

# The faith of the church, the magisterium, and the theologian: Proper and improper interpretations of the notification

Author: James T. Bretzke

Persistent link: <http://hdl.handle.net/2345/2409>

This work is posted on [eScholarship@BC](#),  
Boston College University Libraries.

---

Published in *Hope & solidarity*, pp. 171-184

This work is licensed under a Creative Commons Attribution-NonCommercial 3.0  
Unported License.

# The Faith of the Church, the Magisterium, and the Theologian

## *Proper and Improper Interpretations of the Notification*

JAMES T. BRETZKE, S.J.

When I entered the Jesuits five years after the Second Vatican Council ended it was our order's practice to send its novices on various apostolic experiences called "experiments." My first experiment was to a nursing home run by a fairly conservative religious order. In those still heady and unsettled days after the close of the council departures from the priesthood and religious life were fairly common, and each time some author who had been a priest or nun left his or her religious order, the sisters in the nursing home would scour the house library to remove all of this now "disgraced" author's work lest we, or the elderly residents, be scandalized or corrupted by the unseen theological viruses that might be lurking in the pages of the volumes which heretofore had been considered as positive examples of theological and/or spiritual reading.

My early novitiate memory resurfaced immediately after the Congregation for the Doctrine of the Faith issued its Notification on the Works of Jon Sobrino, S.J. (henceforth Notification). The cardinal prefect of the Congregation (henceforth CDF), William Levada, was the former archbishop of San Francisco, and I was a member of his Priest's Council elected to represent the higher education apostolates in that archdiocese. So perhaps because of that connection, or because I was chair of the theology department at the University of San Francisco, I found myself fielding increasingly insistent requests from a lay reporter from the official archdiocesan Catholic newspaper to answer a number of questions regarding the influence of Sobrino at USF and the greater San Francisco Bay Area. Several of the reporter's questions seemed to recall the theological paranoia I first encountered in the nursing home staff nearly four decades earlier: "Were any of Sobrino's texts ever used in any of our theology courses at USF?"; "Did we have courses in liberation theology?"; "Had Sobrino ever taught at—or visited—USF?"; "Did any of the faculty in my department know Sobrino,

or had they or anyone in the administration ever visited him in El Salvador?” and so on. I suspect the reporter already knew the answer to most of these questions, and so I’m not sure if he wanted to use this information to bash us all; but I believed I surprised him when I responded with a forthright affirmative, and added that this should be the case in any reputable institution of Catholic higher education seeking to serve the church today.

I also quickly rediscovered that theological paranoia exists throughout the spectrum and is hardly a preserve of the more conservative wing of the church. Indeed, voices from the left could be just as strident and poorly grounded in the facts of what had actually transpired regarding Sobrino. When members of the academic community found out about the CDF Notification, their response was equally swift and predictable: “This is a dark day for the church!”; “Now Ratzinger is finally showing his true colors”; “We should start a campaign to support Sobrino against this ecclesial injustice,” and so on. It seemed that the preferred translation of the old theological axiom *Roma locuta, causa finita* as either “Rome has spoken, the case is closed” or “Rome has spoken, and the cause is lost” depended largely on one’s position prior to the issuance of the Notification. Both sides jumped a bit too quickly, in my opinion, to represent this document as a fundamental fight between the forces of truth and right on one side and darkness and evil on the other. But the apocalyptic views as to who actually was playing the parts of the Dark Lord Voldemort and his Death Eaters, and who was crusading as saintly Harry Potter and his besieged Dumbledore’s Army differed sharply, depending on one’s prior theological allegiances.

There did seem to be a strong additional negative element shared in common by both sides of the spectrum—namely, how little understood was the actual Notification itself and the general processes by which the CDF came to issue its document. As an attempt to address this lack of procedural understanding I initially wrote a brief set of remarks on what the Notification did and did not mean for my reporter friend, which through the laws of physics of cyberspace seemed to quickly achieve a much wider readership than I had ever imagined. What I endeavor to do here is to expand on these earlier points and then finally to turn to summary remarks on the necessarily uneasy tension between professional theologians and officers of church authority. Hopefully, then, the Sobrino Notification can provide both a teaching *and* a learning moment for us all.

