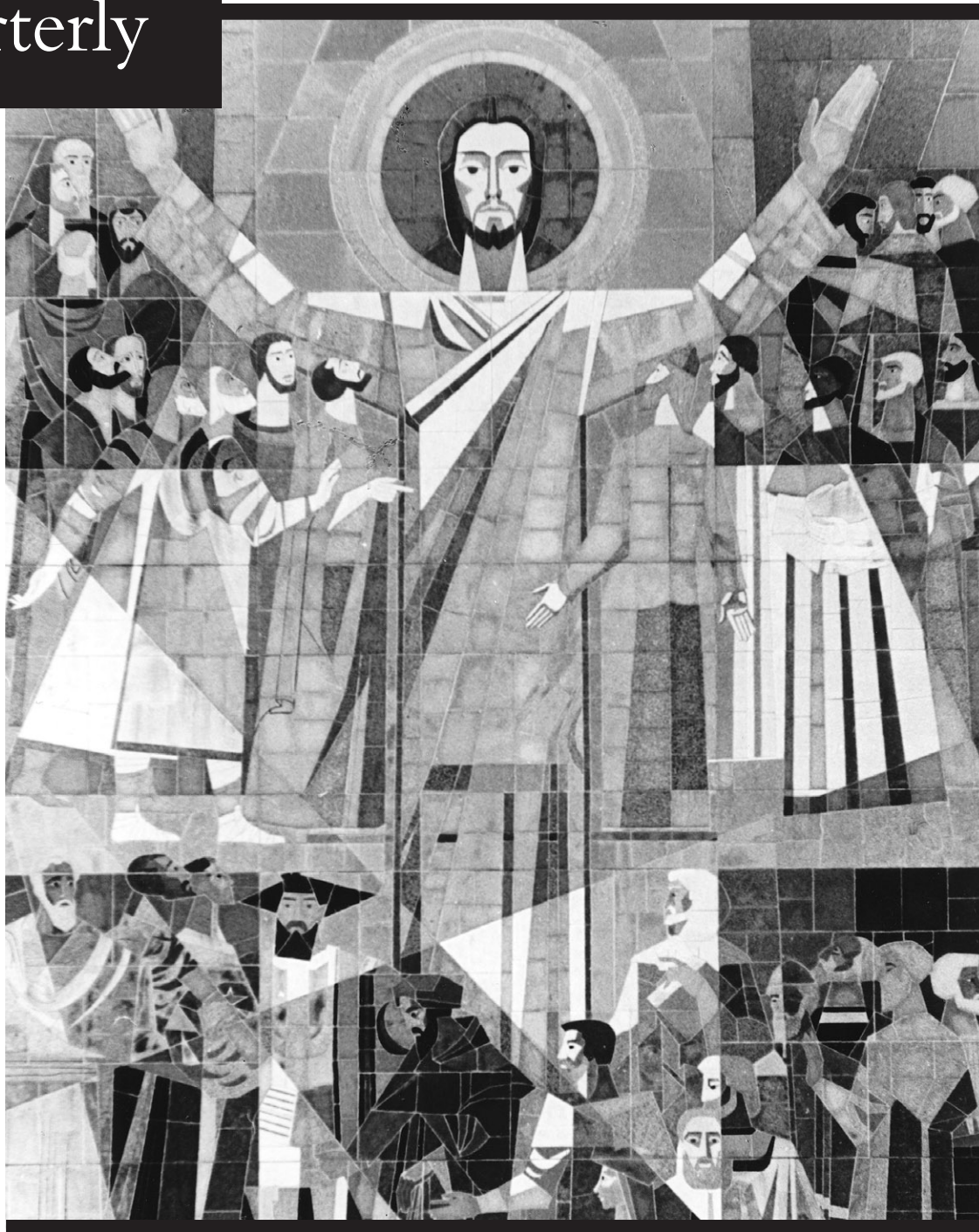


Fellowship of Catholic Scholars Quarterly



VOLUME 26, NUMBER 4, WINTER 2004

ISSN 1084-3035



Fellowship of Catholic Scholars

Scholarship Inspired by the Holy Spirit,
in Service to the Church

CONTENTS

PRESIDENT'S PAGE	2
ARTICLES	
Newman the Failure	3
A Defense of Marital Conjugal Chastity	10
Edith Stein as Philosopher	17
OF INTEREST	
Human Dignity, Human Right and Moral Responsibility	33
From the FCS Newsletter, Vol. I, No. 1 ...	40
BOOKS RECEIVED	40
BOOK REVIEWS	41
BOARD OF OFFICERS AND DIRECTORS	47
SED CONTRA	48

NOTE: The Archives of the University of Notre Dame would like to preserve and make available to scholars a complete run of the Fellowship of Catholic Scholars Newsletter. We presently have only issues that happen to have come to us with personal papers (e.g., of Sister Rose Eileen Masterman, CSC, or Ralph McInerney). If you have back issues that you would be willing to donate, please write to archives@nd.edu

PRESIDENT'S PAGE

Once in a while a legal or political matter rightly claims this space. When that happens, it is usually bad news. It is this time. This time it is about the legalization of “same-sex marriage” in Massachusetts—by a panel of judges, of course, in the *Goodridge* case. And it is about the looming disintegration of marriage all across the legal landscape.

Such temporal matters rarely warrant attention here for a simple reason. The Fellowship of Catholic Scholars is not a current events chat group. Its mission is not (at least, not principally) to bring the faith to bear on modern problems. Our apostolate is that of, well, *Catholic scholars*: intellectual investigation illumined by the truths of the faith, done as a service to God and to the Church.

Our investigations extend, of course, to contemporary questions. But legal and political questions are usually distant from the faith, refracted – often at sharp angles—from the truths of Catholicism. Why? Because mundane matters typically involve contingencies which do not implicate the judgments of scholars *as* Catholic: contested factual claims, prudential judgments about long-term consequences, the intentions and calculations of people who do not share the faith. Even a decision so momentous as a nation’s decision to go to war often rests, finally, upon factual questions entrusted to political authorities to resolve.

