

THE TROUBLE WITH *DIGNITATIS HUMANAЕ* — II. THE DILEMMA¹

“Is religion in the Church of Christ incapable of progress?—But surely there must be progress and that not a little! ... We must make this reservation however, that the progress shall be a genuine progress and not an alteration of the faith [*profectus non permutatio*]. We have progress when a thing grows and yet remains itself; we have alteration when a thing becomes something else...

St Vincent of Lérins²

Catholics are faced with a dilemma in the conflict in teaching between two Church documents; or rather, between two *lines* of Church documents—

- 1) *Quanta Cura* of Pius IX and *Libertas praestantissimum* of Leo XIII, and the various utterances of later Popes confirming their teaching down to Pius XII; and,
- 2) the Declaration on Religious Liberty of the Fathers of the Second Vatican Council, *Dignitatis Humanae*, and the utterances of later Popes confirming that teaching.

This dilemma is demonstrated by the following comment on the first paper in this series.

“[I]f the bishops [of Vatican II] were assembled in General Council (as indeed they were) they received the influence of the Holy Spirit which made their pronouncements on faith or morals infallible.”

How can a document issued by a body which, when it addresses an issue of faith or morals is incapable of erring, yet be replete with error?

In his *Fundamentals of Catholic Dogma*, Dr Ludwig Ott writes:

“The totality of the bishops is infallible when they, either assembled in General Council or scattered over the earth, propose a teaching of faith or morals as one to be held by all the faithful. (De Fide) ...

“*α*) The bishops exercise their infallible teaching power in extraordinary manner at a general or ecumenical council. It is in the decisions of the General Councils that the teaching activity of the whole teaching body instituted by Christ is most decisively exercised. It has been the constant teaching of the Church from the earliest times that the resolutions of the General Councils are infallible...

“In order that a Council should be a general one it is necessary: *αα*) that all the ruling bishops in the world be invited; *ββ*) that... so many bishops from the various countries come, that they may be regarded as being representative of the whole Episcopate; *γγ*) that the Pope summon the Council, or at least invest the assembly with his authority and preside personally or by his representative at the meeting, and ratify the resolutions.

¹ The author has amended this paper (as at 7th June 2009) and its footnotes. The reasons are set forth in the Appendix.

² *Commonitorium*, XXIII, 1-3. Quoted in Charles Journet, *The Church of the Word Incarnate*, (transl. Of the authors' *L'Eglise du Verbe Incarné*), London [Sheed & Ward], 1955, pp. 536-7.

From the Papal ratifications, which can be explicit or implicit, the resolutions derive general legal binding power..."³

In his 2001 redaction of Archbishop Michael Sheehan's *Apologetics and Catholic Doctrine*, Fr Peter Joseph says (at pages 184-5):

"THE INFALLIBILITY OF THE CHURCH TEACHING. The Church may convey her infallible teaching to us either on her *solemn* or her *ordinary* authority.

"With her *solemn* authority she commands us to believe all doctrines contained in the four Creeds, or expressed in definitions of Popes or General Councils...

"*General or Ecumenical Council*: a meeting of a large number of bishops, representative of the entire Church, assembled at the summons or with the approval of the Pope, and passing doctrinal or disciplinary decrees which he confirms. That the concurrence and approval of the Pope are necessary for the work of a General Council follows from the doctrine of Apostolicity...

"With her ordinary authority the Church commands us to believe the doctrine which the Pope and Bishops throughout the world, in the everyday exercise of their pastoral office, unanimously teach as revealed truth.

...

"DIFFERENCE BETWEEN SOLEMN AND ORDINARY TEACHING. The Church is as infallible in her ordinary teaching as she is in her solemn teaching. The only points of distinction between the two which we need note are: (1) Her solemn teaching is made known at once to all the faithful by a most public and solemn declaration, definitively excluding the possibility of holding any contrary doctrine. It is thus a most effective organ of infallibility, a most effective means of combating widespread error. (2) Her ordinary teaching, though less effective as an organ of her infallibility, is of greater importance, because it is her ordinary, everyday means of propagating and preserving the faith, and has gone on without interruption since Apostolic times. (3) Her solemn teaching is of rare occurrence and is never more than a clear and emphatic explanation of doctrines that have always formed part of her ordinary teaching...