### **Basic Guidelines for the Interpretation of Church Teaching**

*Lumen gentium*, Vatican II’s Dogmatic Constitution on the Church, outlines three basic criteria of attending to the character, manner, and frequency that should guide all of the people of God in the pilgrim church in its critical,

thoughtful, and respectful response (i.e., the *obsequium religiosum*) to official church teaching.<sup>1</sup> “Character” refers to the actual content of the teaching. Not all truths are created equal and, as Vatican II reminds us, there is a hierarchy of truths necessary for salvation. The character of the teaching and the manner of teaching may also be on different levels, such that we can have a “lower” doctrine on the hierarchy of truths, yet have it proclaimed at a very high level of authority. One example of this practice is Pope Pius XII’s proclamation of the Marian doctrine of the Assumption as a defined article of faith. Many of the concerns enunciated in the Notification concern a relatively small number of points found in two books: *Jesucristo liberador: Lectura histórico-teológica de Jesús de Nazareth* (Madrid: 1991), translated into English as *Jesus the Liberator: A Historical-Theological Reading of Jesus of Nazareth*, trans. Paul Burns and Francis McDonagh (Maryknoll, N.Y.: Orbis Books, 1993), and *La fe en Jesucristo: Ensayo desde las víctimas* (Madrid: Trotta, 1999), translated into English as *Christ the Liberator: A View from the Victims*, trans. Paul Burns (Maryknoll, N.Y.: Orbis Books, 2001). Problems raised with regard to Sobrino’s theology seemed to fall largely in the areas of methodology, not about outright denial of any truth of the faith.

“Frequency” points not only to the number of times the teaching is repeated, but also how long the teaching has been asserted. It also concerns the kinds of authority later invoked by the church in the process of disseminating the teaching. A proper consideration of the criterion of frequency involves to a certain extent the ecclesiastical culture of how teaching can change and develop. In Rome errors are often “corrected” and/or teaching or policy “changed” not by saying “oops, we were wrong” but either by ceasing to repeat a certain position or by beginning to nuance the older teaching in new ways. Even some teachings that have been “frequently repeated” over a long period of time and asserted with a high level of authority can still be subjected to change. This kind of change is illustrated in the case of Vatican II’s 1965 Declaration on Religious Freedom, *Dignitatis humanae*, which in accepting freedom of religion as an inalienable human right reversed the traditional position enunciated by Gregory XVI (*Mirari vos*, 1832) and Pius IX (*Quanta cura*, 1864). It is probably still too early to judge accurately according to the frequency criterion the level of importance to be attached to the Sobrino Notification, but preliminary indications at the time of this writing would suggest that the CDF made its point and resolved to move on to more pressing matters. Pope Benedict XVI has made no comment on this matter, and very few bishops have had much to add either.

“Manner” is admittedly the criterion most difficult for the novice interpreter to puzzle out, and we will look at this in greater depth shortly. At this point, however, we should attend first to the stated audience or recipient of the Notification, as this will give an initial indication of the intended scope of the document’s application. Second, one must look at the mode used to deliver the

text, and, third, one needs to take into account the putative authority of the promulgator of the text. For example, the Sobrino Notification concludes with this formula:

*The Supreme Pontiff Benedict XVI, at the Audience granted to the undersigned Cardinal Prefect on October 13, 2006, approved this Notification, adopted in the Ordinary Session of this Congregation, and ordered it to be published.*

*Rome, from the Offices of the Congregation for the Doctrine of the Faith, November 26, 2006, the Feast of Christ, King of the Universe.*