Many answers to legal and political questions are compatible with the faith. Our faith (and reason) tells us what marriage *is*. But faith does not tell us to support, for example, the Federal Marriage Amendment in order to preserve marriage as it truly is. (For the record: the FMA is a very good idea, and I am glad so many bishops have endorsed it.) We could all agree that the law of marriage is central to the culture of marriage, and that the culture of marriage is critical to what our children understand marriage to be. But, again, Catholic faith does not compel anyone to support a particular legal initiative.

Catholic faith compels us to oppose some legal initiatives. Any proposal to reinstitute slavery is one. Legal abortion is another. And so the CDF called last summer for opposition to all legal efforts to put homosexual relationships on a par with marriage. No theory of constitutional interpretation, no any account of “public reason” in a pluralist society, no any thin theory of law and its educative effect, can shield decisions such as *Goodridge* from condemnation.

We can leave the political and legal resistance efforts to the experts (including members of our Fellowship). In my view, the creative energies of Catholic scholars interested in law and marriage should be directed to this unprecedented question: when does the civil definition of marriage so depart from the moral truth that, all things considered, it would be better to abolish marriage as a distinct legal status than to tolerate continued scandal? Is it time to replace marriage in the law books with a more commodious, but non-evaluative, status – householder, perhaps, or even domestic partners.

The topic of next year’s convention is Marriage and Family. You can bet this question will be on the agenda. ✠

Gerard V. Bradley, Professor of Law, University of Notre Dame

Newman the Failure

A paper delivered by the Reverend Peter M. J. Stravinskas, Ph.D., S.T.D., to the National Newman Conference, at St. Joseph's College in Rensselaer, Indiana, on 8 August 2003.

*by Rev. Peter M. J. Stravinskas, Ph.D.
Newman House, Omaha, NE*

It would not be an overstatement to suggest that the Venerable John Henry Cardinal Newman had the “Midas touch” in reverse. Oxford, Littlemore, and Dublin were all sites of failures. The “Achilli Affair” was a humiliating experience, just as the debacle with Father Faber was an embarrassment, like so many of the betrayals and misunderstandings from within his Oratorian community and from without. Examples could be multiplied.

Interestingly enough, hardly anyone thinks of Newman as anything but a rousing success story. Why? I am prepared to assert that it was because Newman took each crisis precisely as a moment of grace. In this, he imitated the Lord Himself Who was perceived as an abject failure, reduced to the ignominious death of the Cross, yet by that very means became “the King and Center of all hearts.”¹

Let us review the Venerable Cardinal’s life, allowing it to serve as an object lesson in living the Paschal Mystery, whereby each moment of crisis can be transformed into a moment of grace.

Failures in His Anglican Period

From his youth, Newman must have had an uncanny presentiment that he would not be a success, at least as the world generally defines success. And so, we find that as a university student, he “. . . prayed that he would not succeed if success would be spiritually harmful.”² In 1821, he worked so hard for first honors that he broke down and got only third honors; “he was totally devastated by this failure,” we are told,³ and, ever the sensitive

soul, wrote to his father: “It is all over; and I have not succeeded. The pain it gives me to be obliged to inform you and mother of it I cannot express. What I feel on my own account is indeed nothing at all, compared with the idea that I have disappointed you; and most willingly would I consent to a hundred times the sadness that now overshadows me if so doing would save my Mother and you from feeling vexation.”⁴

As a budding theologian, desperately seeking ways to justify the Anglican Communion as a theological and historical reality, Newman had evolved his *Via Media*, trying to negotiate between the Scylla of Protestantism and the Charybdis of “Romanism.” And in the midst of that endeavor, he came across the words of St. Augustine, *securus judicat orbis terrarum*. His intellectual honesty did not permit him to continue the charade of advancing the agenda of an ecclesial community that did not fit the Augustinian bill, causing him to declare: “By those words of the ancient Father, the theory of the *Via Media* was absolutely pulverized.”⁵

The Littlemore “experiment,” intended to bring a modicum of peace to Newman’s life and those of his fellow-travelers, turned sour as well. His depression about the misunderstandings connected to Littlemore was exacerbated to an incredible degree by the death of James Bowden, “my oldest friend,” as he put it to Keble; “in losing him I seem to lose Oxford,”⁶ he would say, as he saw the personal and the institutional so intertwined.

And then who could forget how the public response to Tract 90 affected him? His own words serve as the best testimony:

I saw indeed clearly that my place in the Movement was lost; public confidence was at an end; my occupation was gone. It was simply impossible that I could say anything henceforth to good effect. . . when in every part of the country and every class of society, through every organ and occasion of opinion, in newspapers, in periodicals, at meetings, in pulpits, at dinner-tables, in coffee-rooms, in railway carriages, I was denounced as a traitor who had laid his train and was detected in the very act of firing it against the time-honoured Establishment.⁷

Departure from Anglicanism was thus inevitable, but he was hindered because, he says, “I was bound [to it] by so many strong and tender ties.”⁸ That anguish is dramatically revealed in his evocative homily of 25 September 1843, “Parting of Friends”:

And, O my brethren, O kind and affectionate hearts, O loving friends, should you know any one whose lot it has been, by writing or by word of mouth, in some degree to help you thus to act; if he has ever told you what you knew about yourselves, or what you did not know; has read to you your wants or feelings, and comforted you by the very reading; has made you feel that there was a higher life than this daily one, and a brighter world than that you see; or encouraged you, or sobered you, or opened a way to the inquiring, or soothed the perplexed; if what he has said or done has ever made you take interest in him, and feel well inclined towards him; remember such a one in time to come, though you hear him not, and pray for him, that in all things he may know God’s will, and at all times be ready to fulfil it.⁹

Catholic Failures

Of course, we should like to say that once Newman came into full communion with the Catholic Church all his “moments of crisis” were over, becoming just one big moment of grace. That was not to be the case for, as Father Benedict Groeschel rather humorously but truthfully encourages would-be converts today, “Come on in; it’s just awful!” Newman would second that sentiment, I suspect. The first suffering he would endure was that although many close associates followed Newman into the Catholic Church, not a single member of his family did, nor Keble or Pusey; worse yet, many of his closest friends ended up ostracizing him for his move, accusing him of betrayal. Ironically, he had experienced much the same confusion when associates of his preceded him into the Church of Rome, thus giving up the fight for their “Oxford Movement.” At any rate, for 25 years after his conversion, the man lived under a cloud from Anglicans and Catholics alike.

