

NOTE

THE DOCTRINAL WEIGHT OF *EVANGELIUM VITAE*

On March 25, 1995, Pope John Paul II signed his long-awaited encyclical letter *On the Value and Inviolability of Human Life*. It surely came as no surprise that in this letter the pope confirmed the Church's traditional condemnation of all direct taking of innocent human life. However, what does call for special comment is the formula which he used in specifically condemning murder, abortion, and euthanasia as grave violations of the moral law. He expressed these three condemnations in the following way:

Therefore, by the authority which Christ conferred upon Peter and his Successors, and in communion with the Bishops of the Catholic Church, *I confirm that the direct and voluntary killing of an innocent human being is always gravely immoral*. This doctrine, based upon that unwritten law which man, in the light of reason, finds in his own heart (cf. Rom 2:14–15), is reaffirmed by Sacred Scripture, transmitted by the Tradition of the Church and taught by the ordinary and universal Magisterium.¹

Therefore, by the authority which Christ conferred upon Peter and his Successors, in communion with the Bishops—who on various occasions have condemned abortion and who in the aforementioned consultation, albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine—I declare that *direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder*, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium.²

Taking into account these distinctions, in harmony with the Magisterium of my Predecessors and in communion with the Bishops of the Catholic Church, *I confirm that euthanasia is a grave violation of the law of God*, since it is the deliberate and morally unacceptable killing of a human person. This doctrine is based upon the natural law and upon the written word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal magisterium.³

A further point to be noted is that after the words “taught by the ordinary and universal Magisterium” with which each of these formulas concludes, a footnote refers to *Lumen gentium* no. 25. It is obvious that the reference is to the following sentence in the conciliar document:

¹ *Evangelium vitae* in the English edition, *On the Value and Inviolability of Human Life* (Vatican City: Vatican Press, 1995) no. 57 (pp. 100–2); reprinted in *Origins* 24/42 (6 April 1995) 689–727, at 709.

² *Ibid.* no. 62 (p. 112); *Origins* 711.

³ *Ibid.* no. 65 (p. 119); *Origins* 712.

Although the individual bishops do not enjoy the prerogative of infallibility, they do nevertheless proclaim Christ's doctrine infallibly even when dispersed around the world, provided that while maintaining the bond of communion among themselves and with Peter's successor, and teaching authoritatively on a matter of faith or morals, they are in agreement that a particular judgment is to be held definitively.⁴

The question must surely be asked whether the judgment on murder, abortion, and euthanasia expressed in this encyclical meets the conditions laid down by Vatican II for the infallible teaching of the whole episcopal college dispersed throughout the world. There are several reasons that would seem to favor an affirmative answer.

First, it is obvious that the morality of the taking of innocent human life is a "matter of faith or morals." While the pope admits there is no explicit condemnation of abortion or euthanasia in Sacred Scripture,⁵ he declares that his teaching on these, as well as on murder, is "based upon the natural law and upon the written Word of God." In each case, explicit reference is made to the fact that the pope is teaching "in communion with the bishops of the Catholic Church," and, in the case of abortion, the pope refers to the consultation which showed them unanimous in condemning it. Chapter 5 of the encyclical, entitled "In Communion with All the Bishops of the World," describes the consultation which preceded the writing of this encyclical: first with the cardinals in the extraordinary consistory of April, 1991, and then with all the bishops by the personal letter which John Paul II wrote to each of them during that same year. Presumably the pope had that consultation in mind when he repeatedly declared that the judgment he was expressing was "taught by the ordinary and universal magisterium."

The official "Vatican Summary" of the encyclical would also seem to favor giving an affirmative answer to our question. It says:

The encyclical is presented with great doctrinal authority: It is not only an expression—like every other encyclical—of the ordinary magisterium of the pope, but also of the episcopal collegiality which was manifested first in the extraordinary consistory of cardinals in April 1991 and subsequently in a consultation of all the bishops of the Catholic Church, who unanimously and firmly agree with the teaching imparted in it⁶. . . .

