

# **Statement Concerning Two Pamphlets Published by Professor Daniel Maguire**

*Committee on Doctrine  
United States Conference of Catholic Bishops*

On June 19, 2006, Professor Daniel Maguire of Marquette University sent two pamphlets to all of the Catholic Bishops in the United States, one entitled *The Moderate Roman Catholic Position on Contraception and Abortion* and the other *A Catholic Defense of Same-Sex Marriage*. These pamphlets do not present Catholic teaching. The views about contraception, abortion, same sex “marriage”, as well as the very nature of Church teaching and its authoritative character, cross the legitimate lines of theological reflection and simply enter into the area of false teaching. Such mistaken views should not be confused with the faith and moral teaching of the Catholic Church. Since it is apparent that considerable efforts have been made to give these views the widest possible distribution as if they were a valid alternative to the teaching of the Catholic Church, the Committee on Doctrine of the United States Conference of Catholic Bishops considers it important to offer a public correction of the erroneous views proposed in these pamphlets. At the same time, the Committee on Doctrine calls attention to the *Catechism of the Catholic Church* where correct and authentic teaching can be found. This readily available source of the faith and moral teaching of the Catholic Church clearly demonstrates the mistaken character of the positions found in the two pamphlets and their unreliability as a guide for Catholics seeking to know and live their Catholic faith.

## Church Teaching

The fundamental error in these pamphlets concerns the nature of Church teaching. In the first pamphlet Professor Maguire argues that there is “no one position on contraception and abortion” that can be called “Catholic,” and thus that there is no authentic Church teaching that is binding on all the members of the Catholic Church.<sup>1</sup> He argues that there is the “extremely conservative view,” held by conservative theologians and by the Pope and the bishops, a position that opposes contraception and abortion, as well as the “moderate and sensible view,” held by other theologians, which endorses contraception and abortion, at least under certain circumstances.<sup>2</sup> He concludes that “the Roman Catholic position on abortion is pluralistic. It has a strong ‘pro-choice’ tradition and a conservative anti-choice tradition. Neither is official, and neither is more Catholic than the other.”<sup>3</sup>

In the second pamphlet Professor Maguire argues that there is no one position that can be called “Catholic” concerning the morality of homosexual acts and same-sex “marriages.” “In Catholicism” he writes, “there are three sources of truth, (or three ‘magisteria’): the *hierarchy*, the *theologians*, and the *wisdom and experience of the laity* (called in Latin *sensus fidelium*).”<sup>4</sup> Because there is, according to Professor Maguire, no consensus at this time among these “three sources of truth,” he concludes that “Catholic teaching is in transition on this subject and Catholics are free to let their consciences decide either for or against same sex marriages. Both

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<sup>1</sup> Daniel Maguire, *The Moderate Roman Catholic Position on Contraception and Abortion*, p. 1.

<sup>2</sup> Maguire, *The Moderate Roman Catholic Position on Contraception and Abortion*, p. 2.

<sup>3</sup> Maguire, *The Moderate Roman Catholic Position on Contraception and Abortion*, p. 6.

<sup>4</sup> Daniel Maguire, *A Catholic Defense of Same-Sex Marriage*, p. 4.

views – for or against homosexual marriage – are at home in the Catholic world and neither one of them can be called more orthodox or more official or more Catholic than the other.”<sup>5</sup>

From the earliest days of the Church, it has been clear that the bishops have a unique role in passing on the faith and applying the teaching of Christ to the circumstances of the day. Catholic teaching is authenticated by the Church’s teaching office that mirrors and transmits the revelation of Christ under the guidance of the Holy Spirit. While there may be individuals who disagree with the teaching of the Church, such divergent views cannot be considered authentic Catholic teaching or the basis for reliable guidance regarding faithful Catholic moral life. It is a serious error, therefore, to claim that the teaching of the Pope and the bishops represents merely one voice among many legitimate voices within the Catholic Church, all of which are vying to be heard and accepted. The bishops are the successors of the apostles, who were given the authority to proclaim the teaching of Jesus Christ.<sup>6</sup> Jesus himself commissioned the apostles to preach the Gospel in his name.<sup>7</sup> The apostles in turn appointed trusted men to succeed them in this ministry. These successors, the bishops, have thus been authorized to preach and teach in the name of Christ himself.<sup>8</sup> The bishops, therefore, have a responsibility to foster among the

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<sup>5</sup> Maguire, *A Catholic Defense of Same-Sex Marriage*, p. 5.

<sup>6</sup> The Second Vatican Council clearly enunciates the Church’s teaching: “The sacred synod consequently teaches that the bishops have by divine institution taken the place of the apostles as pastors of the Church” (Dogmatic Constitution on the Church [*Lumen Gentium*], no. 20, in *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery, O.P. [Collegeville, Minn.: Liturgical Press, 1992]; see also *Catechism of the Catholic Church*, 2nd ed. [Washington, DC: Libreria Editrice Vaticana–USCCB, 2000], nos. 861-62).

<sup>7</sup> See Mt 16:17-20, 28:18-20; Jn 21:15-19.