The establishment of the Oratory in England should have brought tranquillity and order to Newman’s haggard existence, which it did, to some degree. Even there, however, he was beleaguered by difficulties. The major one, ironically, came because of Newman’s sense of Christian hospitality toward a fellow-convert, Frederick Faber. With the benefit of hindsight, one can see that Faber and Newman were ill-suited to live under the same roof, but the acrimony even after the departure of Faber and his band for London was most unfortunate, causing Newman untold pain and embarrassment.¹⁰

This chapter in Newman’s life reminds me of a conversation I had with an English Oratorian a year into our Community’s existence. Responding to his query about how the first year had gone, I said that all had proceeded rather well but that we had certainly had a steady procession of “fruits and nuts” in the front door and out the back, adding that “I suppose that happens the first year.” Not too tongue-in-cheek, he replied, “Oh Father, a hundred years into the experience, and the procession has yet to stop for us!” Nor would it stop for Newman, even with Father Faber elsewhere. Conflicts over the apple of his eye, the Oratory School, brought about problems within the Community as well, causing three priests to leave, including the Headmaster.

Every commentator on Newman’s life agrees that the most painful experience the man had to endure was the infamous “Achilli trial,” precipitated by his desire to set the record straight about a renegade Italian Catholic priest who was wreaking havoc in England with the Church’s reputation. Since I am certain everyone present knows most of the gruesome details, I would like to mention just a few interesting side-lights. The case against Achilli concerned “a young woman of eighteen,” “a child of fifteen,” superiors doing “their best to conceal” and “hush-money” paid to father of a victim.¹¹ Sound familiar? It seems the French do have it right with their, “Plus ça change, plus c’est la même chose.”

Achilli’s depth of deception brought out the lion in Newman as he railed:

Yes, you are incontrovertible proof, that priests may fall and friars break their vows. You are your own witness; but while you *need* not go out of yourself for your argument, neither are you *able*. With you the argument begins; with you too it ends: the beginning and the ending you are both. When you have shown yourself, you have done your worst and your all; you are your best argument and your sole. Your witness against others is utterly invalidated by your witness against yourself. You leave your sting in the wind: you cannot lay the golden eggs, for you are already dead.¹²

Once more, we find some timely applications.

Perhaps one of the most painful discoveries for Newman was the realization that Cardinal Wiseman, in large measure, was responsible for Newman's condemnation by having dropped the ball in that he had not forwarded vital evidence to Newman during the trial, evidence that was at his disposal. In spite of all this, we still find a fundamentally positive attitude revealed in a letter reacting to the trial, dated 2 March 1853:

Good sense is sufficient to keep me from complaining, let alone Christian charity or meekness. I have been too surprised at what I have undergone to be indignant, and too well satisfied with what I have done to be resentful. I have struck at the Protestant world, and the Protestant world has struck at me, and I consider I have inflicted as good as I have received, or rather better. I trust my own blows have been fair; I cannot say so much of those that have been levelled against me [referring to the judge in the case, Lord Campbell, and his totally Protestant jury]; but any how, I have gained more by my truth than my opponents have gain by falsehood; and I am content with my bargain.¹³

If it is true that every cloud has a silver lining, that was surely proven true in the current situation, for Newman took great consolation in the outpouring of support, both moral and financial, from throughout the Catholic world. To Archbishop Kenrick of Baltimore, he spoke of his intense gratitude to the Catholic clergy and laity of the United States and then, in a most touching passage, alludes to his lately-come nature in the Church:

I think I recollect the saying of a heathen sage! To the

effect that the most perfect polity was that in which an injury done to the humblest citizen, was felt as a blow dealt to the whole community; but how much nobler a conception do I see fulfilled today when an individual, whose claim on Catholics, is not that of a citizen, but of a stranger, who has but come [as it were] to their hearth, and embraced their altars, and appealed to their hospitality, is raised by the hand, and lifted out of his distress, as if he had been, all his life long, of the number of the *cives sanctorum et domestici Dei*.”¹⁴

Seemingly, for the first time, Newman had suffered for the faith, but not alone; he felt the presence of the Church Universal standing in solidarity with him.

Back in 1851, a man came into Newman's life, with repercussions resounding to our own time. That person was Archbishop Paul Cullen of Armagh and then Dublin, who had inherited an ecclesial scene of horrific ignorance and shocking non-practice of the Faith. By the time he had gone to his eternal reward, Ireland was ranked among the most observant countries in the Catholic world. It was Cullen's dream to establish a Catholic university for his land, and he had no doubt that Newman was ideally suited to the task. On both scores, his intuitions were correct but, as we all know, things were not to work out that way, leading to yet another disaster in the life of our venerable friend.

In his usual, systematic style, Newman launched out on his project by setting the stage, offering a series of lectures on his vision of university education. Those discourses—destined to become the *Magna Carta* of higher education—were prepared, amazingly enough, in 1852 during the Achilli Trial or, in his words, “composed under its pressure”; in fact, he dedicated the published version to those who had supported him during the crisis.