William Cardinal Levada  
Prefect

Angelo Amato, S.D.B.  
Titular Archbishop of Sila, Secretary

Now it might seem to the average reader that the pope's seemingly explicit approval gives the Notification the force of a papal decree and that the principal authors of the text must have been Cardinal Levada and/or Archbishop Amato. However, in this case the first supposition (that this Notification is a quasi-papal decree) is certainly false, and it is highly unlikely that either Cardinal Levada or Archbishop Amato was the principal drafter of the actual text. This formula is an example of the standard mode of promulgation *in forma communi* (the common or "usual" form). Only in the case of a document that states explicitly *in forma specifica* ("in specific form") that the pope not only "approves" the document but makes it his own could we say that this becomes a papal document.<sup>2</sup>

It is probably not surprising that Roman Catholic magisterial documents are often misunderstood in terms of the triple criteria of character, frequency, and manner, and this misunderstanding often leads quickly to significant misinterpretations of what was actually promulgated. To wrestle with these interpretive difficulties I have formulated guidelines to act as correctives to six basic misinterpretations of official church teachings. First, as we know from basic hermeneutics, no written text exists that is self-evident, self-interpreting, or self-applying. Even the prominently placed large red octagon with the four-letter-word "STOP" at an intersection does not bring all vehicular traffic to a permanent halt. Rather, we stop, look, and proceed when safety allows. Thus, all texts need to be first translated, read, understood, and interpreted before they can be applied. Second, not all texts are created equal. Just as the church is hierarchical, so too some texts are more authoritative than others. Third, while this may not apply in other institutions, with magisterial teachings the "latest" text is not necessarily the weightiest or most authoritative. Fourth, the language used in the text does not necessarily mean the same as in general idiomatic usage. Fifth, each and every magisterial pronouncement (whether of

the pope or lower authorities such as offices, cardinals, bishops, priests, and monsignors working in the Vatican) is not infallible. This means that if a statement is not infallible it is fallible. Fallible does not mean “false,” but it does mean that the statement or formulation may be partial, incomplete, open to revision and even rejection later on. Sixth, except when referring geographically to the 108-acre neighborhood at the terminus of Rome’s Via della Conciliazione, there is no “Vatican.” Similarly, the expression “Vatican spokesman” should not be necessarily seen as representative of papal opinion or policy in the same way that we might view the statements of a White House spokesperson as reflecting the Bush administration’s official policy on Iraq.

In terms of the hierarchy of authority based solely on manner of promulgation, the range would be from a defined dogma (*de fide definita*)<sup>3</sup> done either by a church council or the pope himself, speaking *ex cathedra* in the “extraordinary magisterium,” down to rather mundane and doctrinally inconsequential texts, such as an address by the Holy Father on the occasion of receiving some official guest in the Apostolic Palace. Even when the individual or office promulgating a certain teaching is the same, such as the pope or the CDF, this does not mean that the various teachings themselves enjoy the same weight. There is a considerable range of distinctions here that are too numerous and detailed to present in this limited space, but I want to highlight an important distinction between items we are called to believe (*credenda*) and items we are called to hold or respect (*tenenda*).

A defined article of the faith is considered necessary to be believed (*credenda*) by those who identify themselves as Catholics, such as the two natures of Jesus Christ or the doctrine of the Trinity. Certainly some of the tension implicit in the Notification is a concern voiced by the CDF that there are at least ambiguities in Sobrino’s works that might lead one to depart from certain dogmas that are considered to have been defined. Whether this charge is actually true or not I shall leave to others to discuss, as this falls outside the scope of my assigned topic. On the other hand, not everything the magisterium proposes needs to be “believed” in the sense of *credenda*. Other propositions, acts, decisions fall into another category called *tenenda*. For example, some might argue that based on the biblical evidence contained in the Letter of James (see 5:14-16) regarding the anointing of the sick by the elders in the Christian community, the minister of the sacrament of the sick need not be restricted to ordained priests and bishops. While this issue wouldn’t seem to be a critical dogma connected with our salvation in Jesus Christ, the official authority of the church has decreed that only ordained priests and bishops are valid ministers of this particular sacrament.<sup>4</sup>

