

## **THE *SENSUS FIDELIUM* AND THE MAGISTERIUM FROM THE COUNCIL TO THE PRESENT DAY: MORAL- THEOLOGICAL REFLECTIONS**

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### **Abstract**

In the panorama of conciliar and post-conciliar thought also the category of *sensus fidelium* has undergone striking changes of understanding and emphasis. On the one hand they reproduce the relationship between *sensus fidei* and *sensus fidelium*, on the other hand they express implications at different levels of theological disciplines and practices in the Church.

The essay tends to track the movements of thought and links related to the *sensus fidelium*, especially regarding moral theology. The sketch is oriented along two different Hermeneutics: the ecclesiological and the anthropological. The first one will explain the mutual influence between church model of competence and awareness of believers. The second one wants to revisit the importance of the category of experience in connection with to the foundation and validation of moral norms. The final look of the essay opens a space of interrogation about the epistemological status of this theological discipline and the

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profile of the moral theologian as subject of inspiration and reflection on the ethical phenomenon.

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The fact that a category as central as the *sensus fidelium*, which is present in the various articulations of theological discourse, has received so much attention in recent years is an interesting and eloquent signal, although of course not without ambivalence. Writings on this topic are growing apace, as we see in the valuable bibliographical reports by John Burkhard.<sup>1</sup> Official documents such as the very recent Note by the International Theological Commission,<sup>2</sup> as well as conferences and symposia dedicated to this theme,<sup>3</sup> show that the work of theological research in our days is animated by the need to reconsider the significance and the potential capacity of this category — and by an enthusiasm for taking up this question.

The investigation of the theological “trademark” in ethics and the recognition of the epistemology of moral theology pass unequivocally (although indirectly) through the exploration of its ecclesial dimension. This places a particular emphasis on the *sensus fidelium*, as we become conscious of the network of associations that locate it at the crossroads of very varied theological disciplines. From fundamental theology to biblical exegesis, from systematic to practical theology, and not least from canon law to liturgical theology, the whole of theology involves the category of the *sensus fidelium*. There is ample evidence of this in the history of theology. The fact that Pope Francis has set in motion a process of listening to the world of the faithful, in preparation for the Extraordinary Synod on the family,<sup>4</sup> is epoch-making and advantageous. This has supplied

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<sup>1</sup>J.J. Burkhard, “*Sensus fidei*: Theological Reflection since Vatican II (1965-1989),” *The Heythrop Journal* 34 (1993) 41-59 and 123-136; J.J. Burkhard, “*Sensus fidei*: Recent Theological Reflection (1990-2001),” *The Heythrop Journal* 46 (2005) 450-475 and 47 (2006) 38-54. The author informs me that a continuation of his reflections on the basis of publications from 2002 to 2013 may appear this year. For a very comprehensive bibliography of the post-conciliar period, see also D.J. Finucane, *Sensus Fidelium: The Use of a Concept in the Post-Vatican II Era*, San Francisco 1996, 655-689.

<sup>2</sup>International Theological Commission, *Sensus Fidei in the Life of the Church*, Rome 2014.

<sup>3</sup>The Catholic Theological Society of America (CTSA) will hold its annual conference in 2015 (June 11-14 in Milwaukee, Wisconsin) on this theme, with reference to its *relectura* at Vatican II; the fiftieth anniversary of the closure of the council will be celebrated in 2015. The Italian association of moral theology (Atism) has held its XXV National Congress on the same theme: “La dimensione ecclesiale della morale tra magistero e *sensus fidelium*” (Agrigento 2-5 July 2014).

<sup>4</sup>Synod of Bishops, Third Extraordinary General Assembly, *Pastoral Challenges to the Family in the Context of Evangelization. Preparatory Document*, Vatican City 2013. T.

important information that has made its way into the *Instrumentum laboris*. But this should not lead us astray: above all, it must not emphasize the theme of the *sensus fidelium* solely or principally in the direction of the praxis of the Christian life or the contents of the ethical teachings of the magisterium.<sup>5</sup> It appears vitally important to keep open the whole range of the stratifications of this theme and to look closely at the plurality and the unity of the aspects of theological discourse; this will help us avoid dangerous and misleading reductionisms. We are still paying the price for the error of considering the Second Vatican Council in a reductionist manner as a “pastoral council” — the price is the slow pace of its reception and the misinterpretation put forward by what people are sometimes happy to call the “hermeneutics of continuity.”<sup>6</sup> The same thing could happen to the theme of the *sensus fidelium*. It could go no further than the meanderings of a patient and more or less benevolent listening to the *conditio existendi* of the faithful, without however understanding the deep resources of meaning of the *sensus fidelium* and the substantial implications for rethinking our theological reflection, our path of faith, and our life as a church.

It is against this background of consciousness, consisting of a critical attention and an alert vigilance, that I wish to approach the theme of the *sensus fidelium* from the Council to the present day. My intention is not to provide an exhaustive historical map, but rather to evoke some transitions that are typologically significant. And the key of my reading and my intentions are typically theological-moral. I shall employ two vectors in this reading. These are the two parts of my essay. The concluding perspective asks about the role of theological ethics and the profile of moral theologian as a subject of inspiration and of reflection on the ethical datum.

## 1. The Ecclesiological Vector

The Second Vatican Council brought about a paradigm shift by elaborating an ecclesiology of communion that put to a hard test the juridical-hierarchical concept of the past. The constitutive value of *Lumen Gentium*, with its convergence on the ecclesial subject that is

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McNamara, “*Sensus Fidelium* and the Synod on the Family,” *Doctrine and Life* 64/1, January 2014, 16-22, brings into focus the articulation of this report between the synodal dynamic and the theme of the *sensus fidelium*.