While Cullen and Newman were both great men, they held diametrically opposed views of higher education, thus making “the enterprise of the Irish University one long, exhausting and fruitless effort on Newman's part.”¹⁵ A perduring source of frustration for the rector of the fledgling institution was that Cullen repeatedly broke promises to Newman, including Newman's right to be involved in all appointments of administration and faculty. To

the suggestion that the Archbishop had not acted maliciously, Newman flatly remarked: “The truth is that these bishops are so accustomed to be absolute that they usurp the rights of others and rough ride over their wishes and their plans quite innocently without meaning it, and are astonished, not at finding out the fact, but at its being impossible to these others.”¹⁶

In the midst of it all, Cardinal Wiseman attempted to get Newman made a bishop to give him more leverage with Cullen [perceived by some as a sop for his failure to support Newman adequately during the Achilli Trial]; the appointment was blocked by Cullen—another humiliation for Newman since word of the Pope’s agreement with Wiseman had been widely circulated. Nonetheless, it would be wrong to regard the entire Irish University project as a failure, especially since it gave us *The Idea of a University*; beyond that, Newman explained to an Irish delegation to his cardinalatial ceremonies that he had undertaken the task, partly to expiate for English crimes against the Irish. He ended: “. . . it has been a great satisfaction to me, and a great consolation, to find from you and others that I have a right to think that those years were not wasted, and that the Sovereign Pontiff had not sent me to Ireland for nothing.”¹⁷

Not a few observers have underscored Newman’s resiliency: “Newman had a gift for beginning each new work as if it were the first he had ever tackled. In the period between one enterprise and the next he was inclined to feel depressed by the thought that he was not making the contribution he could have made to the work of the Catholic Church in England. However, as soon as he was given a new task his optimism revived.”¹⁸

The English bishops asked Newman to spearhead a new translation of the Bible, a project he undertook with gusto, involving great personal expense, in terms of money, energy, and time; after a year, it became clear the bishops had lost interest—although they never had the civility to inform him of the fact. A similar scenario can be traced in *The Rambler* case: Newman had been asked to assume editorship by Bishop Ullathorne—his own

Ordinary, who had always been supportive—and by Cardinal Wiseman; then, within a month of the publication of the first issue put together under his direction, he was asked by Ullathorne to resign. His reaction? “I never have resisted, nor can resist, the voice of a lawful superior, speaking in his own province.”¹⁹

Then, we come to his article, “On Consulting the Laity in Matters of Doctrine,” delated to Rome by Bishop Brown of Newport for heresy; actually, it was not even the final version. Rome sent Wiseman a list of contested points, seeking Newman’s interpretation. Inexplicably, Wiseman never gave the list to Newman [again, a dropping of the ball by Wiseman], making Roman officials assume that Newman had refused to cooperate. For eight years, the accused did not know what was happening, with the unhappy effect that he would remain under a doctrinal cloud for decades in many quarters—and until long after his death. At times, Newman has been charged with being “hyper-sensitive,” “but a study of the facts shows that he was not oversensitive, but that others were lacking in sensitivity in failing to appreciate how damaging their treatment of him could be.”²⁰ All of this was for a greater good—that spiritual growth which had concerned him in his youth. Thus, we find the following entry in his journal for 8 January 1860:

But not only have I not got it [praise of superiors], but I have been treated, in various ways, only with slight and unkindness. Because I have not pushed myself forward, because I have not dreamed of saying: “See what I am doing and have done”—because I have not re-tailed gossip, flattered great people, and sided with this or that party, I am nobody. I have no friend in Rome, I have laboured in England to be misrepresented, back-bitten and scorned. I have laboured in Ireland, with a door ever shut in my face. I seem to have had many failures, and what I did well was not understood. I do not think I am saying this in any bitterness. . . . It has made me feel that in the Blessed Sacrament is my great consolation, and that, while I have Him Who lives in the Church, the separate members of the Church, my Superiors, though they may claim my obedience, have no claim on my admiration, and offer nothing for my inward trust.²¹

This point invites some further commentary. Father George Rutler recounts an anecdote which is paradigmatic in many ways, from Newman's first audience with Blessed Pope Pius IX:

The Pope was lively and chatty. As Newman knelt and attempted to kiss the Pope's slipper according to custom, his head hit the pontifical knee. There is a sermon in that, and one I would pursue, for it symbolizes the lifelong story of Newman's relations with bishops. His instincts animated a profound reverence for the apostolic office, and he became a Catholic by his conviction of an inseparable association between the faith of the apostles and faithfulness to the Bishop of Rome. But with unsettling frequency, when he bowed to the bishops he bumped his head against them.²²

This evaluation is seconded by none other than Jean Honoré, the man made a cardinal at the consistory held precisely on the hundredth anniversary of Newman's birth:

... Newman had all the necessary gifts to initiate and conduct with success the affairs of men. The great disappointment in his Catholic life was to look like an underemployed, even a useless tool in a Church which never knew how to use him according to his talents. It is not that he was lacking in courage and good will; he answered all requests from ecclesiastical authorities and accepted and assumed all roles proposed to him with the same loyal and generous heart with which he pursued his own personal projects. Nevertheless, one remains under the irresistible feeling that by giving him these various tasks, the Catholic hierarchy was seeking more to keep him busy than to truly entrust him with their confidence. The history of a man who seems always to be running after his destiny, without ever attaining it, is always worthy of pity. But what can we say when such a man is Newman! It is hard to prevent a feeling of irritation and regret at the spectacle of all those occasions lost for the Catholic Church in England and for the whole of the Catholic Church during the second half of the nineteenth century.²³

Truth be told, so badly was Newman treated, that rumors circulated that he was about to return to the Church of England, with these stories actually reported in papers; he blamed these stories on Catholic misrepresentations. A rather balanced summary comes from Michael Davies: "The years 1858-63 were the worst Newman had lived

through. Everything he undertook seemed to fail, even though none were undertaken except at the request of his superiors, and only after prayer and consultation," with the aging gentleman appearing to be "a spent force."²⁴

The attack on Newman in 1864 by Charles Kingsley, an Evangelical Anglican clergyman, however, proved providential because it forced him to set the record straight, writing at breakneck speed. The public was astonished at Newman's charity toward his former Anglican fellow-travelers; his treatment of Kingsley, however, was quite different, totally destroying his credibility, so that after the initial pieces were published, all attention was focused on Newman himself. This, of course, became his *Apologia pro Vita Sua*. The wave of popularity following on that work emboldened Newman to pursue the Oxford Oratory plan, but this was thwarted by the English bishops, afraid of his influence there, so much so that he was forbidden even to live there. That dream of his would not be realized until a century after his death.

