

**CURRENT DEVELOPMENTS
CONCERNING *SENSUS FIDELIUM* IN
MORAL THEOLOGY: DIVORCE AND
REMARRIAGE AS TEST CASE**

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Abstract

The difficulties and challenges faced by the synod on Family to arrive at a convincing and conclusive statement was partly due to the inability of the Church to pay adequate attention, both theologically and practically, to what *sensus fidelium* means in the real-life situations of the faithful. Therefore, in this article we propose an alternative by retrieving the concept of *sensus fidelium* ('the sense of the faithful') by enlarging its scope to the field of moral theology in the recent discussions. The much-debated issue of divorce and remarriage is taken as a test case to explore concretely the place of *sensus fidelium* in the moral issues facing the faithful today. This paper will examine the following questions: (i) How do moral theologians reconceptualize *sensus fidelium* in the practical life of the faithful? (ii) How is the *sensus fidelium* related to God's self-revelation, human experience, moral conscience and the culture in the life of the faithful? (iii) What is the role of the magisterium in relation to the *sensus*

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fidelium? (iv) What do empirical surveys teach us about *sensus fidelium*?

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Introduction

The traditional as well as the current teachings of the Church on the sacrament of marriage and sexual ethics have been subject of intense debate and controversy both in theological scholarship and among the faithful. Comprehending the gravity and the urgency of the situation, Pope Francis sent a questionnaire to all the dioceses of the Catholic Church in order to solicit the beliefs, opinions and practices of the faithful in matters of marriage and family and subsequently convened an extraordinary synod of bishops during the years 2014-2015. The responses of the faithful to the Vatican questionnaire demonstrate unambiguously that “a large proportion of the faithful (at least in western societies) disagrees on some specific aspects of the Church teaching on marriage, in particular with regard to contraception, divorce and remarriage, homosexual relationships and unmarried cohabitation.”¹ Many among the Church hierarchy and the faithful in the west acknowledged the emergence of new challenges and changed moral perspectives world-wide and did acknowledge there is a need for a new approach to marriage and family, yet they could not arrive at viable solutions to the new challenges presented at the synod.

The difficulties and challenges faced by the synod to arrive at a convincing and conclusive statement was partly due to the inability of the Church to pay adequate attention, both theologically and practically, to what *sensus fidelium* means in the real-life situations of the faithful. So consequently, the Church did not embark on a ground-breaking experience with *sensus fidelium* in key moral issues. As a result, the rift between the ‘teaching Church’ and the ‘learning Church’ remains unresolved and many among the faithful dissent to the teachings of the Church on divorced and remarried and appeal to the Church to revise its present standing on the moral issues of marriage and family.

¹Thomas Knieps, “Church Teaching on Marriage and Family – A Matter of *Sensus Fidelium*?” in *Authentic Voices, Discerning Hearts: New Resources for the Church on Marriage and Family*, ed. T. Knieps-Port le Roi and A. Brenninkmeijer-Werhahn, INTAMS Studies on Marriage and Family/INTAMS-Studien zu Ehe und Familie 1, Zürich: LIT-Verlag, 2016, 164.

Therefore, in this article we propose an alternative by retrieving the concept of *sensus fidelium* ('the sense of the faithful') by enlarging its scope to the field of moral theology in the recent discussions. The much-debated issue of divorce and remarriage is taken as a test case to explore concretely the place of *sensus fidelium* in the moral issues facing the faithful today.

This paper will examine the following questions: (i) How do moral theologians reconceptualize *sensus fidelium* in the practical life of the faithful? (ii) How is the *sensus fidelium* related to God's self-revelation, human experience, moral conscience and the culture in the life of the faithful? (iii) What is the role of the magisterium in relation to the *sensus fidelium*? (iv) What do empirical surveys teach us about *sensus fidelium*?

For this article, the discussions are confined to the moral-theological literature after "*Sensus Fidelium* in the Life of the Church," published in 2014 by the International Theological Commission as the first official Church document on *sensus fidelium*.² This article offers a survey of the debate on *sensus fidelium* in moral theology identifying following themes: (1) The issue of divine revelation in relation to the

²The International Theological Commission's document, "*Sensus Fidei* in the Life of the Church" was published in 2014. We focused ourselves upon moral-theological sources published or republished since 2014: Shaji George Kochuthara, "Sensus Fidei, Sensus Fidelium and the Magisterium," *Asian Horizons* 12, 3 (2018) 371-74; Nihal Abeyasingha, "Amoris Laetitia & Sensus Fidelium," *Compass* (Kensington, N.S.W.) 50, 4 (2016) 29-41; Antonio Autiero, "The *Sensus Fidelium* and the Magisterium from the Council to the Present day Moral Theological Reflections," in *Sensus Fidelium and Moral Theology*, ed. Charles E. Curran, Lisa Fullan, Readings in Moral Theology 18, Mahwah, New Jersey: Paulist Press, 2018, 193-204. This article was first presented in an address given to ATISM, the Italian Association of Moral Theologians, Summer 2014; Giuseppe Angelini, "The *Sensus Fidelium* and Moral Discernment," in *Sensus Fidelium and Moral Theology*, 234-246; This article was first published in *Theological Ethics in the World Church* ed., James Keenan, New York: Continuum, 2007; Inocent-Mária V. Szaniszló, "The Catholic Theologian, the Magisterium and the Common Good," *Asian Horizons* 12, 3 (2018) 418-130; James Keenan, "Redeeming Conscience," *Theological Studies* 76, 1 (2015) 129-147; Nathanael Yaovi Soede, "The *Sensus Fidelium* and Moral Discernment: The Principle of Inculturation and of Love," in *Sensus Fidelium and Moral Theology*, 214-222; This article was first published in *Theological Ethics in the World Church*, (2007); Paul Valadier, "Has the Concept of *Sensus Fidelium* Fallen into Desuetude?," in *Sensus Fidelium and Moral Theology*, 215-222; This article was first published in *Theological Ethics in the World Church*, (2007), 187-192; Thomas Knieps, "Church Teaching on Marriage and Family—A Matter of *Sensus Fidelium*?," in *Sensus Fidelium and Moral Theology*, 280- 291; This article was first published as in *Authentic Voices, Discerning Hearts* (2016); Todd A. Salzman and Michael G. Lawler, "Experience and Moral Theology: Reflections on *Humanae Vitae* Forty Years Later," in *Sensus Fidelium and Moral Theology*, 257 -279. This article was first published in *INTAMS Review* 14 (2008).