<sup>5</sup>Synod of Bishops, Third Extraordinary General Assembly, *Pastoral Challenges to the Family in the Context of Evangelization. Instrumentum Laboris*, Vatican City, 2014.

<sup>6</sup>Expression used by Benedict XVI in his discourse to the college of cardinals and the members of the Roman curia on December 22, 2005.

the People of God,<sup>7</sup> must be understood in a dynamic connection with its foundational *ratio*, which is the Word (*Dei Verbum*), with its expressions of the faith that is celebrated (*Sacrosanctum Concilium*) and with its mission in the world (*Gaudium et Spes*). It is precisely this polyhedral and complex image of the church that brings us to focus on the intimate link between the Spirit's action in the heart of the faithful and their expression of their appreciation of the faith. This generates the idea of the *sensus fidei*, which accentuates the individual dimension, but also the idea of the *sensus fidelium*, in virtue of the "collective consciousness of the faith."<sup>8</sup> In addition, we have the category of the *consensus fidelium*, which is "the convergence of the faithful, deriving from the *sensus fidei*, with regard to specific contents of the faith and to the consequent expression of this convergence."<sup>9</sup>

The history of theology clearly shows that this original trait of the individual believer and of the entire community, that is to say, the ability to know and to transmit authoritatively the contents of the faith, becomes gradually focused on claims to diversified competences that are hierarchically structured. The Gregorian reform in the eleventh century decreed the specific competence of the pope, on the basis of the concept of the *potestas* that is bestowed on him. And while the *plenitudo potestatis* is attributed to the pope and to his office ("in ministerio"), the people possesses a *potestas* in principle, but not a *potestas* that they exercise ("in fundamento").<sup>10</sup>

The gradual juxtaposition of the *sensus fidei* and infallibility generated the typical distinction in post-Tridentine theology between infallibility "in docendo" and infallibility "in credendo" — a new step in the distinctive separation between the hierarchy and the people of the church. The First Vatican Council, in the dogmatic definition of papal infallibility accompanied by the definition of the church that moved from a "community" to a "society," also remodelled the *sensus fidei* in its classification of an active and a passive infallibility.<sup>11</sup>

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<sup>7</sup>The decisive contribution of Vatican II to the rediscovery of this theological perspective is well illustrated, in the interweaving of the categories of community, communication, and People of God, by S. Dianich, *Ecclesiologia. Questioni di metodo e una proposta*, Cinisello Balsamo 1993, chs. VI-IX.

<sup>8</sup>H. Vorgrimler, "Vom 'sensus fidei' zum 'consensus fidelium'," in *Wegsuche. Kleine Schriften zur Theologie*, Vol. II, Altenberge 1998, 85-95, at 85.

<sup>9</sup>H. Vorgrimler, "Vom 'sensus fidei' zum 'consensus fidelium'," 85.

<sup>10</sup>H. Vorgrimler, "Vom 'sensus fidei' zum 'consensus fidelium'," 86.

<sup>11</sup>The leap in understanding between the two councils is analyzed thoroughly by R. Camilleri, *The 'Sensus fidei' of the Whole Church and the Magisterium: From the Time of Vatican I to Vatican Council II*, Rome, 1987.

Moreover, as Camilleri writes, the First Vatican Council's dogmatic definition of the magisterial authority of the pope emphasized that a pope, in the exercise of his supreme magisterial authority, does not need the agreement of the entire church.<sup>12</sup> He acts *ex sese, non ex consensu ecclesiae*.<sup>13</sup>

The Second Vatican Council took up this complex and problematical theological knot. First of all, it had to overcome "the caricature of an active hierarchy and a passive laity, and in particular, the clear separation between the church that teaches (*Ecclesia docens*) and the church that is taught (*Ecclesia discens*)," as the International Theological Commission says in its most recent document.<sup>14</sup>

The words of *Lumen Gentium* are succinct:

The whole body of the faithful who have an anointing that comes from the holy one (cf. 1 Jn 2:20 and 27) cannot err in matters of belief. This characteristic is shown in the supernatural appreciation of the faith of the whole people, when, 'from the bishops to the last of the faithful' [a quotation from Augustine], they manifest a universal consent in matters of faith and morals (no. 12).

It is clear that the Council is retrieving here the meaning of magisterial infallibility within the infallibility of the faith. As Wolfgang Beinert notes — and this is vitally important for moral theology — the reduction of "sensus" to the theoretical truths is overcome here. The "sensus" is expanded to include also the practical truths.<sup>15</sup> This is why "the church in its entirety, which expresses itself in its *consensus fidei*, recognizes the object of the faith and confesses it in a lived life, in permanent harmony with the church's

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<sup>12</sup>R. Camilleri, *The 'Sensus fidei' of the Whole Church and the Magisterium*, 87.

<sup>13</sup>See H. Fries, "Ex sese, non ex consensu ecclesiae," in *Volk Gottes*, Freiburg i.Br. 1967, 480-500.

<sup>14</sup>International Theological Commission, *Sensus fidei in the Life of the Church*, nr. 4.

<sup>15</sup>It would be important at this point to tackle the problem of the real extension of the magisterial competence to matters of morality, and it would be especially necessary to examine in greater depth the evolution of the meaning of the *res de moribus*. It is well known that the formula *res fidei et morum*, which goes back to Augustine, finds its value as a technical term in the Council of Trent. But with regard to the *res morum*, it shifts from a restrictive meaning (things regarding the usages and customs of the church, its rites) to mean matters regarding the moral law and ethical questions. See J. Beumer, "Res fidei et morum. Die Entwicklung eines theologischen Begriffs in den Dekreten der drei letzten Ökumenischen Konzilien," in *Annuario Historiae Conciliorum* 2 (1970) 112-134. On the modulations of the relationship between the competence of the magisterium in matters of the faith and matters of morality, see J. Schuster, *Ethos und kirchliches Lehramt. Die Kompetenz des Lehramtes in Fragen der natürlichen Sittlichkeit*, Frankfurt a.M., 1984.

magisterium.”<sup>16</sup> The conciliar change brings back anew to the centre of attention a truth that was almost forgotten (at least in its original value). It is indeed true that this change was not absolutely complete; or perhaps “it was not sufficiently consistent and concrete”<sup>17</sup> to have left an unequivocal mark on the subsequent course of events.