Here we are speaking of doctrinal affirmations of very high magisterial authority, presented with particular solemnity by the supreme pontiff. Exercising his own magisterial authority as the successor of Peter, in communion with the bishops of the Catholic Church, he "confirms" (or also, in the case of abortion, "declares") a doctrine "based upon the natural law and upon the written word of God" "transmitted by the church's tradition and taught by the ordinary and universal magisterium." In this connection, in the case of each of

⁴ *Lumen gentium* no. 25b (my translation).

⁵ *On the Value and Inviolability* no. 44 (pp. 77–78); *Origins* 705.

⁶ "The Vatican's Summary of 'Evangelium Vitae,'" *Origins* 24/42 (6 April 1995) 728–30, at 728.

the three doctrinal formulations there is a significant reference in a note to the teaching of the Second Vatican Council's Dogmatic Constitution on the Church *Lumen Gentium*, which in Paragraph 25 declares that the bishops "even though dispersed throughout the world, but preserving for all that among themselves and with Peter's successor the bond of communion," when "in their authoritative teaching concerning matters of faith and morals, they are in agreement that a particular teaching is to be held definitively," "proclaim infallibly the doctrine of Christ."⁷

This official explanation of the doctrinal authority of the encyclical suggests that in pronouncing the Church's condemnation of murder, abortion, and euthanasia, Pope John Paul II intends to invoke the infallibility which Vatican II has attributed to the ordinary universal magisterium. However, one might question this interpretation in the light of remarks which Cardinal Ratzinger is reported to have made at the press conference held on March 30 when the encyclical was released. I quote from the account given in *Origins*.

Cardinal Joseph Ratzinger said that Pope John Paul II considered making an infallible declaration against abortion and euthanasia in his latest encyclical "Evangelium Vitae," but the idea was dropped because the teachings were considered "so evident" in Christian faith and tradition. . . . Ratzinger, head of the Vatican Congregation for the Doctrine of the Faith, said the encyclical as published contains strongly worded formulas condemning abortion and euthanasia, while stopping short of the "formality of dogmatization". . . . Ratzinger confirmed rumors that the word "infallibly" had been considered for the formulas in earlier drafts. But experts researching the question found that in the past church pronouncements on dogma had never spoken of their own infallibility. Moreover, he said, it would have been "a little absurd" to solemnize teachings so clearly evident in Scripture and tradition, which is a main point of the encyclical. . . .

Ratzinger said a formula used in the encyclical against the murder of innocent people is the strongest in the text because the pope points out that this teaching is contained in Scripture. The formulas used in the cases of abortion and euthanasia are more "toned down," the cardinal said, since the pope says these teachings are based upon but not explicitly mentioned in Scripture. In any case, Ratzinger said, these are authoritative teachings. "In the face of this text, one cannot seek refuge in formalistic discussions about what, when and where, and on what authority, all this is being taught," he said.⁸

Obviously, it is a bit risky to draw firm conclusions from a partial report of what was said at a press conference. One would want to know whether any question was asked about the significance of the repeated affirmation that what the pope was declaring was "taught by the ordinary and universal magisterium." It is clear that it was decided not to issue any solemn papal definition in this encyclical and not to make an explicit claim to be speaking infallibly. And yet, to say that it would

⁷ Ibid. 729.

⁸ "On File," *Origins* 24/43 (13 April 1995) 734.

be “‘a little absurd’ to solemnize teachings so clearly evident in Scripture and tradition,” could be taken as practically equivalent to saying that there was no need to define doctrine which was already so obviously the traditional teaching of the Catholic Church. And this is not very different from saying that the Church’s judgment on murder, abortion, and euthanasia was a doctrine proposed by the ordinary universal magisterium as definitively to be held.

On the other hand, the cardinal’s remarks, as quoted, suggest a reluctance to go so far as to claim that the Church’s judgment on these three issues had been infallibly taught. If it really was the intention of the pope to invoke the teaching of Vatican II about the infallibility of a consensus of the universal episcopate in proposing a doctrine as definitively to be held, one would expect the cardinal to have said so.

The following are some other questions that have been, or could be, raised. The first is: “If the pope wanted to say something was infallible, he would have used the word.”⁹ In reply, I would recall the fact, mentioned by Cardinal Ratzinger, that even in their solemn dogmatic definitions, popes have not explicitly said that they were speaking infallibly. One has to judge, on other grounds, whether the conditions laid down by Vatican I for *ex cathedra* statements were fulfilled.