individuals and their responses to belief and practice; (2) Collective human experience as a *locus* for *sensus fidelium*; (3) Collective moral conscience for discernment; (4) The positive and negative impact of culture on *sensus fidelium*; (5) The major ongoing issues and questions. After this theoretical presentation the article makes an attempt to apply the insights on *sensus fidelium* on two empirical studies focusing upon the issue of divorce and remarriage.

2. Enlarging the Scope from the Systematic Theological Definitions to Moral Theology

2.1. The Dogmatic Definition of *Sensus Fidelium*

The moral theological understanding of *sensus fidelium* is an extension and the practical side of the dogmatic understanding of it. Although the authors under discussions concede that *sensus fidelium* has to be revisited from the perspective of practical and moral theology, theological ethicists like Thomas Knieps agree with the basic dogmatic definitions of *sensus fidelium*, and the related terms *sensus fidei* and *consensus fidelium*.³

The definition of *sensus fidei* is that it is a supernatural instinct, and an *organon* to receive revelation that every baptized possesses through the anointing of the Holy Spirit to receive and to transmit faith.⁴ The *sensus fidelium* is explained in *Lumen Gentium* 12 as follows:

The entire body of the faithful, anointed as they are by the Holy One, cannot err in matters of belief [*sensus fidei*]. They manifest this special property by means of the whole peoples' supernatural discernment in matters of faith when "from the Bishops down to the last of the lay faithful" they show universal agreement [*universalem consensum*] in matters of faith and morals [*de rebus fidei et morum*]. That discernment in matters of faith is aroused and sustained by the Spirit of truth.

Consensus fidelium is an ecclesial process, mediated by the magisterium in which the Church as a whole, starting "from the bishops down to the last of the lay faithful,"⁵ agree on the matters of faith and morals as an infallible truth to be professed and lived universally by all without exception.⁶

³Knieps, "Church Teaching on Marriage and Family," 282-283.

⁴See International Theological Commission, *Sensus Fidei in the Life of the Church*, 2.

⁵This idea was proposed by St. Augustine (*De Praedest. sanctorum*, 14, 27) and later addressed in *Lumen Gentium*, 12.

⁶See Knieps' analysis of the dogmatic understanding of the three-fold notions *sensus fidei*, *sensus fidelium* and *consensus fidelium* in his article "Church Teaching on Marriage and Family," 164.

To be more precise and specific, the unfailing sense of faith given by God's Spirit to the individual believer is *sensus fidei*; the unfailing sense of faith given to the entire body of the faithful is *sensus fidelium* and when the universal Church, in agreement with the local churches, comes together and expresses her *consensus* over matters of faith and morals in one voice, then it is *consensus fidelium*. Of these three notions, *sensus fidelium* tends to draw more attention in the field of dogmatic and moral theology.

2.2. Reconceptualizing *Sensus Fidei* and *Sensus Fidelium* in Moral Theology

Most moral theologians propose the importance of revisiting *sensus fidei* and *sensus fidelium* within theological ethics, so that they can bring down these lofty concepts from the high theoretical realms to relate with the daily Christian life. We will first introduce the debate on *sensus fidei*. Giuseppe Angelini proposes that reevaluation of *sensus fidei* could help us arrive at a new approach to moral theology, where we no longer evaluate the sense and the experience of the faithful with the ideal standard moral norms based on what is right or wrong, but rather help the individuals in identifying the real meaning of truth to which they can dedicate their life.⁷ Drawing inspiration from John Henry Newman,⁸ the moral theologians define *sensus fidei* as a "supernatural instinct," "spontaneous judgement," "intuition," "not rational but a discursive knowledge," and "a specific charism" given by the Holy Spirit to all the faithful for faith and moral life, so that as members of the body of Christ each one can share their specific charism and gifts to the benefit of the Church.⁹ While the majority of moral theologians share this definition of *sensus fidei*, they put different accents.

2.2.1. *Sensus Fidei: The Capacity to Believe and to Practice the Faith*

Knieps inspired by his analysis of the history of the conceptions "*fides et mores*"¹⁰ argues that the *sensus fidei* is given to all the baptized Christians not only for believing but also for practicing the doctrines in their daily lives. According to him, *sensus fidei* should be understood "in view of integral faith life," that is faith expressed in

⁷Angelini, "The *Sensus Fidelium* and Moral Discernment," 238.

⁸Newman defines the senses of faith as 'a sort of instinct, or *phronêma*, (a basic attitude) deep in the bosom of the mystical body of Christ.' He believed that the true doctrine should have the consent of the whole Church. He believed that in order to maintain truth in the Church, the Church needs both infallibility and authority. Newman, *On Consulting the Faithful*, ed., John Coulson, London: Chapman, 1961, 54.

⁹Newman, *On Consulting the Faithful*, 54.