<sup>8</sup> See Second Vatican Council, Dogmatic Constitution on the Church (*Lumen Gentium*), nos. 18-19 and Dogmatic Constitution on Divine Revelation (*Dei Verbum*), nos. 7-10.

faithful those actions that promote holiness and are in accord with the Gospel as well as a duty to condemn those actions which are evil and so are incompatible with living a holy life.<sup>9</sup>

Thus, when the bishops together with the head of the college of bishops, the Pope, invoke the authority given to them by Christ to proclaim that one moral position is correct and another erroneous, this teaching is binding in conscience on all who hold the Catholic faith. It is not one of many possible “Catholic” positions proposed by and debated among various theologians.<sup>10</sup> There is but one Gospel of salvation which has been revealed by our Lord Jesus Christ and which continues to be authoritatively taught within the Catholic Church. Laity and clergy embody and express the sense of the faith precisely when they conform their consciences to what the Church authentically professes and teaches.<sup>11</sup> Therefore, it is illegitimate to set in opposition the belief of some of the faithful and the teaching of the bishops and the Pope.

Professor Maguire misrepresents the nature of the relationship between bishops and theologians. The reality is that “the Church cannot exist without the office of bishop nor thrive without the sound scholarship of the theologian. Bishops and theologians are in a collaborative relationship.”<sup>12</sup> While theologians, along with the rest of the faithful, receive from the bishops

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<sup>9</sup> See Congregation for the Doctrine of the Faith, *Instruction on the Ecclesial Vocation of the Theologian* (May 24, 1990), nos. 16 and 19, [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19900524\\_theologian-vocation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html).

<sup>10</sup> The Congregation for the Doctrine of the Faith’s *Instruction on the Ecclesial Vocation of the Theologian* is very clear on this issue. Some theologians falsely argue for a “theological pluralism” that ultimately undermines “the integrity of the faith.” In such a case the teaching of the bishops would become “one theology among many theologies, while no particular theology, however, could presume to claim universal normative status” (no. 34).

<sup>11</sup> The Congregation for the Doctrine of the Faith states that the sense of the faith “implies then by its nature a profound agreement of spirit and heart with the Church” (*Instruction on the Ecclesial Vocation of the Theologian*, no. 35). See also Second Vatican Council, Dogmatic Constitution on the Church (*Lumen Gentium*), no. 12, Second Vatican Council, Dogmatic Constitution on Divine Revelation (*Dei Verbum*), no. 10, and *Catechism of the Catholic Church*, no. 889.

<sup>12</sup> National Conference of Catholic Bishops, *The Teaching Ministry of the Diocesan Bishop: A Pastoral Reflection*, (Washington, D.C.: USCCB, 1992), p. 10. The document continues by stating that there is, nonetheless, “only one authoritative ecclesiastical magisterium that can call for the obedience of faith or religious assent of mind and will, and this pertains to the office of bishops” (Ibid.). See also the Congregation for the Doctrine of the Faith,

the authentic teaching passed down from the apostles, the theologians study that teaching in order to come to a deeper and more systematic understanding, which benefits the bishops and the whole Church. Thus, both bishops and theologians teach, but they do so in different ways. They have different gifts and functions, but they have the same goal: "preserving the People of God in the truth which sets free and thereby making them 'a light to the nations.'"<sup>13</sup> Professor Maguire's conception of the role of the theologian, instead of elevating it, actually diminishes it, for it prevents the theologian from serving this goal.

### **Contraception, Abortion and Same-sex “Marriage”**

While this is not the place for an exhaustive treatment of Church teaching on these important issues, we would like to give a brief account of that teaching and to indicate some sources where more complete presentations may be found.

#### *Contraception*

According to Professor Maguire, a minority of "conservative" Catholic theologians, along with the Pope and the bishops, argues that contraception is morally wrong; at the same time "there exists in the Roman Catholic tradition and faith the view that contraception is not only permissible but that the use of contraceptives is morally mandatory in many situations."<sup>14</sup> In his view, since the theologians and the bishops are all equally authorities and these authorities do not agree, the individual would be free to follow the opinion that least restricts one's freedom of

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*Instruction on the Ecclesial Vocation of the Theologian*, nos. 21-31; Second Vatican Council, Dogmatic Constitution on Divine Revelation (*Dei Verbum*), nos. 23-24, and Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*), no. 62.

<sup>13</sup> Congregation for the Doctrine of the Faith, *Instruction on the Ecclesial Vocation of the Theologian*, no. 21.