The second is that whereas *Lumen gentium* no. 25 mentions, as a condition for the infallible teaching of the bishops together with the pope, that they concur in proposing a judgment “as definitively to be held,” this expression was not used by the pope. It is true that he did not use this expression in *Evangelium vitae*.¹⁰ On the other hand, the formula which he used in this encyclical in condemning murder, abortion, and euthanasia, would seem sufficient to remove any doubt as to whether he was expressing a judgment which he, along with the bishops, wanted all Catholics to hold definitively. It is hard to see how any other interpretation would do justice to the language which he used.

A third might be that this is an encyclical, and popes have not used encyclicals to speak with infallibility. I believe it is true that no dogma has ever been solemnly defined in a papal encyclical.¹¹ It is also true that, prior to *Evangelium vitae*, no pope had ever declared that in preparing an encyclical he had consulted the entire episcopal college and gained their unanimous agreement on what he was going to say, or described the key points of his encyclical as “taught by the ordinary

⁹ Bishop Anthony Bosco of Greensburg, Pennsylvania, is quoted as having made this remark, in the *Pittsburgh Post-Gazette*, 30 March 1995, A-5.

¹⁰ He did use it in his Apostolic Letter on the ordination of women, where he said that his judgment that the Church has no authority to ordain women to the priesthood “must be held definitively by all the Church’s faithful.” However, in that case he was not invoking the infallible teaching of the universal magisterium, nor, as we have been informed by Cardinal Ratzinger, was he invoking papal infallibility. See my article, “New Claims for the Pope,” *The Tablet* 248/8028 (18 June 1994) 767–69.

¹¹ Some Catholic theologians claimed that in *Casti connubii* Pius XI defined the Church’s doctrine on contraception, but there is no consensus about this.

and universal magisterium." The fact that something has not been done before does not mean that it cannot be done.

Finally, from the fact that previously the Church had never spoken infallibly on a question of the moral law, one might argue that it has not done so now, or even that it cannot do so. I think it is true that previously it had not done so. As to the question whether it can do so, I would agree that the Church cannot speak infallibly on every moral issue, *regardless of its connection with revelation*. In order to be capable of being taught with infallibility, a moral doctrine must be either formally revealed, or so intimately connected with revealed truth as to be required for its defense or exposition. It would seem to me that the teaching of the encyclical on the immorality of murder, abortion, and euthanasia meets that requirement.

To sum up: there are some good reasons for thinking that in this encyclical, Pope John Paul II intended to invoke, not the infallibility which Vatican I attributed to papal definitions, but the infallibility which Vatican II attributed to the teaching of the "ordinary and universal magisterium." On the other hand, questions remain, especially in view of the fact that Cardinal Ratzinger, while insisting that the encyclical's "strongly worded formulas condemning abortion and euthanasia" were "authoritative teachings," stopped short of saying that they met the conditions for infallibility.

In view of the present uncertainty, I would fall back on a thesis which I defended in a previous note in this journal: that a doctrine should not be understood as having been infallibly taught by the ordinary magisterium, unless this fact is clearly established, and such a fact can hardly be said to be "clearly established" unless there is a consensus of Catholic theologians about it.¹² It is too soon to know whether there will be the consensus that would show that it is "clearly established" that the immorality of murder, abortion, and euthanasia has been infallibly taught. What this would mean is that the Church had taken an irreversible stand on these issues. But that would apply only to the three propositions which the encyclical declares are taught by the ordinary universal magisterium.

In dealing with conciliar decrees, theologians know how important it is to distinguish between the precise statements that the council intended to define, and the rest of the material contained in its *capitula*. While everything in the decrees is taught with conciliar authority, only the defined dogmas are taught with infallibility. If it becomes certain that the immorality of murder, abortion, and euthanasia has been infallibly taught, I would insist on the necessity of distinguishing between those three statements and the rest of what is taught in *Evangelium vitae*. In his article "The Pope's 'Gospel of Life,'" Richard McCormick has stressed the important difference between moral prin-

¹² "The 'Secondary Object' of Infallibility," *TS* 54 (1993) 548-50.

