl Rahner, SJ (London: Burns and Oates, 1969), 356: “When a dogma is to be taught by the ordinary magisterium of the whole episcopate, without conciliar or papal definition—as is quite possible—it is not enough that a doctrine be propounded with moral unanimity by the whole episcopate. It is further required that the doctrine be explicitly propounded ‘tamquam definitive tenendam’ (LG 25). Hence mere *de facto* universality of Church doctrine related to the faith is not enough” for a doctrine to be infallible and irreversible.

teaching that it can be said to teach infallibly.”<sup>47</sup> But in the case of the ordinary universal Magisterium, one can hardly expect the entirety of the dispersed bishops, including the pope, to pronounce expressly an intention to define dogma. If it had to do this, then it would essentially be indistinguishable from the extraordinary Magisterium.

In his 1996 book *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*, Sullivan adds the argument that, according to Pope Pius IX, the sign that a particular doctrine has been taught infallibly by the ordinary universal Magisterium is the universal consensus of theologians that a doctrine is *de fide* and irreversible. For this sign to be operative, Sullivan says, the consensus “must be one that perseveres and remains unchanged.”<sup>48</sup> On this view, if theologians in any era (past, present, or future) fail to share the consensus, then the sign does not apply and the doctrine has not been infallibly taught by the ordinary universal Magisterium. Sullivan contends, “It would hardly seem reasonable to argue that since the former consensus had fulfilled the conditions required for the infallible exercise of ordinary universal magisterium, the subsequent lack of consensus could not nullify the claim that the doctrine had already been infallibly taught.”<sup>49</sup>

In this way, Sullivan identifies a path for affirming that such classical doctrines as the Council of Orange’s teaching on grace have been infallibly taught by the ordinary universal Magisterium, while arguing at the same time that Catholic doctrines that are now widely contested have never been infallibly taught by the ordinary universal Magisterium. However, one can hardly predict with certitude which doctrines theologians a century hence will affirm. This fact seems to destabilize radically any claim to the infallibility of a particular doctrine taught by the ordinary universal Magisterium.

Sullivan grants that if a doctrine truly has been taught infallibly by the ordinary universal Magisterium, then no theological dissent could undermine its dogmatic status. Yet he insists

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47. Sullivan, *Magisterium*, 127.

48. Francis A. Sullivan, SJ, *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium* (Mahwah, NJ: Paulist Press, 1996), 104.

49. *Ibid.*, 105.

that no matter when the lack of theological consensus arises, such a lack always reveals that in fact the doctrine was never taught infallibly, since “to fulfill the conditions required for the infallible teaching of the ordinary universal magisterium, the consensus must not only be universal; it must also be *constant*.”<sup>50</sup>

Moreover, Sullivan goes on to argue (on the basis of the Code of Canon Law’s Canon 749.3) that a doctrine can only be understood as infallibly taught by the ordinary universal Magisterium if this has been “clearly established” as a fact.<sup>51</sup> But how could it ever be “clearly established” if it depends upon the constant consensus of theologians extending into the entirety of the future? This would require us to be able to see the future, since, as noted, Sullivan holds that no amount of previous centuries of theological consensus will serve. If ever the consensus fails, then the doctrine has never been infallibly taught, no matter what one might “clearly establish” today.

Commenting upon Sullivan’s reading of *Lumen gentium* 25 in light of Pope Pius IX’s *Tuas libenter*, Lawrence Welch has rightly contested the notion that a universal consensus of theologians is the standard for determining what is an infallible doctrine of the ordinary universal Magisterium. Welch argues at length that “the absence of consensus does not necessarily warrant the conclusion that a doctrine has not been taught definitively.”<sup>52</sup> He demonstrates that Pius IX’s *Tuas libenter* does not make the claim about the consensus of theologians that Sullivan supposes it does.<sup>53</sup>

50. *Ibid.*, 106 (emphasis original).

51. *Ibid.*

52. Lawrence J. Welch, “The Infallibility of the Ordinary Universal Magisterium,” in his *The Presence of Christ in the Church: Explorations in Theology* (Ave Maria, FL: Sapientia Press, 2012), 1–22, at 3.