¹⁰Knieps, "Church Teaching on Marriage and Family," 282

multiple ways in Christian life. The doctrinal faith is just one of the ways of the expression of faith. For instance, prayer life, devotions, worships and the sacraments are the immediate expressions of faith. The expression of faith does not stop with these immediate expressions, but it continues in daily living.¹¹ Therefore, Knieps illustrates that *sensus fidei* impels the faithful to believe in Christian doctrines and enables them to practice their belief, since faith and morals are interconnected and inseparable, in line with the Catechism of the Catholic Church stating that “Christian witness is always transmission of faith in words and deeds.”¹²

2.2.2. *Sensus fidei: The Capacity to Receive the Revelation*

Antonio Autiero emphasizes the role of *sensus fidei* in the life of the faithful to receive God’s self-revelation. Inspired by *Dei verbum*, 2,¹³ Autiero argues that divine revelation is not just about God revealing the truths about Himself but rather it is about God entering into a concrete relationship with the human persons and the human person responding to God’s call through a life of faith and morals. It is never a privilege or an entitlement to an elite but rather everyone who receives the sacrament of baptism obtains God’s grace as a personal gift. The function of the Holy Spirit is to lead all the faithful into relationship and understanding of God’s self.¹⁴ In this manner, Autiero contributes that the capacity to receive revelation (*sensus fidei*) and to enter into a personal relationship with the personal God brings to every individual a kind of “discursive knowledge,” which could be compared to the “virtue of prudence” that helps the faithful to make right choices in daily life.¹⁵

2.2.3. *Assessing Sensus Fidelium with the Collective Human Experience*

Let us now move on to the *sensus fidelium*, which is defined in systematic theology as the communal character of *sensus fidei*. This definition, however, does not say how *sensus fidelium* works in daily life. Being aware of the limitation of this definition, moral theologians propose a practical definition of *sensus fidelium* which explains how *sensus fidelium* works in daily life. They argue that collective human experience and collective moral conscience are the key terms on the basis of which *sensus fidelium* works in daily life.

¹¹Knieps, “Church Teaching on Marriage and Family,” 282.

¹²*Catechism of the Catholic Church*, 2472.

¹³“In His goodness and wisdom God chose to reveal Himself and to make known to us the hidden purpose of His will” (Eph 1:9).

¹⁴*Dei Verbum*, 5, 6.

¹⁵Autiero, “The *Sensus Fidelium* and the Magisterium,” 206.

Todd A. Salzman admits that experience as such is a slippery point in moral theology. It is not so easy and feasible for everyone to narrate about their experiences. As individual human experience is never a “neutral, pure and unadulterated experience,”¹⁶ it is risky to consider it as the unique source of theology. As a result, traditionalists, who apply the deductive approach conclude that experiences which confirm to the existing moral norms are alone legitimate and the individual human experiences should be evaluated based on the moral norms.¹⁷ On the contrary, revisionists¹⁸ propose an inductive approach to the human experience and argue that, though the individual’s human experience does not possess any authority to be the source of moral theology, the collective human experience has the moral authority to become one of the sources of moral theology together with the Scriptures, traditions and reason. Salzman, inspired by the revisionist approach proposes that in a genuine encounter between the collective human experience and divine revelation, through a productive dialogue with the other sources of theology namely, the Scriptures, traditions and reason, the community grows in moral wisdom.¹⁹

In this regard, Autiero explains how experience plays a pivotal role in a community in the process of attaining *sensus fidelium* guided by the Holy Spirit. Experience is not momentary, rather it implies a process. Autiero calls this process ‘experiential itinerary’. In the process of acquiring experience, the human mind has to pass through different phases. They include the “verifying phase” where comparison takes place, the “explorative phase,” where one tries to find meaning, and the “determination phase,” where decisions are made. However, Autiero agrees that these three phases can differ from person to person by their different capacities for critical reflection and communicative character.²⁰ The interpretations of Autiero and Salzman reinforce each other: Autiero foregrounds the process of human experience becoming an authentic source of theology and Salzman aims at telling what these human experiences

¹⁶Salzman and Lawler, “Experience and Moral Theology,” 260.

¹⁷See Todd A. Salzman, and Michael G. Lawler, *The Sexual Person: toward a Renewed Catholic Anthropology*, Washington DC: Georgetown University Press, 2008, 48.

¹⁸Revisionists’ represent a group of theologians who support a liberal view of morality and personal freedom. They insist on human experience, the subjective side of the act and the circumstances. ‘Traditionalists’ are theologians who insist on an objective perception of morality.

¹⁹Salzman and Lawler, “Experience and Moral Theology,” 258.

²⁰Autiero, “The *Sensus Fidelium* and the Magisterium,” 202.

mean to the Church. For instance, Salzman argues that some of the traditional teachings of the Church on family and sexual ethics such as contraception, divorce, remarriage, cohabitation and homosexuality have to be revised on the basis of the collective, authentic human experiences of the faithful.

Knieps perceives the Church as a narrative community.²¹ Communication, discernment and learning are the three functions of a narrative community. The members of the narrative community come together, communicate and evaluate their experiences with the collective experience of the faithful. Finally, by opening up to God's revelation, each member discerns real meaning and finds new approaches to life. Learning is a mutual and fundamental process in a narrative community. As a teacher the Magisterium forms the moral sense of the faithful and helps them in the process of attaining moral discernment in their daily Christian life. As a "narrative community" the faithful not only learn but also in turn feed into the rich moral insights of the Church, with the unfolding of the divine revelation that happens in their life and in every culture.

The above elaborations of the process in a narrative community do not negate one another's experiences but rather complement one another. So, a working definition of *sensus fidelium* would be the Church as "a narrative community" which allows her faithful to communicate their human experience to their brothers and sisters, who are in the same search of faith in their daily lives. *Sensus fidelium* enables the faithful to share and verify their experiences in the light of God's word and discern the will of God as a community. Being a narrative community, the Church (as a community of the faithful) also in turn contribute their collective experience (the *sensus fidelium*) to the development of the teaching of the Church on faith and morals.²²

2.2.4. *Conscience and Moral Sense of the Faithful*

Conscience and moral discernment are the two key terms that the moral theologians employ in their discussions on how *sensus fidei* and *sensus fidelium* work in the life of an individual and the community in the process of discernment and decision making. There are no substantial and comprehensive studies on conscience in relation to *sensus fidelium* in moral theology.²³ One of the reasons could be because the faithful seldom listen to and support one another's

²¹Knieps, "Church Teaching on Marriage and Family," 282.