"A Pope or a General Council may propose a doctrine for our acceptance without binding us to an assent of faith. This is usually called 'provisional teaching'..."⁴

A little later, at pp. 196-7, he adds this:

"*Twofold teaching authority of the Pope*. The Pope does not always speak with his charism of infallibility. He possesses a twofold teaching authority, viz., supreme or infallible, and ordinary. When he employs his ordinary authority, he is authoritative but not infallible and does not, of course, bind us to an assent of faith or an irrevocable assent..."

³ *Fundamentals of Catholic Dogma* (transl. from the German by Patrick Lynch), Mercier Press, Cork, 1960, Fourth edition, p. 300.

⁴ *Apologetics and Catholic Doctrine*, Revised and Edited by Fr P M Joseph, St Austin Press, London, 2001.

Though Fr Joseph promises to detail the occasions when a General Council may propose a doctrine for acceptance without binding the faithful to an assent of faith, nothing appears on the subject in his text.

*

*

How do you solve a dilemma? There are two rules. You must accept, in their generality, the terms of the two conflicting principles. You must then look for a distinction in the one, or in the other, or in both. Let us endeavour to do so.

1. God's Holy Church is infallible and indefectible. She is the spotless Bride of Christ. The Church cannot do otherwise than utter the truth. Her Founder is Truth Himself; her soul is the Spirit of Truth, the Holy Spirit. Her end is Truth, Almighty God. When the Church speaks formally we can be certain it is God Who is speaking, for she is a Divine thing in the midst of the mundane.

2. The Church is a principal; the pope and bishops are her instruments. She exercises her office of teaching (as she exercises her office of discipline) through them. She is identified with them for she cannot speak save through their mouths; she does not appear in the world save through their persons. However, she is distinct from, and superior to, them.

3. A General (or Ecumenical) Council of the Church is a conference of the bishops of the whole Church convened to discuss and settle matters of Church doctrine and practice. St Augustine describes the sort of factors that often served to precipitate the convocation of a General Council:

“[T]he hot restlessness of heretics stirs up questions about many articles of the Catholic faith, the necessity of defending them forces us both to investigate them more accurately, to understand them more clearly and to proclaim them more earnestly...”⁵

4. Because she is of God, the Church is infallible. She is also, for the same reason, indefectible. St Irenaeus wrote: “Where the Church is, there is also the Spirit of God, and where the Spirit of God is, there is the Church and all grace; but the Spirit is truth.” [*Adv. haer.* III, 24, 1]. The Pope, or the Pope and bishops together in Council, are infallible not by nature, as is the Church, but by participation. They participate—for the moment—in the Church’s infallibility and serve to manifest it. To put it another way, the Church is infallible by essence, the Pope and the bishops are infallible by accident, the accident of their being called to serve the Church *at this time and in this place*. The critical issue to be grasped is that it is the Church’s infallibility that Pope, or Pope and Council, exercise as occasion demands.

⁵ *De Civitate Dei*, XVI, ii

5. When the Church speaks infallibly through the mouth of Pope or Council about some element of faith or morals, she establishes that fact as true forever. To quote St Athanasius: "The words of the Lord which were spoken by the General Council of Nicaea remain in eternity." [*Epist. ad Afros* 2] It is impossible that the Church can, or ever will thereafter, contradict that truth. When Pius IX condemned religious liberty in *Quanta Cura* he anticipated each of the four requirements of the Decree *Pastor Aeternus* (July 18, 1870) of the (first) Vatican Council. It follows that the Church there spoke infallibly.

6. In *Pastor Aeternus* the Church has spelt out the circumstances in which a Pope is infallible. In contrast, the circumstances in which a Council is Ecumenical, i.e., infallible, have not been spelt out by a formal decree of a Council. Its charism is guaranteed, as Dr Ott notes above, by the Church's constant teaching. Since a General Council depends both for validity and licitness upon the Pope's endorsement, it is clear that the ambit of its power cannot exceed that of the Pope. One might have expected, then, that such power would require just as careful a delineation. But until Vatican II, the need to do so had not arisen. No General Council of the Church had been convoked other than to address some pressing matter of doctrine or of practice. The focus of each, its *raison d'être*, was determined in advance—the resolution of some issue essential to the wellbeing of the Church and of the faithful, and matters incidental thereto.⁶ The essentiality of the need gave to each its character of extraordinary infallibility. In the language of metaphysics, its finality determined its formality.⁷