53. As Welch says of *Tuas libenter*—rightly pointing not least to the disagreements among theologians regarding various doctrines dear to Pius IX’s heart (including, of course, papal infallibility, which in 1863 had not yet been defined but was on the horizon)—“It does not seem possible to believe, as Sullivan seems to believe, that Pius IX ever intended to suggest that a breakdown in the consensus of theologians with regard to a doctrine taught by the ordinary magisterium would somehow nullify a claim that a doctrine had already been definitively taught. It is true that Pius IX spoke of the constant and universal consensus of theologians. But are we really justified in thinking that he meant to say or to imply that a breakdown in consensus

### 3.2. *Doctrinal reversals*

What happens if there are cases in which a doctrine may *appear to have been* infallibly taught by the ordinary universal Magisterium but then is magisterially reversed? Some theologians think that this has in fact happened, for instance, with respect to religious freedom and Church–state relations, usury, or the death penalty.<sup>54</sup> For my part, I hold that *Dignitatis humanae* is not one of these

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means that *an essential condition* for recognizing a definitive teaching of the ordinary universal magisterium has not been met? Surely, this was not the claim of a Pope who did not even want theologians to gather together except at the invitation of the Magisterium, and only then under its watchful eye. It remains true of course that Pius IX affirmed that the constant and universal consensus of Catholic theologians was evidence of the definitive teachings of the ordinary magisterium. But there is no reason to believe that this Pope, who insisted that theologians must subject themselves to the doctrinal decisions of the Roman Congregations, understood this to be not only a sign of, *but also a condition for, definitive teachings whose absence would throw into doubt that the ordinary magisterium had taught a doctrine definitively.* A sign is one thing, a condition another” (“The Infallibility of the Ordinary Universal Magisterium,” 15–16, emphasis original).

54. For example, in Peter Kwasniewski’s view, Pope Francis’s teachings on the death penalty require defenders of his teachings to “abandon the defense of consistency between the universal ordinary Magisterium and the papal Magisterium” (*The Road from Hyperpapalism to Catholicism: Rethinking the Papacy in a Time of Ecclesial Disintegration*, vol. 1: *Theological Reflections on the Rock of the Church* [Bridgeport, Canada: Arouca Press, 2022], 54). I disagree with Kwasniewski on this point; I would refer here to Barrett Turner, “Pope Francis and the Death Penalty: A Conditional Advance of Justice in the Law of Nations,” *Nova et Vetera* 16 (2018): 1041–50. Even more problematically, Kwasniewski envisions the possibility of Catholics, grounded in the monuments of tradition, no longer needing (at least at present) the Magisterium to be able to demarcate the contents of the living tradition. Although Kwasniewski has in view a different timeline for when the Magisterium (conciliar and papal) began in earnest to reject dogmas, and although Kwasniewski calls for believers to remain in the Church rather than separate from the “renegade papacy” of Pope Francis, Kwasniewski’s emphasis that we can identify the contents of tradition without the assistance of the Magisterium is equivalent to the viewpoint of Ignaz von Döllinger, who, in rejecting Vatican I, did so in the name of the monuments of tradition that he considered to be indisputable. Ultimately, this represents the reign of private judgment. See Kwasniewski, *The Road from Hyperpapalism to Catholicism*, vol. 1, 22–23. Kwasniewski argues, “The conservative, by indiscriminately taking ‘the Magisterium of the Moment’ as his guide in all things, unmoors himself from the established content of cumulative teaching and risks being guided by the whims of a capricious monarch or the synthetic dogmas of an ideologue. The conservative would have no basis for questioning or disagreeing with

cases, nor do I think the other cases are persuasive either. But let us suppose that there has been at least one such case. It is helpful to lay out the theological options for interpreting such a situation.