²²Knieps, "Church Teaching on Marriage and Family," 288.

²³Keenan, "Redeeming Conscience," *Theological Studies* 76 (2015) 130.

conscience. In support of this point James Keenan provides evidence from the *Relatio* of the Synod that does not even use the idea of conscience and that secondly, following the decision of the American Bishops' Conference to reject the faithful's response to the Vatican questionnaire to the synod on family. They believed that the laity lack moral conscience. Keenan strongly proposes that *sensus fidelium* is what people live in their conscience and therefore, *sensus fidelium* will have no credibility until we take conscience seriously.²⁴

Knieps has attempted to differentiate between *sensus fidei* and individual conscience.²⁵ Firstly, he observes that moral theologians have not treated *sensus fidei* and the individual's conscience as identical. In Kniep's understanding, the debate on *Humanae Vitae* projects *sensus fidei* as a mediator between individual conscience and Magisterial teaching so that the person can arrive at a moral discernment in a particular case, for instance, when a person's individual experience is contrary to the teaching of the Church. Consider the example of a woman who has been abandoned with her children by her spouse, finds a caring person, enters into a civil second marriage so that the children may have a father and she a committed companion. She brings up her children in Christian faith and she is an active member in the Church. Though she lives a committed Christian life, the Church is not accepting her second marriage as a valid one. She cannot be compelled to return to the earlier abusive relationship and the Church does not recognize the second fulfilling relationship. What would be the role of *sensus fidei* in this context? Salzman's analysis supports Kniep's point that, in this case, by making use of the human experience as locus, *sensus fidei* helps the person to discern in between the individual conscience and the teaching of the Church.²⁶ Here is a process of reasoning, reflecting, and ascertaining before the moral discernment is finally attained.²⁷ This ought to be the responsibility of *sensus fidei*.

Thirdly, moral theologians probe the connection between *sensus fidelium* and the 'collective conscience' and offer corroborative opinions. Knieps argues that the whole Church is given a "collective conscience," which is a capacity to choose what is morally good and

²⁴Keenan, "Redeeming Conscience," 131.

²⁵Knieps, "Church Teaching on Marriage and Family," 285.

²⁶"Whether one calls it "instinct" or "spontaneous judgement" or "intuition," its locus is the lived experience," Salzman and Lawler, "Experience and Moral Theology," 271.

²⁷We have already explained these stages in reconceptualizing *sensus fidelium* with experience.

to live it even amidst false teachings.²⁸ From his side Angelini, analyzing the connection between *sensus fidelium* and conscience, argues that *sensus fidelium* is a response of the collective conscience of the Christians, from the lived experience of faith, in a given context.²⁹ Knieps compares *sensus fidelium* with the ‘collective conscience,’ while Angelini projects *sensus fidelium* as a product of collective conscience and therefore proposes that theologians and the pastors could help the laity to develop a “believing conscience” that could see God’s plan for them and cooperate with that divine plan in their daily life.

2.3. The Impact of Culture and *Sensus Fidelium*

Moral theologians vary in their opinions on the impact of culture on *sensus fidelium*. From an African perspective Nathanael Yaovi Soede looks at culture as a positive element in the life of the Church. He argues that indigenous theologies and anthropologies of various cultures have contributed to the development of the teachings of the Church. At the same time, the impact also brings its own limitations. For instance, Soede argues that *sensus fidelium* takes its origin from the Greco-Latin anthropology and therefore it is infiltrated with the focus on the individual. On the contrary, African anthropology, which describes an individual as “being life (*être-vie*)” in the community could offer a better description to *sensus fidelium* that is “*sensus fidelium ecclesiaeque*.” (“sense of the faithful and the Church”) It defines a baptized faithful as an “ecclesial I,” “a son or a daughter of the Church” who not only participates in the life of the Church but also in the functioning of the magisterium and the decision making process. Likewise, Soede proposes that every faithful could partake in the decision-making process of the Church.³⁰

Angelini assesses the impact of culture on *sensus fidei* from a western perspective. In his opinion, the faithful are influenced, in their practical life, by the secular world. Since the secular world is pragmatic, Christian faith could be incapable of exerting a radical influence on the life of the faithful. Against this background, Angelini is sceptical and is unconvinced whether an authentic *sensus fidelium* can ever exist in this secular culture. Can what the Church believes and proposes on matters of faith and morals in the Western secular world, be considered as *sensus fidelium* or should it be treated as public opinion on ecclesial matters? Angelini avers that unless the

²⁸Knieps, “Church Teaching on Marriage and Family,” 284.

²⁹Angelini, “The *Sensus Fidelium* and Moral Discernment,” 239.

³⁰Soede, “The *Sensus Fidelium* and Moral Discernment,” 225.

moral conscience of the faithful is seriously formed, the credibility about the discussions about the validity of dissent and *sensus fidelium* can easily be questioned by the official magisterium.³¹ The social and cultural pressures could surpass that faith of the individuals and thus it is the duty of the theologians and pastors to prepare the faithful to go into the depth of their conscience.

Salzman connects the influence of various cultures to *sensus fidelium* and he argues that the interpretation of particular experiences differs from culture to culture. According to Salzman, the stand of the Church on the issue of population is a pointer in this direction. Declining birth rate is one of the issues of concern in developed countries. But, on the other hand, the UN Conference on Population in 1994 reported that population is one of the reasons for poverty. The delegation from the Holy See, to the same conference responded that “respect for life and the dignity of the human person must be the ultimate guiding norm for such a (population) policy.”³² The Vatican would not accept the policy propounded by the UN because, it argued that the U.N had not adequately considered the cultural experiences of all the people. So, as the Church itself conceded in the UN Conference in 1994, the different cultural experiences of the people ought to be a guiding principle when it legislates on moral issues.