As a member of the Catholic communion I am enjoined to “hold” or abide by this teaching, even if I might privately conclude that a contrary opinion is also possible. But if I am going to live and work within the sacramental and

liturgical structures of the Catholic Church then this means I have to respect certain decisions, even if I might think a different decision would be possible or even preferable. It's a bit like obeying posted speed limits on a given road: I might believe that 70 mph would be a "better" limit on I-94 between Madison and Minneapolis, but as a prudent and loyal citizen I will "hold" to the posted 65 mph—at least in the stretch of road where I believe the highway patrol might be present! According to the notion of *tenenda*, the Notification may call upon us to accept the office and function of the CDF. But the Notification does *not* call upon us in the sense of *credenda* to believe as an article of faith necessary for our salvation that the analysis supplied of Sobrino's two books is full, accurate, and complete. It does seem that this basic distinction between something proposed as *credenda* and something else proposed as *tenenda* is missed, or misunderstood, by many, and I believe that this may account for some of the more extreme reactions to the Sobrino Notification on both sides of the theological divide.

### **What Exactly Was the Sobrino Notification and Its Meaning for Us?**

As I noted above, *Lumen gentium* #25 indicates that we are to look to the character, frequency of repetition, and manner of promulgation as the primary hermeneutical criteria to aid us in our *obsequium religiosum*—which is *not* the theological equivalent of a lobotomy's mindless assent.<sup>5</sup> According to the magisterium's own position stated in virtually the highest possible authority of a conciliar constitution, we can make a faithful response to magisterial teaching only if we have sufficiently attended to these three criteria first. So let us now consider in greater detail these criteria as they relate to this particular Notification.

As I have suggested several times already, I believe it is the criterion of manner that is most difficult for the average reader to accurately decipher. Let us consider this first. Just as there is a hierarchy of authority within the magisterium (e.g., generally speaking, a papal document would rank above a dicasterial document) there is also a hierarchy of authority of the various texts issued by any particular organ of the magisterium, including the CDF. One quick way to look at the various types of documents issued by the CDF is to consult their part of the Holy See's Web site,<sup>6</sup> which gives a profile of the Congregation and organizes its major documents into sections on Doctrinal Documents, Disciplinary Documents, Documents on Sacramental Questions, as well as links to some other publications and speeches given by the last two cardinals prefect of the Congregation, namely William Levada (the former archbishop first of Portland, Oregon, and then of San Francisco, California) and Joseph Ratzinger (now Pope Benedict XVI).<sup>7</sup>

Now one might think that the Sobrino Notification would be found under the category of “Disciplinary Documents,” but this is not the case, and this fact helps us see immediately that the professed intention of this particular text is not meant to be “punitive” of either Sobrino or those who might use his works or also espouse this particular strain of liberation theology. In ecclesial jargon the term “disciplinary” usually does not mean punitive, but rather organizing or governing. Thus, there is a “discipline” for the lawful celebration of the sacraments, especially the Eucharist. One has to follow certain rubrics and norms, and while there is some latitude for individual improvisation it is rather limited. Thus, the vast majority of the Disciplinary Documents deal with various rules and regulations, though there are also some decrees that do carry punitive measures (usually called “sanctions” in church parlance), such as the 1983 *Declaratio de associationibus massonicis* discouraging Catholics from belonging to Masonic orders, but none of these sorts of decrees concerns any theologian who has run afoul of the CDF.

So if one wants to find the actual text of the Sobrino Notification one must turn to the section on “Doctrinal Documents.”<sup>8</sup> On this part of the CDF Web site one finds a large variety of document types dated from the present back to 1966. There are Responses, Letters, Considerations, Notes, Declarations, Instructions, Observations, Suggestions, Decisions, Formulae, and so on. Trying to give even a brief indication of the relative weight of each of these various document genres would far exceed my allotted space, but suffice it to say that usually there is a certain correspondence between the relative gravity of the “character” of a magisterial teaching and the “manner” in which this teaching is promulgated. Some of these document types also carry different implications for policy and possibly sanctions as well. Clearly a Suggestion is quite different from a Declaration, and the intent behind an Instruction is clearly weightier than the concerns generated by a Notification.