Thomas Guarino has argued that *Dignitatis humanae*'s teaching on religious freedom and Church-state relations was indeed a reversal of long-standing prior magisterial teaching, sometimes thought to have been taught by the ordinary universal Magisterium. Given his belief that such reversal has happened, Guarino recognizes that the question is whether the teaching that was reversed had been taught infallibly. He states, uncontroversially, "The reversal of ordinary magisterial teaching is theologically possible within Catholicism. . . . Catholic theology has never considered all Christian doctrine, even positions that have been taught over a considerable period of time, to be irreformable."<sup>55</sup> But it is not theologically possible from a Catholic perspective to reverse a dogma. This would be doctrinal corruption of a kind that would falsify the Church's claim to hand on the Gospel without error. Thus, Guarino does not think that what *Dignitatis humanae* reversed had been taught infallibly by the ordinary universal Magisterium.

There are teachings of the ordinary universal Magisterium that Guarino considers to have been infallibly taught and thus irreversible. Along these lines, Guarino observes,

*De libertate* would have risen to the level of a Vincentian *permutatio fidei*—a distortive corruption of the faith—if the council had taught that the affirmation of religious freedom entailed the notion that the 'true religion' was unknowable . . . or if Vatican II had taught that Christianity was simply one among many equally valid religions.<sup>56</sup>

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anything a pope emits, no matter how much it departed from the teaching of his predecessors or even that of Scripture" (ibid., 23). But no Catholic theologian need take the Magisterium "as his guide in all things" so that he must affirm "anything a pope emits." Popes can be wrong. Of course, the theologian must remain willing to submit to the Church's judgment if and when the Magisterium teaches infallibly on the matter, and the theologian must also show loyal respect for the Church's teaching office even when the theologian is raising concerns in a proper manner.

55. Thomas G. Guarino, *The Disputed Teachings of Vatican II: Continuity and Reversal in Catholic Doctrine* (Grand Rapids: Eerdmans, 2018), 193.

56. Ibid., 195.

Even if the Church has never *explicitly defined* the truth that Christianity is not merely one religion among others, this truth is found consistently and repeatedly in the ordinary Magisterium, and Guarino presumes it to be infallible as part of the ordinary universal Magisterium.

However, Guarino does not address how to distinguish doctrines that are irreversible but have not been taught solemnly by the extraordinary Magisterium from doctrines that are reversible. Another point that Guarino does not address is how believers should react when a pope or council, exercising the ordinary Magisterium, reverses a consistent and long-standing teaching. In such a case (and, again, I am not sure that any such case has ever occurred, since I accept the viewpoint of Michael Dunnigan and others regarding *Dignitatis humanae*),<sup>57</sup> at the very least the reversal itself would be noninfallible, and thus the new teaching might itself be reversed by a later pope or council. Still another question is whether it is possible for a pope to teach *explicitly* and *directly* (even if noninfallibly), in a weighty magisterial document, against a doctrine of Catholic faith that has been infallibly taught by the ordinary universal Magisterium.<sup>58</sup>

To answer the last question first, I do not think that the Holy Spirit would allow a pope to teach in a weighty manner explicitly and directly against a doctrine that has (unbeknownst to this particular pope) been infallibly taught by the ordinary universal Magisterium. Catholics who believe that Christ is guiding the Church “into all the truth” by his Holy Spirit—and who believe that the Spirit works through the teaching office of the Church in ensuring that believers are not separated from the Gospel—can surely accept that a pope can err when teaching noninfallibly about a doctrine that has not been infallibly

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57. See Michael Dunnigan, *Liberty and Integrity: How the Vatican II Religious Liberty Declaration Conserves, Develops, and Extends the Teachings of the Nineteenth-Century Popes* (Steubenville, OH: Emmaus Academic, forthcoming).

58. I note that a pope may teach something that, for some or even many interpreters, seems to contradict dogma implicitly. The argument that a dogma has been *implicitly* rejected, however, involves a theological conclusion on the part of the interpreter. This theological conclusion may or may not be accepted by the pope. In this sense, only an explicit rejection can be held to be a proper rejection (and so *implicit* rejections cannot, in fact, raise the issue of whether a pope has fallen into heresy).

taught.<sup>59</sup> But I do not think Catholics should grant that a pope could teach in a weighty but noninfallible magisterial document explicitly and directly against a doctrine that has in fact been infallibly taught by the ordinary universal Magisterium.