Yet another area of misunderstanding involving Newman was the debate on papal infallibility at Vatican I. Virulent opponents to the teaching itself—let alone its dogmatic definition—had individuals like W. G. Ward on the other extreme who could make the now-famous remark: "I should like a new papal bull every morning with my *Times* at breakfast."²⁵

Newman had a most nuanced vision of the issue, due in no small part to his experiences over the Irish University and Pius IX's role, causing him to conclude, "but from the event I am led to think it not rash to say that I knew as much about Ireland as he did."²⁶ Newman's "inopportunist" position made him even more suspect, from a doctrinal point of view, especially since Pius IX and Manning were such ardent supporters of the dogmatic definition. William Gladstone's 1875 reaction to the definition, however, gave Newman the opportunity to set forth his stance exactly in light of the definition: At a personal level, no, he had no intention of leaving the Catholic Church; doctrinally, it was important to ask, "Just what does the dogma say and mean?" This

was not unlike his approach in the *Apologia*, with his *Letter to the Duke of Norfolk* being widely praised, including a public accolade by Cardinal Cullen, which was significant since Cullen had produced the final draft of the definition.

Soon after the election of Pope Leo XIII in 1878, rumors spread that he would make Newman a cardinal, but having been badly burnt before by ecclesiastical politics and promises, Newman did not take any of it seriously, especially since he took the refusal to have him live in Oxford at a sign of distrust. When the official news came, he was overjoyed. Wilfred Meynell saw it thus: His life was now “crowned with the only glory he sought: the approbation of the living Church.”²⁷ It would be no exaggeration to say that the cardinalate gave him a new lease on life as he took on new responsibilities and completed old ones. To his immense delight, this Catholic honor was the catalyst for his being invited back to Oxford, causing him to dedicate the second edition of his *Essay on the Development of Christian Doctrine* to the President of Trinity College, thus making a full circle since the first edition coincided with his leaving Oxford, while this one coincided with his return. At the dinner party held in his honor, the future British ambassador to Washington remarked that on Newman’s “aged face worn deep with the lines of thought, struggle and sorrow,” “the story of a deep and momentous period in the history of the University and of religion seemed to be written. . . .”²⁸ But, in Newman’s mind, the vindication had finally occurred. It is worth noting that when Pope St. Pius X condemned Modernism with *Pascendi Dominici Gregis* in 1907, some of the targets of the encyclical claimed they were saying no more or less than Newman; Pius wrote a rousing defense of Newman six months later.

Toward the end of his life, Newman seemed to wax more pessimistic regarding the future of the Church; at the vantage point of more than a century, his predictions look eerily realistic and accurate. He spoke of a coming “widespread infidelity,” and while envisioning it primarily within Protestantism, he also addressed the Catholic dimension: “. . .

but great actions and successes must be achieved by the Catholic leaders, great wisdom as well as great courage must be given them from on high, if Holy Church is to [be] kept safe from this awful calamity, and, though any trial which came upon her would but be temporary, it may be fierce in the extreme while it lasts.”²⁹

At his death, 20,000 people representing the vast tapestry of English society—Catholic and Protestant alike—lined the streets as his funeral cortege made its way to Rednal. Persecutions, crosses, difficulties, misunderstandings, losses, failures—all of these—had been subsumed for the Cardinal into the Lord’s Paschal Mystery, enabling him to be sustained by an indefatigable trust in Divine Providence, hence, “one step enough for me.”³⁰

Conclusion

Cardinal Ratzinger has repeatedly noted that, in his considered judgment, the one most glaring failure of post-conciliar theology—and, therefore, of spirituality—has been the loss of eschatology. In other words, we have ceased to regard life *sub specie æternitatis*. Ultimately, that is why unborn babies are viewed as hindrances to human flourishing; why the sick and the elderly should be cast aside; why any inconvenience may never be tolerated. Which is to say that a Christian notion of joy has been lost. Now, that is quite different from hilarity, superficiality, denials of reality, or other types of Pollyanna-like behavior. Christian joy looks at a situation and sees it for what it truly is—even if disastrous—but immediately relates it to the Cross of Christ and our eternal destiny and, in that manner, snatches victory from the jaws of defeat.

The great Orthodox theologian, Father Alexander Schmemmann, wrote of this phenomenon in his personal journal over twenty years ago: “Christianity has lost *joy*—not natural joy, not joy-optimism, not joy from earthly happiness, but the divine joy about which Christ told us that ‘no one will take your joy from you’ [Jn 16:22]. Only this joy *knows* that God’s love to man and to the world is not cruel” [21 April 1981, emphases in original]. Some years earlier, he

had observed that “one thing is clear to me. . . . only failure is beautiful in this world, only poverty, pity, compassion, vulnerability. . . . Everything that is fat, loud, successful—is awful.” He went on: “The most talented symbol of Dostoevsky [is] ‘the little tear of a child’” [5 March 1978]. And speaking of a child, he recorded these thoughts nearly thirty years ago: “On the eve of the Christmas fast, we are trying to preach to the students why the coming of God into the world in the form of a small child is not only a *kenosis*—a self-emptying of divinity—but the most adequate revelation of God. In that Child, there is no need for strength, glory, ‘rights,’ self-affirmation, authority or power” [18 November 1974].³¹

I am convinced that Cardinal Newman had already integrated those profound insights into his life a century before the esteemed Orthodox priest-theologian. While it is hard to find anyone describe Newman as joyful or to find photographic evidence of laughter or even a smile, it may well be that his interior joy, like the hidden “mirth” of Christ described by Chesterton in *Orthodoxy*,³² is not perceivable to lesser souls, to those not so immediately influenced by “the unseen world”³³ as he.