If I were to suggest a more idiomatic English expression for Notification it might be something along the lines of “Proceed with Caution.” Certainly the Sobrino Notification does not mean “Avoid at All Costs”! With just a couple of exceptions, virtually all of the Notifications listed on the CDF Web site concern writings—and usually quite specific texts instead of an individual’s entire corpus—rather than more general advisories about an individual or a movement. It might be clearest at this point to lay out briefly in outline form just what the Sobrino Notification does and does not mean in terms of the actual genre and particular text utilized by the CDF.

What the Sobrino Notification Doesn’t Say or Do:

- No ecclesiastical sanctions or penalties have been applied to Sobrino by the Holy See.
- Sobrino has *not* been excommunicated from the church, and indeed no

disciplinary action at all has been taken or suggested by the CDF. He remains in good standing a Catholic theologian, a priest, and a Jesuit.

- Sobrino has *not* been accused of heresy or schism; he has not had his *missio canonica* as a Catholic theologian revoked.
- The Notification does *not* accuse Sobrino of denying the divinity of Jesus Christ.
- Sobrino has *not* had his theological or priestly activities curtailed. He has not been forbidden to write, publish, teach, or speak as a Catholic theologian, and he continues to enjoy all of his rights and obligations as an ordained Catholic priest (e.g., he can celebrate the sacraments, preside publicly at Catholic liturgies, wear clerical attire, etc.).
- Sobrino has *not* been forced into retirement or a “sabbatical” (as happened some years ago with Leonardo Boff, O.F.M.).
- Sobrino’s works have *not* been proscribed or forbidden to be read or used, either privately or publicly. That is, his texts could legitimately remain part of seminary courses in theology.
- Sobrino’s personal reputation and/or character have not been called into question by the Notification—indeed, quite the opposite, because the document praises Sobrino for his attention and devotion to the poor.
- Liberation theology is *not* condemned as an unorthodox theological method that would be unacceptable in the Catholic Church. Indeed, Pope John Paul II’s statement that liberation theology is “necessary” remains unchallenged by the magisterium.
- A key tenet of liberation theology, namely, God’s (and the church’s) “preferential option for the poor” has *not* been called into question or criticized by the Notification; indeed the Notification reaffirms the validity of this central tenet of liberation theology—as does so much else of the church’s contemporary magisterial teaching in the area of Catholic social thought.
- No one is asked to subscribe to the Notification’s analysis of Fr. Sobrino’s writings, either in the *credenda* or *tenenda* modalities discussed above. No one is asked to stop using Sobrino’s works in any academic setting or to withhold inviting Sobrino to an academic function, including inviting him to take up a teaching position.

What the Sobrino Notification does say or do:

- The Notification clearly calls into question what the CDF holds to be six important areas or aspects of Sobrino’s theological method that could be misleading or confusing in understanding “authentic Christian faith.” It counsels the faithful to be aware of these areas of concern in reading or using these two books.
- The language employed in the Notification calls these items “imprecisions

and errors,” but there is also a certain “imprecision” in the CDF Notification itself since the text does not clearly delineate what it considers to be an imprecision and what it considers to be an outright error in the two Sobrino books considered. *If* the CDF considered the “errors” to have been serious enough, presumably stronger action would have been taken, such as requiring Sobrino to take a special profession of faith, or to condemn outright the “errors” as heresy. The Notification did neither.

- According to the text of the Notification these six areas are “1) the methodological presuppositions on which the Author [Fr. Sobrino] bases his theological reflection; 2) the Divinity of Christ; 3) the Incarnation of the Son of God; 4) the relationship between Jesus Christ and the Kingdom of God; 5) the Self-consciousness of Jesus, and 6) the salvific value of his Death.”
- The Notification states that its purpose is to offer its reflections as an aid and guide so that these six aspects of Sobrino’s work will not lead people to misinterpret what constitutes some important aspects of the Christian faith (such as the importance of the apostolic tradition and the divinity of Jesus Christ) as well as what would constitute a fuller and more proper theological method (e.g., to focus on the faith of the whole church and not just a part of the church, even if it be a key part such as the poor).
- In other words, the primary stated purpose of the Notification is “to offer the faithful a secure criterion, founded on the doctrine of the church, by which to judge the affirmations contained in these books.” Thus, the Notification’s own stated intent would be similar to a commentary or study guide to be used in reading and evaluating Sobrino’s works.