My position here is based in part upon *Pastor aeternus*, Vatican I's Dogmatic Constitution on the Church. *Pastor aeternus* explains that Jesus Christ, "in order to render permanent the saving work of redemption" and unite his followers "by the bond of one faith," willed to "set blessed Peter over the rest of the apostles" in such a way that "upon the strength of this foundation [Peter] was to be built the eternal temple" (the temple of the Holy Spirit), the Church.<sup>60</sup> Citing earlier ecumenical councils, *Pastor aeternus* describes the pope as the teacher of all Christians and depicts Rome as the apostolic see where "the catholic religion has always been preserved unblemished."<sup>61</sup> *Pastor aeternus* holds that the Holy Spirit is the guarantor of the papal ministry; the Spirit guides the popes so that they "might religiously guard and faithfully expound the revelation or deposit of faith transmitted by the apostles."<sup>62</sup> Papal fidelity to the Gospel is also rooted in Christ's prayer that Peter's faith would not fail (Lk 22:32). *Pastor aeternus* concludes, "This gift of truth and never-failing faith was therefore divinely conferred on Peter and his successors . . . so that they might discharge their exalted office for the salvation of all, and so the whole flock of Christ might be kept away by them from the poisonous food of error and be nourished with the sustenance of heavenly doctrine."<sup>63</sup>

If *Pastor aeternus* is wrong—that is, if popes themselves can *explicitly and directly* contradict infallible teaching in their weighty magisterial documents—then the foundation of the dogma of papal infallibility would be shaken. One would have

59. To this extent, my view concurs with that of John P. Joy, "Disputed Questions on Papal Infallibility," *Nova et Vetera* 19 (2021): 33–61, but he contends in addition that it is possible for weighty papal teaching explicitly and directly to contradict infallibly taught doctrine.

60. *Pastor aeternus*, Prologue, in *Decrees of the Ecumenical Councils*, vol. 2, 811–16, at 812.

61. *Pastor aeternus*, chap. 4, in *Decrees of the Ecumenical Councils*, vol. 2, 815.

62. *Ibid.*, 816.

63. *Ibid.*

to affirm the pope's infallibility when teaching a doctrine *ex cathedra*, while supposing at the same time that the next pope could explicitly and directly repudiate this same infallible doctrine. If a pope could explicitly and directly teach the whole Church to reject a dogma (even if that pope's teaching is noninfallible), then the papacy would hardly seem like a good idea at this stage in history. Individual Catholics could have no means of knowing that a pope had so grievously erred, and the result would be a large-scale Catholic rejection of a Catholic dogmatic truth. To suppose that popes can explicitly and directly contradict infallible Catholic teaching in their weighty (but noninfallible) magisterial documents would, in the end, leave Catholics largely in the grip of private judgment.<sup>64</sup>

Thus, while I grant that a pope can err in his ordinary magisterium, I hold that a pope cannot err so gravely as to reverse (whether intentionally or by mistake) an infallibly taught dogma of the ordinary universal Magisterium. This also fits with the teaching of *Lumen gentium* 25, where the Council Fathers aver, "The religious assent of will and intellect is to be given in a special way to the authentic teaching authority of the Roman pontiff even when he is not speaking *ex cathedra*; in such a way, that is, that his supreme teaching authority is respectfully acknowledged, and sincere adherence given to decisions he has delivered."<sup>65</sup> By contrast, if a pope could radically err by explicitly and directly contradicting a dogma, then Catholic respect for the authority of the pope would be on shaky ground. One could imagine a situation in which a series of popes, and councils as well, noninfallibly proclaimed and confirmed doctrines that explicitly and directly contradict infallibly taught truths of the Catholic faith, thus leading the faithful profoundly astray for decades and even for centuries. For all practical purposes, such a situation would render imprudent Catholic (dogmatic) belief in papal authority.

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64. For the problems with grounding oneself in private judgment, see John Henry Newman, "Private Judgment" (originally published in 1841 when he was in shock due to the rejection of Tract 90), in his *Essays, Critical and Historical*, vol. 2 (London: Longmans, Green and Co., 1895), 336–74. See also Hütter, *John Henry Newman on Truth and Its Counterfeits*, chap. 2.

65. *Lumen gentium*, 25, in *Decrees of the Ecumenical Councils*, vol. 2, 869.