Reflecting on Newman’s beautiful and powerful meditation on human participation in the divine plan, Robert Lockwood writes that if a believer “lives with complete trust in the Lord, his ‘mission’ will be accomplished, even though he may never know what that mission is—because the Lord knows ‘what He is about.’” He continues, “in other words, it is through grace, and surrendering to grace, that great things can be accomplished in life.”³⁴ Under the impulse of grace, St. Paul’s encouragement to fill up in our own bodies what is still lacking to the sufferings of Christ” [cf. Col 1: 24] becomes not only a viable possibility but the unum necessarium [cf. Lk 10:42]. As the soon-to-be Blessed Mother Teresa of Calcutta never tired of reminding her Sisters and the whole world, almighty God does not call us to be successful, just faithful. Because Cardinal Newman was faithful, he was eminently successful—in the final analysis. ✠

FOOTNOTES

¹Litany of the Sacred Heart.

²Michael Davies, *Lead Kindly Light: The Life of John Henry Newman* (Long Prairie, Minnesota: Neumann Press, 2001), 19.

³Davies, 19.

⁴Anne Mozley, *Letters and Correspondence of John Henry Newman during His Life in the English Church* (London, 1891), Volume I, 40.

⁵Ap, 117.

⁶Mozley II, 391.

⁷Ap, 89.

⁸Ap, 92.

⁹Subjects of the Day, 409 [Longmans edition].

¹⁰Faber died in September 1863, without being reconciled to Newman, although Newman—always the gentleman—went to his funeral.

¹¹Cf. Davies, 102–4.

¹²Lectures on the Present Position of Catholics in England, 208 [Longmans edition]. It should be noted that this passage is a pastiche because various editions had sections expurgated due to Achilli’s successful libel suit.

¹³LD, XV, 318 [Nelson edition].

¹⁴Written on 3 December 1852, found in W. Ward, *The Life of John Henry Cardinal Newman* (London, 1913), Volume I, 303.

¹⁵Davies, 118.

¹⁶WW I, 323.

¹⁷W. Meynell, *Cardinal Newman* (London, 1907), 85–86.

¹⁸Davies, 123.

¹⁹LD XIX, 150.

²⁰Davies, 126.

²¹WW I, 577.

²²George W. Rutler, “Newman and the Bishops,” *Homiletic and Pastoral Review*, May 1999, 20. This episode is related in a letter of Newman to Dalgairns, found in WW I, 146.

²³Jean Honoré, *The Spiritual Journey of Newman* (New York: Alba House, 1992), 185.

²⁴Davies, 131f.

²⁵WW II, 213.

²⁶WW II, 388.

²⁷Meynell, 119–20.

²⁸WW II, 429–30.

²⁹WWII, 416.

³⁰“The Pillar of the Cloud,” *Prayers, Verses and Devotions* (San Francisco: Ignatius Press, 1989), 572.

³¹*The Journals of Father Alexander Schmemmann, 1973–1983* (Crestwood, New York: St. Vladimir’s Seminary Press, 2000).

³²Cf. G. K. Chesterton, *Orthodoxy* (San Francisco: Ignatius Press, 1995), 168.

³³PPS IV, Sermon 13, et al..

³⁴Robert Lockwood, “He Knows What He Is About,” *Our Sunday Visitor*, 6 April 2003, 19.

A Defense of Marital Conjugal Chastity

by E. Christian Brugger
Assistant Professor of Ethics
Loyola University at New Orleans

Introduction:

Sex is good. The Church has always taught this and has defended its goodness against opponents in the ancient, medieval, modern and post-modern periods. But it is not unqualifiedly good. Like speaking and knowing sex can be chosen in bad ways. And so the Church, responding to humanity's deepest moral question, "how ought I to live?", has passed on (and continues to pass on) the wisdom of Divine Revelation and sound human reasoning on sexual morality. This wisdom is no more than an articulation of the conditions under which the choice for sex can be fully consistent with the purposes of God and the full flourishing of human persons.

This includes the judgement against birth control. Though it is an ancient judgement, the attention it has received in the past 35 years might lead one to conclude that there is no teaching more important in all Catholic doctrine. The attention has had positive and negative effects. On the negative side, the birth control debate has alienated people from the Church, bishops from the pope, priests from their bishops, theologians from the Magisterium, has divided departments of theology, and has even given birth to twins: the modern phenomenons of public dissent against authoritative Church teaching by those authorized to teach in the name of the Church, and 'cafeteria Catholicism.'

On the positive side, it has given rise to scientific research into safe and effective methods of family planning which respect the moral law and the sensitive biology of a woman's fertility cycle, has reunited couples, given rise to lay movements,

sensitized consciences to the dignity of the unborn and opened people's eyes to the conflict between what Pope John Paul II calls a 'culture of life' and the 'culture of death'.

I intend in this essay to lay out several *reasons* why the Catholic Church says what it says about birth control. Let me begin with the definition of contraception formulated by Pope Paul VI in *Humanae vitae*: a contraceptive act is "any action, which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation—whether as an end or as a means."¹ And this act, he says, because it is inconsistent with the dignity and flourishing of the human person and God's purposes for sexual intercourse, should never be chosen.