Its reception has not lacked compromises and false trails, which lend some plausibility to the accusations that have been formulated by so many people. For example, Paul Valadier writes: “I wish to note and deplore the fact that such a fundamental topic has often been met with diffidence or, at any rate, has not enjoyed in the life and the thinking of the church the consideration and the importance that are its due.”<sup>18</sup>

Authoritative statements, both in theology and in the declarations of the magisterium, have not been lacking in the post-conciliar period. There has been a shadow of suspicion that theologians and groups of believers who appeal to the *sensus fidelium* do so in order to claim a competence “against” the magisterium or to maintain the existence of a kind of “parallel magisterium,” and this has done great harm both to theological research and to the authoritative character of the magisterium itself, which can end up in isolation or irrelevance, especially on questions of moral teaching. The accusation, which is found also in the *Instrumentum Laboris* of the Synod, honestly identifies this painful situation, noting that the People of God find the documents of magisterium largely irrelevant, thanks to their exclusive character, which lacks an existential flavour.<sup>19</sup>

But apart from the worrying unease that many believers feel when they are to translate into their lives the contents of the faith, there is a fundamental question here that we cannot evade. It concerns the theology of revelation as an integral part of fundamental theology. Karl Rahner had taken up this problem, although not in an exhaustive manner, in the mid-1970s, especially in order to deal with the magisterial authority of the believers (“Lehrautorität der Gläubigen”).<sup>20</sup> I may mention that the Rahner Lecture delivered in

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<sup>16</sup>W. Beinert, “Bedeutung und Begründung des Glaubenssinnes (Sensus fidei) als eines dogmatischen Erkenntniskriteriums,” *Catholica* 25 (1971) 271-303, at 293.

<sup>17</sup>H. Vorgrimler, “Vom sensus fidei,” 89.

<sup>18</sup>P. Valadier, “Il concetto di sensus fidelium è desueto?,” in J. Keenan (ed.), *Etica teologica cattolica nella Chiesa universale. Atti del primo congresso interculturale di teologia morale*, Bologna 2009, 269-276, at 270.

<sup>19</sup>Synod of Bishops, *Instrumentum Laboris*, 11.

<sup>20</sup>See K. Rahner, “Zum Verhältnis von Theologie und Volksreligion,” in *Schriften zur Theologie*, Vol. 16, Einsiedeln, 1984, 185-195.

Munich in 2013 by Herbert Vorgrimler was dedicated to Rahner's position on this subject.<sup>21</sup>

Beginning from a theology of revelation that defines the addressees of God's self-revelation not in terms of an elite or hierarchical group, but as the human being *tout court*, Rahner does not exclude the particular task of the magisterium, but he recognizes that "the revelation of God is heard authentically only when God's self-communication is experienced and accepted, not as a theory, but in a much more original way in the existential living of human life."<sup>22</sup>

Along this trajectory, which passes via the theology of revelation (as *Dei Verbum* understands this) before it permeates ecclesiology and then moral theology, the *sensus fidelium* is defined not as a reality contrasting with the magisterium, but as a reality integrated with the magisterium. For Rahner, this means quite simply that "The official faith of the institutional church and the real faith of the *de facto* people of the church relate to one another in a normative manner."<sup>23</sup> This is an echo of something that Yves M. Congar had called an "organic unity" several decades earlier, in *Jalons pour une théologie du laïc* (1953).<sup>24</sup> Congar sought thereby to overcome the separation between the teaching church and the learning church, thanks to the identical gift of the Spirit (the *sensus fidelium*) that is bestowed on the entire body of the church, including the hierarchy.

More recent studies, such as those by the Australian Ormond Rush,<sup>25</sup> take the same path of the theology of revelation, going more deeply into it in order to discover the horizon of meaning of the *sensus fidelium*. They also underline the limitations that (to take one example) an ecclesiology that is too tightly linked to christology, rather than being substantiated primarily by the theology of the revelation of the Trinitarian God, can entail – also with regard to its implications for the definition of authority in the ecclesial body.<sup>26</sup> As

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<sup>21</sup>See H. Vorgrimler, *Die Lehrautorität der Gläubigen. Karl Rahners Überlegungen zum 'sensus fidelium'*, Munich and Freiburg i.Br., 2013.

<sup>22</sup>H. Vorgrimler, "Vom sensus fidei," 92.

<sup>23</sup>K. Rahner, "Offizielle Glaubenslehre der Kirche und faktische Gläubigkeit des Volkes," in *Schriften zur Theologie*, Vol. 16, Einsiedeln, 1984, 217-230.

<sup>24</sup>Y.M. Congar, *Jalons pour une théologie du laïc* (Collana Unam Sanctam 23), Paris, 1953.

<sup>25</sup>O. Rush, *The Eyes of Faith: The Sense of the Faithful and the Church's Reception of Revelation*, Washington 2009. See also O. Rush, "Sensus Fidei: Faith 'making sense' of Revelation," in *Theological Studies* 62 (2001) 231-261, where he proposes a hermeneutical approach to the understanding of the *sensus fidei*.

<sup>26</sup>See J.-M. Vezin and L. Villemin, *Les sept défis de Vatican II*, Paris 2012. The authors highlight the challenges that are implied by the hermeneutical choice of Vatican II to

the Dutch canonist Myriam Wijlens has clearly shown,<sup>27</sup> canon law too asks which approach via ecclesiology and the function of the institutions in the church can be most appropriate to the need to understand the *sensus fidelium*. This certainly leads us back to the theology of revelation.