7. However, the reason for the Second Vatican Council's convocation was something else—*aggiornamento*—the asserted need "to bring the Church up to date", a euphemism for adapting the Church's teaching to the demands of the secular world. Pope John XXIII was quite explicit about the absence of any doctrinal issue:

"The salient point of this Council is not... a discussion of one article or another of the fundamental doctrine of the Church which has repeatedly been taught by the Fathers and by ancient and modern theologians, and which is presumed to be well known and familiar to all."⁸

But the Church had no such need. Why? Because she is outside time: the Church is timeless. Hence, with Vatican II the ordination which had marked each of the previous twenty Councils was reversed: instead of the resolution of an issue giving legitimacy to a Council, a Council resolved to give legitimacy to an issue.⁹ What was the result? The

⁶ For a summary of the reasons for the convocation of the twenty Ecumenical Councils prior to Vatican II, see http://en.wikipedia.org/wiki/Ecumenical_council It is necessary to distinguish, in the list given there, those Councils endorsed by the Eastern Orthodox Church.

⁷ As, e.g., in the artificial order, the *end* of enabling a man to eat from a surface above the floor determines the *form* of a table; and in the natural order, the *end* of being able to communicate with his fellows mandates that a man have the *form* which is the power of speech.

⁸ Pope John's Opening Speech in *The Documents of Vatican II*, Walter M Abbott S J, General Editor; London, 1966, p.710 at p. 715.

⁹ Or, to put it more precisely, instead of the resolution of a *doctrinal* issue giving legitimacy to the Second Vatican Council, the Second Vatican Council resolved to give legitimacy to a *secular* issue.

end being absent, the formality ensuring that the determinations of the Council would be infallible was likewise absent. Vatican II was not invested with the charism of *extraordinary* infallibility which had characterised every prior ecumenical council. In other words, the Second Vatican Council was not an ecumenical council of the Church.

What remained?—the bishops' *ordinary* teaching office, "the ordinary everyday means of propagating and preserving the faith", as Fr Joseph puts it, whose terms demanded that the bishops abjure all novelty and maintain strict compliance with the constant teaching of the Church in line with the admonition of St Vincent of Lérins:

"[A]ll possible care must be taken that we hold that faith which has been believed everywhere, always and by all [*quod ubique, quod semper, quod ab omnibus*]. For that is truly and in the strictest sense Catholic which, as the name itself and the reason of the thing declare, comprehends all universally. This rule we shall observe if we follow universality, antiquity and consent. We shall follow *universality* if we confess that one faith to be true which the whole Church throughout the world confesses; *antiquity*, if we in no wise depart from those interpretations which characterised in such noteworthy fashion our holy ancestors and fathers; and *consent*, in like manner if in antiquity itself we adhere to the definitions and determinations consented to by all, or at least of almost all, priests and doctors."¹⁰

8. As demonstrated in the first paper in this series, the thesis proposed in *Dignitatis Humanae* was novel; a radical departure from the Church's previous teaching. The argument in which it was propounded was, moreover, characterised by innumerable errors. It is inevitable that the Church speaking through the mouth of a future Pope or General Council will address both thesis and errors and condemn them. When this is done it would seem inevitable, as incidental thereto and essential for the welfare of the Church, that the circumstances in which a General Council can be understood as pronouncing infallibly on some issue of faith or morals will be clarified infallibly.

The opinions expressed in this article, as in respect of any of the articles on this website, are expressed subject to the ruling of God's Holy Church.

Michael Baker

13th March 2009—*Friday of Second Week in Lent*

¹⁰ St Vincent of Lérins, *Commonitorium* II, 6. Emphasis added.

APPENDIX

The original argument (in paragraph 7 and its footnotes) contended that Vatican II was an ecumenical council of the Church but not invested with the charism of extraordinary infallibility which had characterised all previous ecumenical councils. There was a weakness in the logic of this argument which may be seen from the following extract from the *Catechism of the Catholic Church*—

“The infallibility promised to the Church is... present in the body of bishops when, together with Peter’s successor, they exercise the supreme Magisterium, above all in an ecumenical council.” [n. 891]

One cannot discriminate among the determinations of an ecumenical council. Either a council is ecumenical, or it is not. The argument against Vatican II being an ecumenical council of the Church is set out *in extenso* in the article “What Went Wrong With Vatican II” on this website.

M.B.

7th June 2009—*Trinity Sunday*