While it falls to others in this volume to assess the accuracy of the CDF’s judgment in the six areas the Notification contains, I think it might be helpful to a better understanding of this particular text to offer some further remarks about the processes employed by the CDF in its work in general, and in the Sobrino Notification in particular.

### **Ongoing Tensions in Light of the Notification**

Certainly what sets the Sobrino Notification apart from the other four Notifications in the last forty years that still have active links on the CDF Web site is that in this instance the CDF provided for the first time an Explanatory Note on the process itself.<sup>9</sup> Clearly the *Semper idem* (“always the same”) motto of a former prefect of the Congregation, Cardinal Ottaviani, has been laid to rest, and I think most will welcome the greater transparency and openness here than was often found in the past. To a certain extent it might be said that the process followed by the CDF resembles an independent review that academic profes-

sors would experience in the United States when they go up for tenure and/or promotion. As part of this promotion process their scholarly works are sent out for review to experts whose identities remain confidential (i.e., neither the individual professor nor college review board would know the names of these reviewers). Of course one always hopes for a positive response, but even in academia this is not always the case; and drawing on my own experience of sitting on several of these review committees over the years I know first-hand that there are often quite sharp disagreements among scholars in their assessments of another's work. To some extent this same sharp division of opinion is manifest in the Sobrino case.

Two of the tensions that always exist in processes such as these—whether the CDF investigation or an academic tenure/promotion review process—are the issues of secrecy and transparency. While these terms are related, they are not identical. Transparency I take to refer to an acknowledged objective procedure that is known beforehand by the involved parties. Secrecy can still be part of a transparent objective process. As I mentioned above, in virtually every academic process for tenure and promotion with which I am familiar, an applicant's publications are sent out to a select number of outside reviewers. The applicant can usually suggest some potential reviewers, but the reviewers actually chosen—along with other reviewers not on the applicant's list—remain completely unknown to the applicant (and often also unknown by the committee charged with the evaluation of the candidate's dossier). While the applicant may be uneasy with this process s/he agrees to it because this is the standard and accepted practice for serious evaluation of one's academic work.

While there are certain analogues between the academic and the CDF processes there are quite a number of notable differences that have caused much pain and anguish in the past, and probably will continue to do so in the future. I think the vast majority of theologians, myself certainly included, would be desirous of having a different procedure that would separate out the "review process" from the "judgment/decision process." In the academic process I've outlined above we have this division. The external reviewers know two things in advance: first, that their anonymity will be respected, so they have the freedom to speak in utter frankness without fear of reprisal or ending a friendship; and second, they know that their evaluation is just one part of the final decision-making process and that their review does not in and of itself determine the final outcome. I believe that this process is more desirable because it separates and distributes the various power-and-responsibility dynamics in such a way that it is easier to fulfill the distinct responsibilities without running the risk of serious abuse of power and an excessive degree of subjectivism. While I think such a process could be developed for use in the CDF this has not yet been done, and it does seem that theologians lack the requisite influence to bring such a change about at this point in history.

Given the actual processes in place, however, the CDF seems to have fol-

lowed its own internal policies, and thus in that sense was in full compliance with its version of what we might call due process, which could be summarized as follows: Sobrino was informed of the ongoing process and his response to the problematic elements outlined was solicited and received. In his response, Father Sobrino indicated some areas of his work that had developed and in which his thinking had modified, and other areas in which his views remained unchanged. Ultimately, the CDF judged Sobrino's response insufficient to address all of its areas of concern, and thus the Notification went forward. Despite using what the CDF called the "expedited format," the process took a considerable amount of time (several years in this case). Finally, as noted above, while the Notification was approved by Pope Benedict XVI *in forma communi* (the common or usual form), the authority of the document itself remains at the level of a CDF document.