I believe that this is a promising and demanding path that moral theology too must take. Above all, it helps us to understand and explain the uncertainties, the delays, and the shifts of emphasis of the post-conciliar tradition with regard to understanding the *sensus fidelium*.

Let us take one example. The "Instruction on the Ecclesial Vocation of the Theologian"<sup>28</sup> opens with the affirmation that "The truth which sets us free is a gift of Jesus Christ" (no. 1). This is repeated in no. 35: "Actually, the opinions of the faithful cannot be purely and simply identified with the 'sensus fidei.' The sense of the faith is a property of theological faith; and, as God's gift which enables one to adhere personally to the Truth, it cannot err." When we think back to the opening of this text, there is evidently a movement of thought here that is in shrill disharmony with the theology of revelation. It is God himself who gives himself in Jesus Christ to the person who opens himself to revelation. In this passage from the Instruction, the gift is shifted onto the doctrine, the truth about Him. This shift is not irrelevant. We find it elsewhere, for example in the discourse of Benedict XVI to the International Theological Commission on December 7, 2012, where he says: "This gift, the *sensus fidei*, constitutes in the believer a kind of supernatural instinct that has a vital connaturality with the very object of faith."<sup>29</sup> Here too, it is the

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begin from the theology of revelation (35-65). The option for a hermeneutic with its starting point in the theology of revelation is also closely related to the problems entailed by the tension between the universal church and the local churches, as O. Rush shows: "Sensus fidelium und Katholizität. Ortskirche und Universalkirche im Gespräch mit Gott," in Myriam Wijlens, ed., *Die wechselseitige Rezeption zwischen Ortskirche und Universalkirche. Das Zweite Vatikanum und die Kirche im Osten Deutschlands* (Erfurter Theologische Schriften 46), Würzburg, 2014, 151-160.

<sup>27</sup>M. Wijlens, "Sensus Fidelium – Authority. Protecting and Promoting the Ecclesiology of Vatican II with the Assistance of Institutions?," in: P. De Mey, P. De Witte, and G. Mannion, ed., *Believing in community. Ecumenical Reflections on the Church*, Louvain 2013, 207-228.

<sup>28</sup>Congregation for the Doctrine of the Faith, *Instruction Donum Veritatis. On the Ecclesial Vocation of the Theologian*, Rome, 1990.

<sup>29</sup>Discourse of Pope Benedict XVI to the International Theological Commission on the occasion of the annual plenary session, Vatican City, Sala dei Papi, December 7, 2012.



objective aspect of faith that predominates, leading to a concentration on the doctrinal, theoretical, veritative dimension, which is the fruit and the fountain of knowledge. But the theology of revelation, expressed in *Dei Verbum*, warns us that revelation is not the unfolding to the human person of truths connected with God. Rather, it is the invitation to enter into a relationship with God himself, in Jesus Christ, through the power of the Spirit (DV, 2). It is against this background that the *sensus fidelium* acquires its own specific consistency as the place that manifests the encounter between the believer, the believing community, and the God who reveals himself.

The International Theological Commission takes up this aspect in its document about theology today (2012):

The nature and location of the *sensus fidei* or *sensus fidelium* must be properly understood. The *sensus fidelium* does not simply mean the majority opinion in a given time or culture, nor is it only a secondary affirmation of what is first taught by the magisterium. The *sensus fidelium* is the *sensus fidei* of the people of God as a whole who are obedient to the Word of God and are led in the ways of faith by their pastors. So the *sensus fidelium* is the sense of the faith that is deeply rooted in the people of God who receive, understand and live the Word of God in the Church.<sup>30</sup>

The most recent document of the same Commission writes about the non-intellectualist character of the *sensus fidei*:

Unlike theology, which can be described as *scientia fidei*, the *sensus fidei fidelis* is not a reflective knowledge of the mysteries of faith which deploys concepts and uses rational procedures to reach its conclusions. As its name (*sensus*) indicates, it is akin rather to a natural, spontaneous and immediate reaction, and comparable to a vital instinct or a sort of 'flair' by which the believer clings spontaneously to what conforms to the truth of faith and shuns what is contrary to it.<sup>31</sup>

The reflections in this first vector lead to the conclusion that from the Council down to the present day, in the numerous statements made about the *sensus fidelium*, especially by the magisterium, there is a fluctuation between the subjective sphere and the objective sphere (the truths that are to be believed) and a tension, increased by this fluctuation, between various competences in the ecclesial body: magisterium and theology, pastors and laity. In theological research, there has been a growing consensus that, as John Burkhard puts it,

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<sup>30</sup>International Theological Commission, *Theology Today: Perspectives, Principles and Criteria*, Rome 2012, nr. 34.

<sup>31</sup>International Theological Commission, *Sensus Fidei in the Life of the Church*, Rome 2014, nr. 54.

the *sensus fidelium* "is the direct gift of the Lord of the Church through his Spirit to the whole Church and to each member. It is not derived from another ministry in the Church but it is oriented to ministry."<sup>32</sup>

One good way to promote better balanced approaches might be to start afresh from the theology of revelation, as the first theology, putting the entire ecclesial body under the primacy of the Word and under obedience to the Word. This would also aid the rediscovery of the existential dimension of the experience of faith and of the *sensus* that is connected to this experience. And since the subject of this experience of faith is the human being, seen also as a moral subject and a citizen of the moral community, we now look at him with a further vector, this time anthropological.