<sup>14</sup> Maguire, *The Moderate Roman Catholic Position on Contraception and Abortion*, p. 1.

action.<sup>15</sup> What Professor Maguire does not report is the fact that Pope Paul VI entered into a thorough study of this issue precisely in order to produce a definitive judgment that would bring to an end the disputes among theologians. In the end he upheld the teaching, consistently taught within the Christian tradition, that contraception is intrinsically wrong, for it is not in accord with the purposes of marital sexual intercourse, that is, to express and foster love in a manner that is open to new life.<sup>16</sup> His successor, Pope John Paul II, strongly and repeatedly reaffirmed this teaching.<sup>17</sup>

### *Abortion*

Here, too, Professor Maguire argues that because some Catholic theologians do not consider abortion to be always wrong there is no unitary Catholic position on abortion. In fact, he argues that the dominant current of Catholic tradition supports early abortion because some eminent theologians of the past, such as St. Thomas Aquinas, did not believe that a fetus becomes a human person until several weeks after conception. Such judgments about the status of the fetus were based on the relatively primitive biology of the ancient and medieval periods. More importantly, these theologians never drew the conclusion that abortion was morally justified. Since modern biology provides clear evidence of the humanness of the embryo from the moment of conception, today there can be no reason that can justify the taking of innocent human life that occurs in abortion. Contrary to what Professor Maguire asserts, the Catholic tradition has never supported abortion. The Second Vatican Council clearly stated that “[l]ife

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<sup>15</sup> See Maguire, *The Moderate Roman Catholic Position on Contraception and Abortion*, p. 10. See also Maguire, *A Catholic Defense of Same-Sex Marriage*, p. 5.

<sup>16</sup> See Pope Paul VI, *Encyclical Letter on the Regulation of Birth (Humanae Vitae)* (July 25, 1968), and *Catechism of the Catholic Church*, no. 2370.

<sup>17</sup> See his *Apostolic Exhortation on the Role of the Christian Family in the Modern World (Familiaris Consortio)*, (November 22, 1981), no. 32. See also *Catechism of the Catholic Church*, 2370.

must be protected with the utmost care from the moment of conception: abortion and infanticide are abominable crimes.”<sup>18</sup> Furthermore, the intrinsic immorality of abortion has been repeatedly and forcefully emphasized by the popes, particularly by Pope John Paul II.<sup>19</sup>

### *Same-Sex “Marriage”*

In addition to the argument that the Pope and bishops represent just another voice alongside those of theologians in determining what constitutes the “Catholic” position, Professor Maguire’s analysis of same-sex “marriage” contains errors that warrant particular attention. First he argues that God has created some people to be “gay.” Thus he concludes, “who could imagine God creating people who are gay and then denying them the right to express their sincere and honest love in the holy sacrament of matrimony!”<sup>20</sup>

In her teaching on the correct definition and true meaning of marriage the Church presents God’s plan as found both in revelation and in the natural moral order. Her teaching concerning the errors involved in same-sex “marriage” does not negate the recognition that we are made in the image and likeness of God, nor does it diminish the dignity of each human being, but rather calls attention to the proper use of sexuality within marriage. God created men and women for one another, that, in marriage, they might sexually give themselves to one another for the procreation of children.

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<sup>18</sup> Second Vatican Council, *Pastoral Constitution on the Church in the Modern World (Gaudium et Spes)*, no. 51, in *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery, O.P. (Collegeville, Minn.: Liturgical Press, 1992).

<sup>19</sup> See Pope John Paul II, *Encyclical Letter on the Value and Inviolability of Human Life (Evangelium Vitae)* (March 25, 1995), nos. 58-63; and *Catechism of the Catholic Church*, 2270-75.

<sup>20</sup> Maguire, *A Catholic Defense of Same-Sex Marriage*, p. 2.

Moreover, Professor Maguire states that “homosexuality is not a sin.”<sup>21</sup> If, by this, Professor Maguire means that the homosexual inclination is not sinful in itself, then this is true. However, if this is interpreted to mean that homosexual acts are not sinful, then this is erroneous. Because such acts do not result in the loving union of a man and a woman nor are they ordered to the procreation of children, they are intrinsically disordered.<sup>22</sup> It is this intrinsically disordered nature of homosexual acts that prevents a “same-sex” union from expressing an authentic Christian understanding of marriage.<sup>23</sup>

## **Conclusion**

The Archbishop of Milwaukee, exercising his pastoral responsibilities as the teacher and shepherd, has made public statements affirming that the views expressed by Professor Maguire in his two pamphlets are erroneous and incompatible with the Church’s teaching.<sup>24</sup> We the Committee on Doctrine of the USCCB concur that, despite his claims to authority as a Catholic theologian, the views of Professor Maguire on contraception, abortion, and same-sex “marriage” are not those of the Catholic Church and indeed are contrary to the Church’s faith. We deplore as irresponsible his public advocacy of his views as authentic Catholic teaching. Lastly, we trust that this statement will clarify the Church’s faith and teaching for all of the Catholic faithful throughout the United States.

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<sup>21</sup> Maguire, *A Catholic Defense of Same-Sex Marriage*, p. 7.

<sup>22</sup> See Congregation for the Doctrine of the Faith, *Declaration on Certain Questions Concerning Sexual Ethics (Persona Humana)* (December 29, 1975), no. 8, [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19751229\\_persona-humana\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html), and *Catechism of the Catholic Church*, no. 2357.

<sup>23</sup> See Congregation for the Doctrine of the Faith, *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons* (June 3, 2003), [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20030731\\_homosexual-unions\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html).

<sup>24</sup> See the Archbishop’s weekly column “Herald of Hope” in *The Catholic Herald*, August 24, 2006.