Lambeth and the Protestant Response to Contraception:

Up until the twentieth century, virtually all Christian churches upheld this moral judgement. In Protestant Christianity it was maintained, at least officially, until the 1930 Anglican Lambeth Conference where the conference fathers, breaking with the ancient tradition, judged, albeit reluctantly, that the intentional use of contraceptive devices by married couples was, in limited cases, morally legitimate.² Twenty eight years later, the same international conference, speaking on the same issue, passed a resolution, this time devoid of hesitation, which said: "(the) *means* (which Christian couples use in their) family planning are in large measure matters of clinical and aesthetic choice . . . and Christians have every right to use the gifts of science for proper ends."³ As went Lambeth and the Anglican church, so gradually went the rest of mainline Protestant Christianity.

Catholic Teaching:

Catholic moral tradition approaches the question of the morality of contraceptive acts from two directions:⁴ the first is from the perspective of the 5th Commandment dealing with human life, and second from the 6th Commandment dealing with sex. In the first the Church focuses on the contraceptive choice as one which is deliberately against the good of human life—a *contra-life* act—insofar as it involves the intention *to prevent the coming to be of a new human life*. In the second, the Church focuses on the contraceptive act as a choice to engage in sex which is not *marital*, the marital relation being the only fitting context for the full sexual expression between a man and a woman. Let's look at both.

The Contraceptive will as *contra-life*: In the early eleventh century, Bishop Burchard of Worms drew an analogy which at first you might find startling. He identified the choice to contracept with the choice to commit homicide. He wrote:

If anyone (*si aliquis*) for the sake of satisfying sexual desire or in deliberate hatred does something to a man or to a woman so that no children may be born of him or her, or gives something to drink so that he cannot generate or she conceive, let it be held as homicide. [(*Patrologia Latina* 140:933) (Noonan, *Contraception*, 1965, 209–210).]

The collection of moral norms in which this is found remained part of Western Catholic canon law up to the twentieth century (close to 900 years).

Nearly five hundred years later the *Roman Catechism* composed shortly after—and on the order of—the Council of Trent (1545–63) handed on this same kind of reasoning when it taught:

married persons who, to *prevent conception* or *procure abortion*, have recourse to medicine, are guilty of a most heinous crime—nothing less than wicked conspiracy to commit murder. (*Roman Catechism*, Part II, ch. 8.13; tr. McHugh & Callan, 1934, p. 344)

By what logic does the statement liken the use of contraceptives to homicide? It is saying that the

wrongfulness of the choice to contracept lies in the opposition of that choice to the good of human life. If we think of procreation, not in terms of the sexual activity from which it usually results, but in terms of the coming to be of a new human life, we can say that procreation is always good. It may be accompanied by evils making the occasion for the coming to be of this or that particular life undesirable. But considered in itself, the coming into existence of a new human life is a great good.

Now to contracept one must deliberate and choose as follows: one reasons that some behavior one is considering is likely to cause a new human life to begin, and that that new life can be prevented from beginning by some other behavior; one goes ahead and chooses that behavior.⁵ The fact that the behavior is chosen is evidence that a new life has been envisaged and its potential life willed against. If no new life was envisaged there would be no reason to contemplate using birth control in the first place, let alone to use it. Because the coming to be of new human life is always good, and since contraception is *defined* by its intention (i.e., the intention of the ones contracepting) that that new life not begin, the contraceptive act is to that extent against the good of life, i.e., is *contralife*. The fact that it may be, and usually is chosen for a good end (e.g., to avoid harms that might occur as a result of a new life coming into being), does not change the fact that in choosing this means to that end the contracepting persons reject the new life they envisage by their freely chosen act. They foresee that a baby might come to be and they choose something precisely in order to assure the unwanted baby not come to be.⁶ Herein lies its comparison with homicide. Like homicide it involves a will against life by willing that a human life *not be*. Because homicide, according to Christian morality, includes suicide, it is clear that the wrongness of homicide is more than the wrong of injustice, though some suicides involve great injustices. More to the point, homicide is wrong because it involves willing that the victim *not be*. Moreover, homicide is wrong, not simply because the victim loses his or her life. If this were the case, all killing would be

wrong (including accidental killing and killing in self-defense). Homicide is wrong in the first place because a person *has freely chosen to will* that human life not be.⁷ And one who contracepts likewise *freely chooses to will* that a human life not be.

To be sure, between contracepting and homicide there are disanalogies as well. The Church does not teach, nor has it ever, that there is a killing, or even necessarily an injustice involved in using contraception. Remember, the canon says “let it be *held as* homicide”, not *is* homicide. And so to say that a contraceptive act commits no injustice against the possible person whose life it prevents is true; and to that extent, moral equivalence between the two acts is lacking.

But morality includes more than simply justice issues (as central as they are). It extends also to the hidden world of our hearts and thoughts. Morality is firstly an interior reality, a matter of what one foresees, plans and intentionally chooses; “sin is in one’s heart before it is in one’s deed.”⁸ By the time we see a particular instance of human behavior, the choice for evil or good, which makes that behavior morally what it is, has already been made in the hidden privacy of one’s mind and will. This is what Christ intends to teach us in the Sermon on the Mount when he interiorizes the Law of Moses: “You have heard it said, ‘You shall not commit adultery (... shall not kill).’ But I tell you anyone who looks lustfully ... (is angry ...)”.

So with respect to the morally relevant elements of foreseeing, planning and intentionally choosing, it would be wrong to conclude that no morally relevant comparison between contraception and homicide can be made. The envisaged life that the contraceptive act prevents “is no mere abstraction”—the billion dollar world-wide contraceptive industry proves that—“but an absolutely unique and unrepeatable individual who would exist if he or she were welcomed rather than prevented.”⁹ From a Christian perspective, no one knows what plans God has in mind for this person. And it is *this* person, this baby, whom I don’t want to come to be when I contracept, and against whom I take positive action. So despite the very

real differences between the two acts, not the least of which are the immediate consequences associated with them, there is a point of relevance which ought not to be lost. The point is *not* the external damage done, but the relationship of the corresponding wills to the good of human life. One contemplating the use of birth control is confronted with a real choice as to how to relate to a real good, the good of procreation, of bringing a real baby into the world.