3. Ongoing Issues and Questions about *Sensus Fidelium* in Morality

There remain intriguing questions about *sensus fidelium* in moral theology that moral theologians initiate in their discussions. Let us briefly raise the most significant:

a) Can we reduce *sensus fidelium* to ‘reception’ by the faithful?

The moral theologians we studied opine contrary to this view and unanimously reject it. They hold that ‘reception’ is one of the characteristics of *sensus fidelium*, but it cannot be reduced to the level of an “inappropriate” notion of reception (passive reception) alone.³³ Inspired by systematic theologian John J. Burkhard,³⁴ Knieps and

³¹See Angelini, “The *Sensus Fidelium* and Moral Discernment,” 240.

³²Referred in Salzman and Lawler, “Experience and Moral Theology,” 266.

³³Valadier, “Has the Concept of *Sensus Fidelium* Fallen into Desuetude?” 218.

³⁴“The responsibility of (re) defining the faith belongs to every baptized for theological and cultural and linguistic reasons,” John. J. Burkhard, “*Sensus Fidei*: Recent Theological Reflections (1990-2001) Part I,” *Heythrop Journal* 46 (2005) 458; see also Luigi Sartori, “What is the Criterion for the *Sensus Fidelium*?” in ed. Jürgen Moltmann and Hans Küng, *Who has the Say in the Church?* *Concilium* 148, New York: Seabury, 1981, 56-60.

Autiero argue that the Church has to analyse and illuminate the questions that the laity, theologians, priests and bishops raise while they try to live the gospel amidst rapid changes. In this process of change, the faithful receive the teaching of the Church, reflect upon it, question it and internalize it in the light of God's revelation.³⁵ Thus they learn new approaches to the emerging questions of life. As a dynamic community, the faithful not only "receive" the teaching of the magisterium but also in turn feed into the rich moral insights of the Church with the unfolding of the divine revelation that happens in their life.³⁶ This mutual learning process is named in systematic theology as 'reception in reverse.' Since the magisterium is not a standalone institution, it requires the whole people of God to teach, interpret, develop and defend faith.

b) Is 'dissent' an act of disobedience and can the *sensus fidelium* of the faithful disagree with the teaching of the Church?

Autiero says that those who 'disagree' and engage in dissenting debates have in fact critically evaluated the collective experience of the faithful who have for years continuously demurred against the magisterial moral teachings.³⁷ Therefore, dissent need not be dismissed in its entirety as a form of disobedience and the product of a sinful heart. Paul Valadier argues that 'dissent' could mean that the teaching could be outdated and needs to be reevaluated. Therefore, he suggests that the teaching needs to be constantly reviewed. It is a kind of self-examination and self-criticism that a person would make to his own teaching.³⁸ Deepening these reflections, Inocent-Mária V. Szaniszló points out the boundaries of dissent in Theology. He argues that if we consider theology as a branch of science and the profession of the theologian as ecclesial in nature, then the theologian has the responsibility to abide by the boundaries set by the teaching of the Church. In his opinion, a theological dissent must be expressed by a researcher only in the relevant circle so that the researcher may not set up a teaching office parallel to the Magisterium who holds, proclaims, and updates the revelation of truth in accordance with the Scripture and tradition.³⁹

³⁵Autiero, "The *Sensus Fidelium* and the Magisterium from the Council to the Present day," 202,

³⁶Knieps, "Church Teaching on Marriage and Family," 282.

³⁷Autiero, "The *Sensus Fidelium* and the Magisterium from the Council to the Present day," 202 -203.

³⁸Valadier, "Has the Concept of *Sensus Fidelium* Fallen into Desuetude?" 217.

³⁹Szaniszló, "The Catholic Theologian, the Magisterium and the Common Good," 423.

c) What is the difference between *sensus fidelium* and public opinion? Can the Church reduce the lived experiences of the faithful on certain moral matters as public opinion?

The argument could be that with regard to the difference between public opinion and *sensus fidelium*, public opinion does not hold universal acceptance because public opinion can be by its nature, highly unstable, short-lived and fluctuating. On the contrary, *sensus fidelium* is not led by moods or fleeting whims and fancies; it is arrived at by compelling and urgent needs that are universal in nature. Theologically speaking *sensus fidelium* can be differentiated from public opinion by its infallible nature, because it is guided by the Holy Spirit.⁴⁰ However, we propose that practically speaking, the infallible nature of *sensus fidelium* must not be understood in a rigid and minimal rather in a dynamic sense, because the community of faithful grow in the understanding of truth not like a one-night event rather it is a process. We find evidence in the historical unfolding of the *sensus fidelium* on issues such as usury and slavery⁴¹ that the process of discerning truth can take centuries. Therefore, the infallibility concerning *sensus fidelium* must be understood as growing in truth. In the words of Knieps, “such ‘infallibility’ in *credendo*, as a Latin formulation put it, has of course to be distinguished from the ‘indefectibility’ in *docendo*, attributed to the magisterium.”⁴² The second important character that distinguishes *sensus fidelium* from public opinion is that *sensus fidelium* can never go against the Scripture and the apostolic tradition. The third characteristic is that it is always universal. The universal nature of *sensus fidelium* also raises a question: is it possible to attain a universal consent on a particular issue that is peculiar to a particular region (cohabitation before marriage in the West) or culture (marrying with in close relatives in India) or group of people LGBT.⁴³ Fourthly, the International Theological Commission (ITC) differentiates *sensus fidelium* from public opinion by its nature of thinking with and thinking for the Church. Though the statement by ITC that *sensus fidelium* will always have the heart of the Church and will always think with the Church⁴⁴ seems vague, yet it could be interpreted that *sensus fidelium* should

⁴⁰Prosper Mushy, *Sensus Fidelium as a Locus for Theology*, Dissertation, published in KU Leuven, (2009), xlvi.