## 2. The Anthropological Vector

With this second approach to the *sensus fidelium*, our perspective gives greater weight to the anthropological dimension. In particular, it assumes the moral dynamic as the place where the human being is realized in history, and as the place of encounter in view of the formation of a "moral community" in which one can act easily. We seek to grasp whether recourse to the *sensus fidelium* can also have a constructive value with a view to this goal and, if so, what this value might be. This is basically the same question that Alfons Auer formulated in theologically even more rigorous terms, when he asked: "Is the church today still 'ethically habitable'?"<sup>33</sup>

In order to keep the discussion within reasonable limits, and above all, in order to identify the right cross-section to tackle the theme of the *sensus fidelium*, I believe that we can refer to the rediscovery of experience, or the experiential shift, that is taking place in moral theology too. We must however bear in mind that it is not only problematical, but also genuinely difficult to speak of experience in ethics. H.G. Gadamer holds the concept of experience to be paradoxical and one of the less clear concepts at our disposal.<sup>34</sup> Salvatore Privitera has made important contributions to the understanding of the "problem of 'experience' in moral theology"

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<sup>32</sup>J.J. Burkhard, "Sensus fidei," 450-475, at 450.

<sup>33</sup>A. Auer, "Ist die Kirche heute noch 'ethisch bewohnbar'?", in D. Mieth, ed., *Moraltheologie im Abseits? Antwort auf die Enzyklika "Veritatis splendor,"* Freiburg i.Br. 1994, 296-315.

<sup>34</sup>H.G. Gadamer, *Wahrheit und Methode. Grundzüge einer philosophischen Hermeneutik*, Tübingen, 1960, 329.

(this is the subtitle of his monograph *Dall'esperienza alla morale*).<sup>35</sup> Others after him, such as Roberto Dell'Oro, have taken up the same theme with a more phenomenological approach.<sup>36</sup>

I shall bear in mind here principally the approach of Dietmar Mieth,<sup>37</sup> Franz Böckle,<sup>38</sup> and Christof Mandry,<sup>39</sup> when I take my soundings in the field of this difficult but promising concept.

This approach looks above all for a space that is proper to experience, and this must be localized anew. Traditional moral theology either discussed principles (in general moral theology) or studied their applications to concrete questions (in special moral theology). It is specifically in the gap between these two fields of ethical discourse that Franz Böckle identifies an intermediate level centred on experience, which thus takes on the figure and the function of a "source of ethically relevant perspectives."<sup>40</sup>

There are many factors that make this approach interesting and worthwhile for the understanding of the *sensus fidelium* too. Let me mention a few.<sup>41</sup>

This way of thinking of experience as a reality that helps to obtain ethically relevant perspectives liberates experience from the task of immediately supplying normative answers.

This perspective also locates experience on the intermediary terrain between the anthropological visions and the actuality of actions, in

<sup>35</sup>S. Privitera, *Dall'esperienza alla morale. Il problema 'esperienza' in Teologia Morale*, Palermo 1985; S. Privitera, *Il volto morale dell'uomo. Avvio allo studio dell'etica filosofica e teologica*, Palermo, 1991.

<sup>36</sup>R. Dell'Oro, *Esperienza morale e persona. Per una interpretazione dell'etica fenomenologica di Dietrich von Hildebrand*, Rome, 1996.

<sup>37</sup>D. Mieth, *Moral und Erfahrung I. Grundlagen einer theologisch-ethischen Hermeneutik*, Freiburg i.Ue. 4th ed. 1999; D. Mieth, *Moral und Erfahrung II. Entfaltung einer theologisch-ethischen Hermeneutik*, Freiburg i.Ue. 1998; D. Mieth, "Norm und Erfahrung. Die Relevanz der Erfahrung für die ethische Theorie und sittliche Praxis," in *Zeitschrift für Evangelische Ethik* 37 (1993) 33-45; D. Mieth, "Erfahrung," in M. Düwell et al., ed., *Handbuch Ethik*, Stuttgart and Weimar, 2002, 336-341.

<sup>38</sup>F. Böckle, *Fundamentalmoral*, Munich, 1977.

<sup>39</sup>Ch. Mandry, *Ethische Identität und christlicher Glaube. Theologische Ethik im Spannungsfeld von Theologie und Philosophie*, Mainz, 2002; Ch. Mandry, "Christliche Lebensführung im Kontext des Pluralismus," in *Theologie der Gegenwart* 54/4 (2011) 253-264. Mandry organized a conference at the University of Erfurt from October 20-22, 2011, with the title: *Erfahrung und Moral. Der experientielle Ansatz in der Theologischen Ethik*.

<sup>40</sup>F. Böckle, *Fundamentalmoral*, 268-287.

<sup>41</sup>See also A. Autiero, "Soggettività etica e interpretazione dell'esperienza," in S. Morandini, ed., *L'etica negli ambiti di vita*, Padua, 2010, 83-100.

this way making experience something close at hand and familiar to both these areas. Between the anthropological vision on the one hand, and the actuality of action on the other — between the vision of the human being and normative ethics — there is in fact this intermediary area that makes it possible to move from one sphere to the other.

Let me repeat: this perspective unites the way of seeing both experience and that which is lived — that which is already actualized as an experience of the past, but also that which is still to be actualized, as a prospective experience that is the object of thought — together with the need to reflect on them.

It also makes it possible to draw a distinction between experience and habit: the term “experience” has a much more substantial value than the term “habit.” I do not reflect here on the specific consideration of habit as *habitus*, virtue (a link that is typical of Thomas Aquinas); I simply employ the category of habit to signify the repetition of acts. The human has experience, and can experience, also on the basis of the repetition of his acts, and hence of habits, precisely because he possesses the ability to reflect on them.

Finally, this way of looking at experience, which links that which is lived with the need to reflect on it, avoids the identification with habit and makes it definitively possible to take responsibility for one’s own conduct.