My position, therefore, is twofold. First, there are signs that indicate clearly when a doctrine has been taught infallibly by the ordinary universal Magisterium. One such sign is the consistent and repeated teaching of the doctrine by popes and councils (there are other signs such as the doctrine's presence in Scripture, the Creed, and so on). The universal consensus of theologians, by contrast, is not a sufficient sign, given the fact that theologians have shown themselves able to change their minds in short order, buckling to cultural pressures. Far more solid is the fact of a doctrine's consistent presence within Scripture and tradition.

Second, however, if a pope or council noninfallibly (and explicitly and directly) reverses a doctrine that has been consistently and repeatedly taught by the Church, then theologians should conclude that the doctrine had never been taught *infallibly* by the ordinary universal Magisterium, despite prior signs that it had been so taught. After all, the bishop of Rome's position vis-à-vis the exercise of the ordinary universal Magisterium is not the same as the position of other bishops. If the bishop of Toledo dissents from what all the other bishops are teaching, a moral majority may still obtain. But if the bishop of Rome teaches the contrary, the possibility of the now-disputed teaching being a teaching of the ordinary universal Magisterium becomes implausible.<sup>66</sup>

Even so, any weighty, direct, and explicit reversal of a doctrine consistently taught over the centuries by the ordinary Magisterium would leave the unavoidable impression that Catholic faith and morality can be changed by arbitrary power. This would endanger believers' sense of the Church as the temple of the Holy Spirit, and would encourage them to think of the Church instead merely as a human institution. Thus, such an action should either be nonexistent or very rare.

I have in view consistent and long-standing doctrines such as the condemnation of contraception, which seems to me to have been infallibly taught by the ordinary universal Magisterium, and whose truth can also be demonstrated philosophically. Were such a doctrine to be explicitly and directly reversed by a pope or council in a weighty (though noninfallible) document, this would show that the doctrine had never

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66. See O'Connor, "The Infallibility of the Church's Magisterium," 105–06.

been infallibly taught by the ordinary universal Magisterium. Let me underscore that I do not expect such a disastrous reversal to happen. But, if it did happen, theologians should conclude that the bishops and popes over the centuries did not teach the doctrine by way of infallibly exercising the ordinary universal Magisterium. In this hypothetical case, neither the doctrine *nor its reversal* would have been taught in such a way as to call for the assent of divine and Catholic faith absolutely. Put otherwise, although theologians will have opinions about what precisely has been infallibly taught by the ordinary universal Magisterium, such opinions are not infallible. If a pope or council in a weighty (though noninfallible) document explicitly and directly reversed a consistent and long-standing doctrine of the Church, I would in this hypothetical case give the benefit of the doubt (as regards whether the doctrine had been *infallibly* taught by the ordinary universal Magisterium) to the pope or council rather than to the private judgment of theologians.

Nevertheless, such a noninfallible reversal could itself later be reversed. Indeed, it would be a likely candidate to be reversed, since there almost surely was good reason why the doctrine was previously taught consistently across the centuries. In the meantime, trusting the Holy Spirit, Catholic theologians and believers would need to exercise due “religious submission of will and intellect”—seeking to listen and understand humbly rather than attacking the Church’s Magisterium—while earnestly continuing to inquire into the doctrine’s theological basis and continuing to believe that the Church as a whole, due to her indefectibility, cannot ultimately lose touch with the truth of faith.<sup>67</sup> Religious submission on the part of a Catholic theologian entails avoiding sharp public and vocal dissent, even in

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67. *Donum veritatis*, 23; see also *Lumen gentium*, 25; and O’Connor, “The Infallibility of the Church’s Magisterium,” 108–09. Earlier theology conceived of a threefold division: dogmas requiring the absolute assent of faith; definitive doctrines (not divinely revealed) requiring religious and firm assent; and doctrines that may likely be connected with revealed truth requiring practically firm religious assent. It will be clear that I am not here holding strictly to this threefold division. In this hypothetical case of a consistent and long-standing doctrine being reversed, I am giving leeway to believers who are docile to the Magisterium but who still deem it likely that the reversal itself will be eventually reversed. *Donum veritatis* leaves room for theologians continuing to raise scholarly concerns about noninfallibly taught doctrines.

cases where one cannot help but believe that the contemporary Magisterium has made an error (a reversible error). In such a situation, the theologian may continue to raise concerns in appropriate scholarly forums.