Clearly, Sobrino, and many other respected theologians, does not accept the overall validity of the CDF assessment of his work. These would judge his work to be a legitimate, orthodox articulation of the Christian faith and would not accept a claim that Sobrino is denying the Christian faith or using an unorthodox theological method. On the other hand, I think it would be fair to say that others, including other respected theologians, would in fact join the CDF's view that these six areas remain problematic in Sobrino's work. Several other theologians in the history of the church have encountered similar (and sometimes far more serious) problems, and today their work is both accepted and even treasured. Others have not had the same successful judgment of history.

The immediate ramifications of the Sobrino Notification still seem a bit unclear, and my own crystal ball needs an upgrade before I can prognosticate with real assurance. According to the press, upon initial release of the Notification, the archbishop of San Salvador indicated that Sobrino could not teach within his archdiocese as a Catholic theologian until Sobrino brought his positions into conformity with the CDF critique. However, it seemed that the archbishop had erroneously believed that the CDF had attached such sanctions to Sobrino, but this was not the case. The final outcome in this and other dioceses remains to be seen, and likely there might be some differences among various bishops' approaches (e.g., I somehow doubt Bishop Fabian Bruskewitz of Lincoln, Nebraska, would allow Sobrino to speak publicly in a Catholic parish in that diocese). In canon law, in cases like this (in which the individual has not been declared excommunicated or a heretic by the Holy See) a bishop's actions have juridical force only within his own diocese.

Since the CDF imposed no sanctions of its own, it would be up to individual bishops to choose or not to choose to impose restrictions or sanctions on Sobrino's professional and/or priestly activities. This is somewhat akin to individual bishops forbidding certain individuals or groups from speaking or working in their own dioceses, or a part of their diocese. For example, in my home

archdiocese of Milwaukee, Professor Daniel Maguire, a layman, is not allowed to speak in Catholic parishes, but he is still a professor in good standing at the Jesuit Marquette University where he continues to teach moral theology. Archbishop Timothy Dolan has judged Maguire to be problematic in addressing general audiences in Catholic parishes, but Dolan has *not* undertaken the canonical process required to label Maguire no longer a Catholic theologian in good standing.

Anyone with even a passing acquaintance with church history knows that there have been tensions from the time of Jesus among various theologies, among theologians, and between theologians and the magisterium. History has shown us time and time again that certain positions and individuals who have had their work questioned, criticized, silenced, and even condemned ultimately have gone on to gain considerable acceptance and approval. While this is not always the case, one need only recall just a few in the litany of great theologians whose work was at some point criticized or held suspect by official church authority: Thomas Aquinas, O.P., Karl Rahner, S.J., Cardinal Henri de Lubac, S.J., Cardinal Yves Conger, O.P., Bernard Häring, C.Ss.R., Stanislas Lyonnet, S.J., and a host of others. Following the chronology on the CDF Web site in the last dozen years, the genre of Notification has been used to raise official concerns about some of the writings of just six individuals: Roger Haight, S.J., Marciano Vidal, C.Ss.R., Jacques Dupuis, S.J., Reinhard Messner, Anthony De Mello, S.J., and Tissa Balasuriya, O.M.I. Certainly there likely have been other investigations, and while some of these might well be ongoing, many others have been concluded with no formal action on the part of the Holy See.<sup>10</sup> Also among these six individuals listed there is a considerable range of stated seriousness of the concerns raised by the CDF.

Perhaps it might be helpful to conclude by calling on on a very well established and respected father of the church to offer us a benediction: *In fide, unitas; in dubiis, libertas; in omnibus, caritas* ("In faith, unity; in doubt, liberty; in all things, charity"). This important principle of Christian discernment, enunciated by St. Augustine, reminds us that unity in faith is indeed important, but in cases of doubt a plurality of opinions and practices should be allowed, and, regardless, the overriding principle must always be charity toward one another.