The experience of which we are speaking here thus becomes a kind of dynamic construct, instinctive and reflexive, given and acquired. This is indicated by the terminology itself. It is not by chance that the German word for “experience” is *Er-fahrung*, which points to a root that signifies travelling, walking, moving — and thus indicates a dynamism that is intrinsic to the concept itself. The Latin *experire* is also capable of expressing a dynamic process of regeneration, of passing from one form of perception and consciousness to another.

In the complex articulation of experience, the itinerary has stages and contours that are vitally important. In the dynamic of morality, that which is experienced passes through the verifying phase of comparison, the explorative phase of meaning, and the determined phase of motivation. This experiential itinerary is entrusted to the subject’s capacity for critical reflection, but also to his communicative competence, thanks to which the experience emerges from the individual tendencies of one person and presents itself as the content of collective convergences. F. Böckle sees this interlocking of reflectiveness and communicability as the channel through which an

ethos comes into being, whether of one single person or of circles or groups; it is, so to speak, a substratum of vital experience that is ethically relevant, which then becomes the basis of all the possibilities of judgment and of ethical discernment.<sup>42</sup>

It is in this reflection on the role of the critical reason and of competent communication that one can also discover the generally and universally binding character of the ethical propositions that this experience helps to identify. Experience is not a kind of individual introspection on one's conduct. Thanks to the hermeneutical accompaniment of the critical reason and of competent communication, it is integrated and incorporated into a communitarian network, thus acquiring a universal value.

When we develop all this in a theological perspective, we encounter the theme of the *sensus fidelium* in relation to matters of morality. Without evoking this term explicitly, S. Privitera has grasped this point. He notes that "ethics is based on faith, and faith in the contents of revelation is based on the authority of the God who reveals himself. These two affirmations are in fact the premises that allow us to affirm that ethics too is founded on the guarantee offered by the divine self-revelation."<sup>43</sup> We can speak of the *sensus fidei* expanding towards moral contents. What of the *sensus fidelium*? Privitera writes: "Referring to the ecclesial community in living one's daily moral task means finding oneself alongside one's brothers and sisters in the faith, who themselves are involved in the same intellectual research and in the same struggle of the will. They give us both situations of comparison and verification, and examples to be imitated."<sup>44</sup>

G. Angelini notes that "when it refers to the matter of *mores*, the concept of *sensus fidelium* requires a new definition. Moreover, such a definition of the concept is intended to renew the use that is made of it with reference to the *res de fide*, or (to use conventional language) with reference to the matter of dogma."<sup>45</sup> If we accept this, we have to ask whether the rediscovery of the value of experience in moral theology is in fact the appropriate way to rethink the *sensus fidelium* in matters of morality. All the necessary conditions are present: the

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<sup>42</sup>F. Böckle, *Fundamentalmoral*, 278.

<sup>43</sup>S. Privitera, *Dall'esperienza alla morale*, 194.

<sup>44</sup>S. Privitera, *Il volto morale dell'uomo*, 244.

<sup>45</sup>G. Angelini, "Sensus fidelium e discernimento morale," in J. Keenan, ed., *Etica teologica cattolica*, 277-300, at 296.

authenticity of the experiencing subject, his ability to reflect and to communicate his own experience, and the ecclesial context that allows one to hear the experience of other persons and to examine this in the light of the Word and of the demands that are generated by the Word.

Above all, binding together experience and the *sensus fidelium* also means bringing to light enormous resources for the intimate comprehension of the foundational structure of moral norms and of the necessary verifications of the contents of these norms as times goes by. When the *sensus fidelium* and moral experience are not merely juxtaposed, but are linked in a network of reciprocal verification, they set free energies of fidelity to the Word that illuminates the total meaning of human conduct, and that cannot be identified with the pretended immutability of the concrete norms of moral behaviour.

The community that authentically opens up to the breath of the Spirit and that is converted — that is to say, turns to the light of the Word — acquires competence in the knowledge of moral demands and conducts a rational internal “conversation” in order to evaluate the significance of the moral experience that it has acquired. This implies the will to keep open and creative the network of foundation and verification of moral judgments. This is one way to establish, to receive, and to communicate knowledge of moral matters, for which — as in the case of those things that are to be believed — the gift of the Spirit (the *sensus fidei*, as LG, 12 presents it) is bestowed on every believer and on the community as a whole. This brings us back to the basis in the theology of revelation, which we have indicated above as the way to make progress in understanding the ecclesiological significance of the *sensus fidei*.

Here, the question spontaneously arises: If post-conciliar moral theology, thanks to the experiential turn, has made a constructive contribution to the recovery of the theme of the *sensus fidelium*, understood here as the capacity to understand and to teach moral matters “in the light of the Gospel and of human experience” (GS, 44), what has been the attitude of the magisterium in this regard? I have no intention of making summary judgments. I wish only to outline a tendency that can be recognized: attention to the theme of experience is extremely rare, perhaps even non-existent. Instead, moral teaching keeps to a course that brings everything back to the radicality of the deontological foundation of the norms, where listening to experience and receiving it do not have the relevance that is their due. It is striking to see the emphasis when ethical topics, both

of fundamental moral theology and of applied ethics (conjugal morality and bioethics, for example), are taken up: the foundational structure of the texts remains unchanged and follows procedures based on principles of a deontological kind. A diagnosis of this post-conciliar period cannot be indifferent to the fact that,

in the brief space of four years, the Catechism of the Catholic Church (1992), the encyclical *Veritatis splendor* (1993), and finally the encyclical *Evangelium vitae* (1995) on bioethical topics were published. This was the first time that the Roman magisterium had attempted to present questions of fundamental and special moral theology to the universal church in this way — unprecedented not only in its extensiveness, but also in its explicitly binding character.<sup>46</sup>