⁴¹Nihal Abeyasingha, “Amoris Laetitia & Sensus Fidelium.” *Compass* (Kensington, N.S.W.) 50. 4 (2016): 18.

⁴²Knieps, “Church Teaching on Marriage and Family,” 166.

⁴³Lesbians, Gay, Bisexual and Transgenders.

⁴⁴The Congregation for the Doctrine of Faith, “Instruction on the Ecclesial Vocation of the Theologian,” in *Origins* 20 (1990) 125.

not be a divisive element that divides the body of Christ. To put in the words of Pope John Paul II: the real *sensus fidelium* will set the Church on the way to the truth.⁴⁵

d) Does the *sensus fidelium* have any authority? If so, how can the Church recognize the authority of *sensus fidelium*?

Angelini opines that the authority of *sensus fidelium* is theologically well defined and accepted beyond doubt. Yet, the kind of authority it possesses in the practical life of the Church still remains vague. The International Theological Commission has made it clear that the magisterium judges and decides whether *sensus fidelium* is in line with the established apostolic tradition of the Church.⁴⁶ Therefore, instead of arguing what kind of authority *sensus fidelium* possesses, Angelini delves into what gives authority to *sensus fidelium*. He elaborates that a historical survey of *sensus fidelium* proves that the witnessing life of the faithful gives *sensus fidelium* the authority.⁴⁷

In this regard, the challenges before the magisterium are two-fold: firstly, it needs to set a clear boundary between the 'teaching Church' and the 'Church taught' so that the reciprocal learning could be constructive and the development of the moral teaching of the Church will not be influenced by the public opinion. Secondly, in understanding the present conditions of the Church, the magisterium needs to enter into a genuine dialogue with all the faithful in a variety of ways, for instance, convening synods. Believing in the infallibility of the *sensus fidelium* which represents a true 'theological resource' (*locus theologicus*), the Church needs to create a ground for mutual sharing among the hierarchy, theologians, and the faithful.

e) Who possesses the authentic *sensus fidelium*?

The International Theological Commission has offered a guideline: the authentic *sensus fidelium* could be found in those who join in the following: (1) participating in the life of the Church (2) listening to the word of God (3) opening up to reason (4) receiving the magisterial teaching (5) leading a life of holiness and joy and (6) desiring the goodwill of the Church.⁴⁸ Though, these guidelines seems to be seem

⁴⁵Pope John Paul II stated that the Church should consult sociological statistics when they are helpful to understand what the truth is. He noted however that, "the supernatural sense of faith however does not consist solely or necessarily in the consensus of the faithful. Following Christ, the Church seeks the truth, which is not always the same as majority opinion." *Familiaris Consortio. The Role of the Christian Family in the Modern World* (Boston: St. Paul's Edition), 16.

⁴⁶International Theological Commission, *Sensus Fidei in the Life of the Church*, 74-77.

⁴⁷Angelini, "The *Sensus Fidelium* and Moral Discernment," 238.

⁴⁸International Theological Commission, *Sensus Fidei in the Life of the Church*, 88-104.

to be very idealistic, yet we believe that they are fundamental elements without which one cannot discern the authenticity of *sensus fidelium* of the faithful.

4. Test Case: Divorce and Remarriage

4.1. Information about Two Empirical Studies

In 2014, an empirical (quantitative) research project was undertaken by Professors Annemie Dillen and Thomas Knieps from the Faculty of Theology and Religious Studies, KU Leuven. They interviewed and collaborated with catholic pastoral workers, both professionals and volunteers in the pastoral activity of the catholic Church in the Flemish part of Belgium.⁴⁹ They gathered information about pastoral workers' experiential knowledge and ethical perspectives on Church teachings on contraception, divorce, remarriage, cohabitation, and homosexual relationships and the ideological tensions that exist among the pastoral workers about church teaching on these moral issues.

In 2015 Arun George, a research masters' student from the same faculty of Theology and Religious Studies, KU Leuven inspired by this above model of project undertook another empirical (quantitative) research project under the guidance of professors Dillen and Knieps. He collaborated with the catholic pastoral workers and volunteers who are committed to the pastoral activity in the Syro-Malabar dioceses of Trichur, Irinjalakuda, and Thamarassery in India about their views and stand on the Church teachings on marriage and family. This project was conducted in response to the comment that came up in 2015 in the scholarly discussion: the response of the Kerala Catholic Bishops Conference (KCBC) to the Vatican questionnaire had not adequately expressed the perspectives of the faithful in the grass root level towards Church teaching on marriage and family.⁵⁰

These two studies have been used here because (i) they were undertaken just within a year of each other, (ii) the respondents were

⁴⁹Annemie Dillen, Thomas Knieps-Port le Roi, "A Growing Gap? Catholic Pastoral Workers and Volunteers Perceptions on Family Life and Church Teaching in Flanders," in *The Contemporary Family: Local and European Perspectives*, Krakow: The Pontifical University of John Paul II Press, 2015, 159-171.

⁵⁰Arun George mentions this in his introduction and summary. See Arun George, "Pastoral Challenges with regard to Family Life in the Syro-Malabar Christian Community in Kerala: A Field Study," Dissertation, KU Leuven. Faculteit Theologie En Religiewetenschappen, 2016; see also James Kottoor, "Pithakkanmarum Synadum," *Almaya Sabdam* 5 (2015) 10-13. See also: John Dayal, "Will Synod Bishops Grasp the Peculiar Indian Situation?," *The Secular Citizen: A National Family Weekly* 23, 39 (2014) 3-4.

of the same category (clergy and laity who were involved in the pastoral activity of the dioceses) and (iii) the questionnaires given to them for eliciting information were almost identical. The dissimilarities are (i) they were undertaken in two entirely different cultural contexts and (ii) the respondents also differ a little bit (the Belgian survey includes divorced and remarried people, while the Indian survey does not, because they are not active in the Church).