## Notes

1. See *Lumen gentium* #25. I have elaborated at greater length on some guidelines for reading and interpreting magisterial teaching in my article "A Burden of Means: Interpreting Recent Catholic Magisterial Teaching on End-of-Life Issues," *Journal of the Society of Christian Ethics* 60, no. 2 (Fall/Winter 2006): 183-200.

2. For an example of the rare usage of *in forma specifica* see the 1997 "Instruction on

Certain Questions Regarding the Collaboration of the Non-ordained Faithful in the Sacred Ministry of Priest,” which was co-promulgated by several Vatican dicasteries and adopted by Pope John Paul II *in forma specifica* so that the Instruction’s practical points would carry the force of papal liturgical law.

3. For a helpful guide to Latin terms frequently used in theological and ecclesial texts, see my *Consecrated Phrases: A Latin Dictionary of Theological Terms*, 2d ed. (Collegeville, Minn.: Liturgical Press: 1998, 2003).

4. See the *NOTE of the Congregation for the Doctrine of the Faith on the Minister of the Sacrament of the Anointing of the Sick*, February 11, 2005, which states, “only priests (Bishops and presbyters) are ministers of the Sacrament of the Anointing of the Sick. This doctrine is definitive *tenenda*. Thus, neither deacons nor laypeople can exercise this ministry, and any such action would constitute simulation of the sacrament.”

5. Obviously the proper interpretation of this Latin term and its concomitant application are still hotly debated. One of the most responsible and balanced voices in this discussion is the former Pontifical Gregorian ecclesiologist and current Boston College professor emeritus, Francis A. Sullivan, S.J., who has written extensively in this area. See especially his two books, *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium* (New York: Paulist Press, 1996), and *Magisterium: Teaching Authority in the Catholic Church* (Dublin: Gill & Macmillan, 1983), and his two helpful articles, “Recent Theological Observations on Magisterial Documents and Public Dissent,” *Theological Studies* 58 (1998): 509-15; and “The Theologian’s Ecclesial Vocation and the 1990 CDF Instruction,” *Theological Studies* 52 (1991): 51-68.

6. The main URL for the Holy See’s Web site is [www.vatican.va](http://www.vatican.va) and the URL for the CDF Web page currently is [http://www.vatican.va/roman\\_curia/congregations/cfaith/index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/index.htm).

7. Technically though, these speeches would not be considered documents of the Congregation, and therefore their authority in terms of the criterion of manner would be considerably lower than a text of the Congregation itself. This can be a very important point to consider in the case of a document issued by the Congregation under its authority (usually “approved” by the pope *in forma communi*) and a commentary that might be given by the cardinal prefect of the same Congregation. The latter text carries with it generally only the weight of an individual member of the magisterium and does not include papal or dicasterial authority.

8. The URL for the document itself (available in several languages) is [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20061126\\_notification-sobrino\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20061126_notification-sobrino_en.html). Also, see pp. 255-66 below. The language of the original text was Spanish, which indicates that most likely the original push for the Sobrino investigation came from the Spanish-speaking world (likely in Central and Latin America) and that those in the CDF who did most of the original analysis and drafting of the Notification would have to have been quite fluent in Spanish, if not actual native speakers. Given these facts, and the pace at which most Vatican offices operate it would be highly unlikely that the Notification would have been much of a personal project of the current prefect, Cardinal William Levada. Interestingly, there are far fewer “live” links to the various CDF documents under Cardinal Levada’s leadership than was the case with his immediate predecessor. Perhaps it’s a bandwidth issue, though it could reflect a desire that only the more pertinent and authoritative documents be kept online in the CDF Web site.

9. In a few other instances the CDF supplied a commentary on its Notification, as in the 2001 case of Fr. Marciano Vidal, C.Ss.R. (2001). See [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20010515\\_vidal-2\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20010515_vidal-2_en.html) .

10. Since virtually any individual in the entire world can contact the CDF to raise concerns about a given individual or publication, what may be surprising is not how many actual processes there are administered by the sparsely staffed office of the CDF, but how few actually result in the initialization of a formal process of inquiry; and of these, very, very few seem to result in any sort of action, such as a Notification, being taken.