In sum, I can agree with Sullivan that, in some imaginable cases at least, there may be no *absolute certitude* that a doctrine has been taught infallibly by the ordinary universal Magisterium. In such imaginable cases—as distinct from the contents of the Creed and so on—we can recognize that theologians cannot know with absolute assurance what has been infallibly taught by the ordinary universal Magisterium. The assent of faith does not depend on a theologian or believer having *absolute certitude* with respect to his or her own assessment of the precise contents of the infallible ordinary universal Magisterium.

#### 4. DISSENT AND THE TEMPLE OF THE HOLY SPIRIT

It is well known, however, that “religious submission of will and intellect” to magisterial teaching has been honored by Catholics more in the breach than in observance. Given that religiously liberal Catholic theologians have in recent decades publicly and vocally dissented and have gained influence thereby, Catholic theologians who are not religiously liberal may today be tempted to operate in the same fashion. The *Catechism of the Catholic Church* affirms that the faithful “have the *duty* of observing the constitutions and decrees conveyed by the legitimate authority of the Church. Even if they concern disciplinary matters, these determinations call for docility in charity.”<sup>68</sup> But prominent theologians continued to dissent publicly and vociferously after the publication of the *Catechism*. Moreover, theologians under an ecclesiastical cloud during one pontificate have sometimes emerged triumphant during a later pontificate. At present, it appears that some religiously liberal Catholic theologians whose views were condemned by the ordinary Magisterium of Pope John Paul II, but who remained public and vocal in their dissent, are now receiving a certain amount of approbation in Rome. Unsurprisingly, this fact undermines strictures against public and vocal dissent.

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68. *Catechism of the Catholic Church*, §2037 (emphasis original).

It may be helpful to recall that, in response to widespread public and vocal dissent on the part of religiously liberal Catholic theologians, *Donum veritatis* took a twofold tack in 1990. First, *Donum veritatis* clearly allows for the theological expression of dissenting viewpoints: “If, despite a loyal effort on the theologian’s part, the difficulties persist, the theologian has the duty to make known to the Magisterial authorities the problems raised by the teaching in itself, in the arguments proposed to justify it, or even in the manner in which it is presented.”<sup>69</sup> Second, *Donum veritatis* specifies that theological dissent should only be expressed in scholarly forums. The document urges that theologians “should avoid turning to the ‘mass media,’ but have recourse to the responsible authority, for it is not by seeking to exert the pressure of public opinion that one contributes to the clarification of doctrinal issues and renders service to the truth.”<sup>70</sup> Yet, as *Donum veritatis* (somewhat) recognizes,<sup>71</sup> the pressure of public opinion exerts a tremendous power upon future bishops, since Catholics are raised within and formed by this culture, and since the views found within the culture are often found also within theological classrooms.

Thus, the path to ultimate ecclesiastical victory may sometimes in fact be recourse to mass media and pressure campaigns. Given this situation, it should not surprise us that, from the opposite side of the ecclesiastical spectrum, one today finds vocal and public campaigns by theologians contending against contemporary magisterial teachings.

Still, whatever the motive, the unavoidable result of theological recourse to public and vocal dissent—as distinct from scholarly work that respectfully raises concerns in scholarly forums—is that people come to see the Church fundamentally as a political battlefield, not as the temple of the Holy Spirit. Rather than ultimately renewing the Church or saving her from a downward spiral, public and vocal attacks upon the Magisterium further wound the Church because the real center of the

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69. *Donum veritatis*, 29; cf. 33–34.

70. *Ibid.*, 30.

71. See *ibid.*, 32: “The weight of public opinion when manipulated and its pressure to conform also have their influence. Often models of society promoted by the ‘mass media’ tend to assume a normative value.”

Church—the charity of Christ, the power of the Holy Spirit that is revealed in weakness—becomes even more obscured by the battlefield atmosphere.