In Belgium, the respondents were “priests, parish assistants, chaplains in prisons and in armies, volunteers in pastoral services (parish collaborators, care services), formation directors, contributors to family pastoral services and volunteers in marriage preparation and programmes for the divorced, teachers of religious education, theology lecturers, and assistants in pastoral services in the broad sense).”⁵¹ The total number of participants were 1853.⁵² In Kerala, the respondents were priests, parishioners and the laity “who are directly in charge of promoting Christian unity, spiritual interest and sacramental life among the common people; for example, parish trustees, catechism teachers, parish council members, unit/ward convenors, Forane/Parish pastoral council members, sacristans.”⁵³ In Kerala, the total number of participants were 694.

It should be noted that though the surveys deal with the issues of contraception, divorce and remarriage, homosexual relationships, and unmarried cohabitation, yet we have limited our arguments to the disagreement of the pastoral workers on Church teaching on divorce and remarriage. Certainly, there are aspects of the Church teaching with which they agree, but that is not our focus here.

The results of this survey must not be generalized as a common opinion of the Belgian Catholics or the Catholics in Kerala but must be particularized as an opinion of the pastoral workers in Flanders, Belgium and in Kerala, India. If this empirical research would have been conducted with another targeted group then the outcome of the results could have differed from what we have now.

4.2. An Expression of the *Sensus Fidelium*?

This section of the article intends to briefly interpret the two empirical studies mentioned above as expressions of *sensus fidelium* of the pastoral workers.

⁵¹Dillen, “Growing Gap,” 161.

⁵²Dillen, “Growing Gap,” 164.

⁵³George, “Pastoral Challenges With Regard To Family Life In The Syro-Malabar Christian Community in Kerala,” 23.

Firstly, the personal and faith profile of the respondents demonstrate they are all authentic agents of *sensus fidelium* as they meet the criteria laid down by the International Theological Commission such as : (1) participating in the life of the Church, (2) listening to the word of God, (3) opening up to reason, (4) receiving the magisterial teaching, (5) leading a life of holiness and joy and (6) desiring the goodwill of the Church.⁵⁴

According to the statistics: The respondents are clergy and laity who work in the pastoral activity of the local parishes and the institutions in their dioceses. In the Belgian study 41.7% of pastoral workers participate in the mass once in a week and 23.3% participate multiple times in a week.⁵⁵ In the Indian study 23% of them participate in daily mass, 41.3% participated multiple times in a week, 30.2% participated once in a week.⁵⁶ In the Belgian study 60 - 75% of the respondents say that they had good knowledge about Church teaching on divorced and remarried.⁵⁷ George reports that the Indian respondents "have gained knowledge of the documents, as we can assume, through their participation in the Holy Eucharist, retreats, prayer services and family or couples' seminars."⁵⁸ In the Belgian study, 64% of the participants had theological formation in which 26.7% have studied it in the university.⁵⁹ In the Indian study, 48.0% of them had basic theological training to teach catechism to the children in the parishes. The Indian lay respondents included students, home makers, farmers, teachers/professors, lawyers, engineers, and entrepreneurs.⁶⁰

Secondly, the two empirical studies were undertaken in two entirely different socio-cultural contexts. In the Belgian study, 8.8% of the participants were divorced and of them 2.2% were remarried, and the responses of the divorced and the remarried were at variance with the teaching of the Church with regard to divorce and remarriage. Among the total respondents, 68.5% disagreed with the Church teaching on divorce and remarriage, and 80.4% of them appealed for a change on the teaching of the Church on divorce and remarriage.⁶¹ In the Indian study, none of the respondents are

⁵⁴International Theological Commission, *Sensus Fidei in the Life of the Church*, 88-104.

⁵⁵Dillen, "Growing Gap,"163,

⁵⁶George, "The Challenges," 33-34.

⁵⁷Dillen, "Growing Gap,"168.

⁵⁸George, "The Challenges," 43.

⁵⁹Dillen, "Growing Gap,"163.

⁶⁰George, "The Challenges," 31.

⁶¹Dillen, "Growing Gap," 167.

divorced or remarried and yet 48% of them feel that the teaching of the Church on the issue of divorce and remarriage was either biased against the divorced and remarried and neglected them, and 28.3% chose a neutral position to this and 35.2% expressed their concern over the delay of the annulment process.⁶²

The above statistics reveal that whether the people are divorced or remarried or not, most of them held positions that were at variance with the position of the Church. Therefore, the issue of the divorced and remarried is apparently no longer a concern of only those who have a first-hand experience of the issue but rather of the entire laity. This common agreement is gathering momentum because all people, in some way, either personally or from the experiences of those who are close to them, have seen the neglect, isolation and pain undergone by the divorced and the remarried in the Church. So, it is apparent that the individual conscience is not in conflict with *sensus fidelium* (collective conscience) but rather with the Magisterium.

Thirdly, the questionnaire elicited varied responses from various categories of participants, ranging from a strict adherence to the present stand to asking for various changes and adaptations and concessions to the divorced and the remarried.

The Belgian study argues that the more a respondent commits to one's faith, the more critically one evaluates one's faith and its expressions.⁶³ Dillen notes that most of these critical thinkers of faith are lay theologians who are professors in theological institutions. The lay theologians are more familiar with the ground reality and so reflect more closely people's experience. Their intense evaluation and intellectual background compel them to view people's experience more critically. Their *sensus fidelium* helps them to take the collective experience of the divorced and remarried and relate it to the teaching of the Church. In this process, they, with the help of Divine Revelation and human experience, discern what is morally acceptable and unacceptable. These respondents discern that it would be inappropriate to compel a divorced person to remain single but instead to recognize their second civil marriage (if they are already in it) for the good of that person and the children they would have had out of the divorced marriage, and they may have in the subsequent civil marriage. As different from the Belgian study, the Indian study reveals that the Indian respondents are less critic of the teaching of the Church and more committed to their faith. Thus, the correlation

⁶²George, "The Challenges," 41.