Only a few years earlier, Franz Böckle (who was then dying) had issued a heartfelt warning against a wave of fundamentalist tendencies in moral theology in the decades after the Council.<sup>47</sup> The signals were obvious: by means of rigorist moral teachings, mostly located in the sphere of conjugal and sexual morality and focusing on a scanty consideration of the so-called gender theories, the seeds of a backward-tending anti-Modernism were sown, making it difficult, once again, to give value to the experience of the faithful and to rethink the *sensus fidelium* as a determinative element in the genesis of moral teachings.<sup>48</sup>

We had to wait for the change of style with the pontificate of Pope Francis before the theme of experience was mentioned. There has also been a conscious deceleration of the deontological grip in taking up ethical themes, thanks to a conscious turning towards the existential condition of people's lives. It is legitimate to have expectations from the forthcoming Synod. The preparatory stage, thanks to the way in which it was intended and realized, was useful in getting to know and grasp the significance of the experience of the People of God.

The term "experience" occurs no fewer than twenty-five times in the Exhortation *Evangelii Gaudium* (2013), which declares explicitly:

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<sup>46</sup>St. Goertz, R. Hein, and K. Klöcker, "Zur Genealogie und Kritik des katholischen Fundamentalismus: Eine Einführung," in St. Goertz, R. Hein, and K. Klöcker, ed., *Fluchtpunkt Fundamentalismus? Gegenwartsdiagnosen katholischer Moral*, Freiburg i.Br., 2013, 11-76, at 48.

<sup>47</sup>See F. Böckle, "Fundamentalistische Positionen innerhalb der katholischen Moraltheologie," in H. Kochanek, ed., *Die verdrängte Freiheit. Fundamentalismus in den Kirchen*, Freiburg i.Br., 1991, 137-154.

<sup>48</sup>The reflections by St. Goertz are helpful and relevant here: "Relikte des Antimodernismus – oder: von der Selbstfesselung katholischer Moral," in M. Striet, ed., *Nicht ausserhalb der Welt. Theologie und Soziologie*, Freiburg i.Br., 2014, 121-154, esp. paragraphs 1 and 7.

“in some areas people have grown in their understanding of God’s will on the basis of their personal experience” (no. 148). The *sensus fidei* is mentioned twice, once with an explicit reference to the teaching authority of all the faithful, and especially of the poor: “This is why I want a Church that is poor and for the poor. They have much to teach us. Not only do they share in the *sensus fidei*, but in their difficulties they know the suffering Christ. We need to let ourselves be evangelized by them” (no. 198).

We must hope that this new style of approach will produce its fruits quickly and abundantly.

### 3. What Profile for Moral Theologian?

The results of the two vectors that we have elaborated do not leave the image of the moral theologian unchanged. If we take the *sensus fidelium* seriously, this rewrites the basic lines of the genesis of moral teaching and of the competence of its subjects, and this is reflected in the profile and the task of those who engage in moral theology in the church. The ecclesiological dimension is not called into question here; it is taken for granted. Similarly, the necessary relationship with the one who exercises the service of guidance in the church is based on conviction and sincerity. What I wish to do here is to set out the characteristic traits of the moral theologian who welcomes and respects, lives and cultivates the *sensus fidelium*.

I conclude with a few words on this subject, pointing out the moral theologian’s responsibility vis-à-vis the entire community of believers, so that each of its members may understand and practice the *sensus fidelium*. Everyone ought to possess this competence for himself/herself and to know how to cultivate it in others. I mention three traits very briefly.

#### 3.1. Cognitive-evaluative Competence

In his famous 1859 article, John Henry Newman defines the *sensus fidelium* as “a sort of instinct, or *phronêma*, deep in the bosom of the mystical body of Christ,”<sup>49</sup> an instinct that produces knowledge both of the things of faith and of the matters of morality.

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<sup>49</sup>J.H. Newman, “On Consulting the Faithful in Matters of Doctrine,” *The Rambler*, July 1859. It has been published more recently under the same title with an introduction by John Coulson, London, 1961. To understand this text better, the analyses by M. Sharkey, “Newman on the Laity,” *Gregorianum* 1-2 (1987) 339-346, and by E.J. Miller, “Newman on the Voice of the Laity: Lessons for Today’s Church,” *Newman Studies Journal* 3 (2006) 16-31, are useful.



The human being is open to the need for the good, and grasps this before he elaborates it as a known object. He then relates it to the real conditions of what is practicable in his conduct of life. This threefold movement of intuition, knowledge, and evaluation is the nucleus of moral knowledge. The term *phronêma*, which Newman uses, is related to *phronêsis*, which has played, and still plays, a determinative role in the ethical vocabulary. *Phronêsis* is not only the virtue of prudence, which is entailed for practical choices (*recta actio agibilium*). It is a basic attitude, a character trait, a comprehensive style that accompanies us when we sense the instinct, when we organize our knowledge, when we control the evaluation of our choices. The moral theologian enquires into this dynamic and accompanies individual subjects and the communities as they live *phronêsis*. He does not shelter in the tower of knowledge, but unites knowledge to the basic instinct and the concrete evaluative attitude. To this end, he interweaves the cognitional path with the volitional path, supported by the “passion for the human good” (an expression Dalmazio Mongillo employed to define the spirit of the moral theologian). The magisterium too lives from this intimate tension between the three movements and serves the growth in the entire community’s ability to welcome them and interpret them in concrete living. Moral knowledge is deeper than an intellectual acquisition or than accepting doctrine from an authority. Commenting on Psalm 1 (“The just man meditates on the law of Lord by day and by night,” Ps 1:2), Luther draws a distinction between *cogitare* and *meditari*: “*meditari* is a deep, passionate, heartfelt *cogitare*, and is in reality a masticating in the heart (*ruminare in corde*). This is why it properly signifies moving or being moved in the centre of one’s own self (*in medio et intimo moveri*). Accordingly, one who meditates knows in depth, asks questions, and brings evaluative considerations into play.”<sup>50</sup> To tone down a certain intellectual stubbornness, which is abstract in its knowledge of principles and of moral propositions, helps the *sensus fidelium* to grow. This is a competence that must be acquired.