In accord with *Donum veritatis*, therefore, theologians should not partake in public and vocal dissent. Instead, theologians should work zealously in scholarly forums to offer constructive and critical theological arguments in defense of the Church’s doctrinal and moral inheritance. Theologians should consistently bear public witness to a deep faith that the Church is the temple of the Holy Spirit.

*Donum veritatis* adds that “it would be contrary to the truth, if, proceeding from some particular cases, one were to conclude that the Church’s Magisterium can be habitually mistaken in its prudential judgments, or that it does not enjoy divine assistance in the integral exercise of its mission.”<sup>72</sup> This statement is true, but it needs some further nuance. The Holy Spirit assists the ordinary Magisterium in its prudential judgments, but in complex matters—especially when cultural pressures are involved—the Holy Spirit permits some prudential errors, though none that directly and explicitly negate a dogmatic teaching on faith and morals.<sup>73</sup> For instance, I do not think that certain long-

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72. *Ibid.*, 24.

73. I note that Charles Journet does not deny that in some cases the Magisterium can sin against prudence and issue imprudent decrees, but he insists upon the following: “If it is a question of teachings universally and constantly proposed to the faithful and often recalled by the Church; if, more generally, it is a case of teachings in which the Church intends fully to engage the prudential authority she has to feed Christ’s sheep,” then in such cases we can be sure that the Magisterium’s prudential authority never fails (*The Church of the Word Incarnate: An Essay in Speculative Theology*, vol. 1: *The Apostolic Hierarchy*, trans. A. H. C. Downes [London: Sheed and Ward, 1955], 353). For Journet, the Church’s practical precepts must be more than negatively preserved from sin. We must say that not only are these precepts not imprudent but they all are positively “wise, prudent and beneficial” (*ibid.*, 365). Journet adds that we do not need to imagine that such precepts must be maximally prudent, in the sense of the most prudent course of action possible. Furthermore, since such precepts have to do with changing practical circumstances, these precepts—while prudent—can change when circumstances change. They cannot change in such a way as to make manifest that the previous prudential course was sinful; but they can change. We can recognize such infallibly prudent precepts by the following three conditions: they have to do with the supernatural common good of the Church; they are strict laws (as distinct from commands); and they fully engage the Church’s prudential authority, which entails that “they must

standing (though now reversed) prudential dictates regarding the Jewish people in Christian lands can be justified as true exercises of prudence. Likewise, even assuming that the death penalty is in principle permissible in some cases, the Church's Magisterium was far too friendly in the past toward the state's use of the death penalty, including for heretics and "witches."

The Church's Spirit-guided fidelity does not mean perfection in noninfallible teaching, including in prudential matters. There can be reversals of noninfallible teaching, and some of these reversals may be good ones, while others may be erroneous. However, the Church is and will remain the temple of the Spirit. Christ's body—the eschatological temple—is filled with the Spirit, who is the "Spirit of truth." This means that, even while granting the possibility of some (reversible) error, we can trust that the dogmas of the Church will not fall. We can thereby make our own the perspective that a contemporary theologian has attributed to the great third-century theologian Clement of Alexandria: "The primary thing for [Clement] is the knowledge of the truth; that is what liberates and makes a soul live a truly spiritual life. . . . The Spirit sanctifies: he is consequently the Author of true knowledge."<sup>74</sup> □

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be approved by the whole Church, by an ecumenical council, by the Pope, not merely be a number of bishops or the Roman Congregations with the Pope giving his approval only 'in forma communi'" (ibid., 367). In response to such perspectives, Avery Dulles remarks along lines with which I agree: "Among . . . non-revealed matters that have frequently been seen as falling within the secondary object of infallibility is the solemn canonization of saints. Some authors defend, in addition, a kind of 'practical infallibility' in papal actions such as the approval of religious institutes. Although the common teaching of theologians gives some support for holding infallibility in these cases, it is difficult to see how they fit under the object of infallibility as defined by the two Vatican Councils" (*Magisterium: Teacher and Guardian of the Faith* [Naples, FL: Sapientia Press, 2007], 78).

74. As quoted in La Soujeole, *Introduction to the Mystery of the Church*, 159–60.