⁶³Dillen, "The Challenges," 170.

that Dillen proposes between ‘commitment’ and ‘critic’ is questionable and needs further research.

The Belgian empirical research also found that comparatively more men than women agree with the Church teaching on divorced and remarried.⁶⁴ Dillen supposes that it is so because 9.9% of the total respondents who were priests add to the number of strong supporters of the status quo. This point could raise a further question: is the *sensus fidelium* of the clergy more Church-leaning? Looking from another perspective, the researcher supposes that the reason for this tension could be, because the privileged men want to hold on to their position, while the unprivileged women would like to fight for their rights within the society as well as Church. It could be also possible that women are more serious about their faith as well as their personal wellbeing, (i.e.) they want to be free from the abusive partner and would like to legitimize their civil remarriage into a sacramental one. On the contrary, surprisingly this tension is not found in the Indian study. The Indian respondents support the Church teaching on divorce and remarriage beyond their gender identity, even though “India ranks 133 out of 167 countries in Women, Peace and Security Index.”⁶⁵ This raises the question whether it is their personal faith experience or the feministic thinking in the West which influences the *sensus fidelium* of the women in Belgium.

The Indian empirical research raises a concern that the local bishop’s conference does not give importance to the expressions of the *sensus fidelium*, as the response of the KCBC (Kerala Catholic Bishops Conference) to Vatican questionnaire to the synod on family did not reveal but concealed the disagreement of the Kerala Catholics on Church teaching on marriage and family.⁶⁶ It signals that there also exist conflicting voices in the Indian Church. They are diminished probably because they are few and, in the future, they may grow and get strengthened and could be heard.

5. Conclusion

From the analysis of the recent discussions on *sensus fidelium* in the moral theological literature published after 2014, and the case study, we make the following observations:

⁶⁴Dillen, “The Challenges,” 170.

⁶⁵Survey by Georgetown University’s Institute for Women, Peace and Security (GIWPS), Available at <https://yourstory.com/herstory/2019/11/india-ranking-countries-women-peace-security-index> (Down loaded on 04.04.2021)

⁶⁶George, “The Challenges,” 48.

Firstly, this article has offered a survey of the debate on *sensus fidelium* in moral theology and has identified the following themes: (i) The issue of divine revelation in relation to the individuals and their responses to belief and practice; (ii) Collective human experience as a *locus* for *sensus fidelium*; (iii) Collective moral conscience for discernment; (iv) The positive and negative impacts of culture on *sensus fidelium*.

Secondly, the review of recent literature has identified the process of interaction between the teaching of the Church, collective human experience, collective human conscience, divine revelation and *sensus fidelium*. By using the collective human experience of all the faithful as *locus*, *sensus fidelium* enables the faithful to discern between the collective consciousness and the teaching of the Church, as a tension arises between the collective conscience and Church teaching. Thus, the faithful with the help of the *sensus fidelium* receive the teaching of the Church, reflect on it, and critique it and a moral discernment is finally attained through prayer and contemplation.

Thirdly, the ongoing issues and questions about *sensus fidelium* in morality reveal the fact that *sensus fidelium* cannot be reduced to “inappropriate” notion of reception (passive reception); it also actively addresses the emerging questions of life, as and when they arise. Thus, as a narrative community the faithful not only receive the teaching of the Church, but also reflect on it, discern and derive values from it and live it. This freedom to contemplate need not be considered as defiance or disagreement. In this process of contemplation, the faithful contribute from their *sensus fidelium* to the development of the teaching of the Church. Therefore, dissent in the Church need not be dismissed in its entirety as a form of disobedience and as the product of a sinful heart or as mere public opinion. Since the authentic *sensus fidelium* can be found in those who are witnessing their faith life in their communities, the Church needs to listen to them when She develops her doctrines on matters of morality. The character of the authentic *sensus fidelium* could be that it helps to grow towards the infallible truth by standing in line with scripture and tradition, holding to its universal nature.

Fourthly, since the magisterium is not a stand-alone institution, it requires the whole people of God to teach, interpret, develop and defend the faith. Therefore, the duty of the magisterium could be to listen to the individual conscience, collective conscience of the community, the new insights given by theology and empirical science, and to take seriously the psychological need for security and companionship felt by the divorced and remarried. The magisterium

could well evolve measures to initiate dialogues with the various categories - the laity, lay theologians, pastoral workers and priests and bishops, in a variety of ways and the responses at these dialogues ought to be carried to the Magisterium. Moreover, specific dialogues with specific groups such as women, the divorced and the remarried need to be conducted so that their authentic lived experiences are also taken into account and reflected in the teachings of the Church. In this process, the magisterium may also evolve more empirical methods to discern authenticity in *sensus fidei* and *sensus fidelium*.

Finally, the test-case illustrates that the respondents not only receive the magisterial teaching with a reflective heart, but also with their expertise in theology and secular studies; they open up themselves to reason and critical thinking, because real faith not only reveals itself in the immediate expressions of the celebration of the sacraments and the liturgy but also continues to express itself in the daily living of the faithful.

The test-case also reveals the fact that the issue of the divorced and remarried is certainly no longer a concern of only those who have a first-hand experience of the issue, but rather of the entire laity. This need for a consensus in these issues is gathering momentum. The differences in the responses of the two groups does not mean Indian respondents are very obedient, and the Belgian respondents are defiant to the teaching of the Church. The truth is that the Belgians are a little more critical, and also at the same time, a small percentage of Indians also have their disagreement with the teaching of the Church. It might be a sign that they both are moving towards an authentic and infallible truth, similar to what the Church has already experienced in the case of slavery and usury.