### 3.2. Discursive-narrative Competence

Meditation on moral matters does not belong to the isolated sphere of individual subject. It can and must become a place of encounter for the community. This happens through the communication of moral experiences, which also passes through the medium of language.<sup>51</sup>

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<sup>50</sup>Martin Luther, *Enarrationes in psalmos*, WA 55; 11, 26—12,5.

<sup>51</sup>The contribution of narrative ethics is particularly important in this context. It shows how the ability to give an account of moral experience enters directly into the

The discourse is kept open because we are convinced of the vitality of the *sensus fidelium* and of the appeal made by the Word, on which the *sensus fidelium* is based. Precisely in the field of ethics, and precisely because of its theological connotation, a definitive and defining absolutization of moral questions harms the correct understanding of the *sensus fidelium*. The moral theologian is called to keep open the spaces of speech, to increase narrative abilities, and to educate both himself and the community to the discursive style, that is, the ethos that combines the reasoning proper to conceptual rigor with the compassion that looks at existence, and helps the subjects and institutions that are implied in the discourse to overcome the values of power. The above-mentioned idea of *phronêsis* “suggests that we view consensus more as a *formal* than as a material criterion of truth, i.e., more as a principle operative in the attainment of truth than as a datum assuring truth already in possession.”<sup>52</sup> In the case of practical truths — something connatural to the ethical discourse — the task of uniting openness of discourse and the use of a clear, straightforward language is intimately linked to the cultivation of the *sensus fidelium*. *Phronêsis* here comes close to *parrhêsia*, the courage to think and to speak, and not least, the courage to keep silent. It is at this point that we encounter the topic of dissent, which too often is dismissed with banality or brutality as inappropriate and harmful.<sup>53</sup> Nevertheless,

authoritative scholars, basing their arguments on an attentive discernment of the scriptures, of tradition, and of the experience of Catholic Christians down through the centuries, have shown that there is a legitimate space, and perhaps even a need for dissent in the church, even if this word is excessively negative and is sometimes unhappily applied to voices that are merely expressing legitimate concerns.<sup>54</sup>

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dynamic of the genesis of ethical judgments. On this, see the essays in the volume edited by K. Joisten, *Narrative Ethik. Das Gute und das Böse erzählen*, Berlin, 2007.

<sup>52</sup>E. Dobbin, „Sensus fidelium as a source for Theology,” in *CTSA Proceedings* 43 (1988) 112-115, at 113.

<sup>53</sup>Although not many in number, the cases of disciplinary proceedings taken against persons who exercised an open and rationally argued dissent show the importance of a new theoretical and practical attitude here. The case of Charles Curran is emblematic: see the documentation and reflection in Curran, *Faithful Dissent*, Kansas City, 1986. This clearly involves the dynamic of discernment and the dynamic function of the relationship between consent and dissent, as a recent document by the World Council of Churches shows: *Moral Discernment in the Churches. A Study Document*, Faith and Order Paper Nr. 2015, Geneva, 2013.

<sup>54</sup>G. Mannion, *Chiesa e postmodernità. Domande per l'ecclesiologia del nostro tempo*, Bologna, 2009, 151.

### 3.3. Integrative-therapeutic Competence

God too knows that in the gift he makes of himself and of faith in him, he encounters women and men *en route*, bruised by the wounds of their creatureliness. The gift, even the gift of the *sensus fidei*, is entrusted to fragile hands, and the *sensus fidelium* is exposed to very subtle and acute temptations. Here too, according to John Burkhard whom we have already cited, there is a clear consensus in the writings that have appeared after the Council. He writes that “a naive explanation is to be avoided. The *Sensus Fidelium* brings its own limitations, dangers and temptations. It is something to be welcomed but also to be achieved. Believers who receive the gift are also called to realize it. It is never automatic or mechanical. And persons bring the weight of their own fragility, desire for power, self-appointed goals and sinfulness into play.”<sup>55</sup> The moral theologian accompanies the path of permanent questioning about meaning, that is to say, about the why and wherefore of the *sensus fidelium* in moral matters. He looks within and he looks around, he interrogates the past and examines the marching directions for the future. With an honest hermeneutical ability, he reads reality and interprets it, and he encounters the face of the pilgrims of life who want to do good, but are also marked by the strain of existence. In the tradition, the role of a “*more periti medici*” is ascribed by the Fourth Lateran Council (1215) to the priest in the sacrament of confession.<sup>56</sup> It can also be appropriately applied to the moral theologian and to the magisterium with regard to the *sensus fidelium*.

The paths we have indicated are fields of work for all the believers, and they give each one, in the specific differences of one’s competences and abilities, new tasks that must be taken up. The path is never finished!

But perhaps it is precisely a sincere practice of this common and circular therapeutic task of healing the opacity and giving a good light to the *sensus fidelium* that constitutes the challenge and the resource for thinking afresh about our task and our identity as moral theologians. This task can offer the space to shape the “organic unity” of which Congar spoke, or also to let us see the real implications of the “reciprocal normativity” of which Rahner spoke, so that the shared welcoming of the gift of the *sensus fidelium*, in gratitude and fidelity, may not degenerate into yearnings for normalization, but may become for the whole church a healthy and joyful normality.

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<sup>55</sup>J.J. Burkhard, “*Sensus fidei*: Recent Theological Reflections,” 450.

<sup>56</sup>Fourth Lateran Council (1215), ch. 21: *De obligationibus confessorii*, in DS, 813-814.