Having said this, the question of injustice in the use of contraception should not to be ruled out. Contraceptive acts can and often do involve injustice. Because of contraceptive failure rates, abortion for many is a very real consideration; and even when abortion is not contemplated the fact remains that the life of the child was positively willed against. Moreover, some methods of contraception (e.g., the ‘morning after’ pill, IUDs) act as abortifacients rather than contraceptives and so have their effects after conception has taken place, acting to destroy not prevent new life.

What about Natural Family Planning (NFP)? If it is wrong to act against the coming to be of a new life by using contraception, is not limiting the possibility of pregnancy by calculated recourse to natural fertility cycles also wrong? Not necessarily. Choosing NFP to avoid pregnancy may be chosen wrongly if there is not a *good reason* to avoid having a baby, if it is chosen, say, out of selfishness or aversion to the idea of having another child. Paul VI says recourse to fertility cycles is permissible if there are “serious reasons” (*si adsint iustae causae*),¹⁰ which might include the physical or mental condition of the husband or wife, the need to care for a disabled child or parent, economic distress, or involvement in some other vocational duty. NFP to avoid pregnancy also can be wrongly chosen by couples who choose it as if it were their means of contraception. They judge they should not have another child but believe that contraceptive intercourse is legitimate, consider the possible options for avoiding conception and decide that under the present circumstances the safest and most desir-

able way to prevent having a baby is to use NFP. Although abstaining from sexual intercourse with this in mind does not entail a choice precisely to contracept,¹¹ the couple may be quite willing to contracept. They may see no difference between what they are doing and what contracepting couples do, except, perhaps, by way of aesthetic preference. They resolve, 'If we could find a method of contraception that met our aesthetic criteria, we would contracept and be done with this bothersome monthly period of abstinence.' They might know that under the present conditions finding such a method is unlikely, and yet have the intention to choose the method if their conditions were met. Such a couple has a conditional intent to contracept and hence the man and woman are contraceptors.¹²

But NFP need not be adopted in these ways. If a contraceptive disposition is excluded and the couple are conscious of good reasons not to have another baby (e.g., the physical or mental well-being of the mother or father, the prior commitment to care for a high-maintenance special needs child or infirmed parent, serious financial problems, etc.), then the choice to abstain is not *contralife*. In order to appreciate this we need to understand a basic point of morality, namely, that *we are not required to do all the good we possibly can all the time; but we are required never to do evil*. And so, in each conjugal act we need not have a positive intention to bring about a new human life, but we must never have a positive intention to reject life. In choosing NFP to avoid pregnancy, our intention is to bring about a good which otherwise would not be able to be brought about if a new child were conceived; and so, we accept as a side effect the fact that a new human life will not come to be; but we never intentionally choose against that life. While the NFP and contraceptive couples may be similar in their reasons for avoiding pregnancy, the *choices themselves* which they make in order to bring about such avoidance morally differ. The contraceptive couple choose to impede the coming to be of a baby; we might say the 'not-being' of the baby is chosen. The NFP couple choose to abstain from

intercourse which could result in a baby; *abstinence* is chosen.¹³ The contraceptive couple *foresees* a new life brought into being by their freely chosen behavior and rejects it. The NFP couple labors in numerous ways precisely to *avoid* participating in an action (viz. fertile intercourse) which foresees a new life. It is only when a child is in fact foreseen that its life *can* be willed against. Willing not to foresee a child is not in itself good or bad; it's neutral. It might be done for bad reasons (e.g., to maximize self-indulgence) or good reasons (e.g., to make enough money to be able to support another child). As I said, we need not do all the good we can all the time. And so the procreative good need not be actively willed in all conjugal encounters. But it must *never* be willed against.

Contraceptive sex as essentially non-marital:

The second and more common direction Catholic moral teaching approaches the morality of birth control is from the perspective of the 6th Commandment concerning sex. From this perspective intentionally rendering our sexual intercourse sterile is judged to be wrong because it is a choice to engage in sex which is not *marital* in nature, *marital sex* being the measure for all legitimate acts of sexual intercourse. Two 12th century works will help us begin our examination of this perspective of the traditional teaching.

The Italian monk, Gratian, father of Catholic canon lawyers, and Italian theologian, Peter Lombard, in his hugely influential textbook of theology, expound their teachings against contraception this way: they argue that those who use drugs in order to render themselves sterile (distinguished from drugs taken to cause abortion) are *fornicators* rather than spouses, because their sexual acts are contrary to the good of marriage (i.e., are not marital). Variations on this reasoning are used by Pius XI in *Casti Connubii* (1930),¹⁴ Pius XII in his *Address to Italian Midwives* (1951), Vatican II in *Gaudium et spes* (1962-65),¹⁵ Paul VI in *Humanae Vitae* (1968) and John Paul II in *Familiaris Consortio* (1981). Let's look at the reasoning more closely.

Paul VI, in *Humanae Vitae* (par. 12), speaks of

two dimensions, or two meanings of married love, both of which together define the nature of marital sexual intercourse. Christian conjugal love, he says, “is founded upon the inseparable connection, willed by God and which man may not break on his own initiative, between the two-fold significance of the conjugal act: the *unitive* significance and the *procreative* significance.” Jesuit theologian, Joseph Fuchs, elaborates upon this helpfully when he wrote (1963):

The Creator so arranged the sexual act that it is simultaneously both per se generative and per se expressive of intimate oblativ [i.e., self-giving] love. He has so arranged it that procreation would take place from an act intimately expressive of conjugal love and that this act expressive of conjugal love would tend toward procreation. (On the Order of Chastity and Sexuality,” p. 45)

In other words, the good of marital intercourse has by nature and God’s design two intrinsic dimensions: it contributes to (builds up, strengthens, deepens) the unity or communal love of the spouses *and* tends toward the bringing forth from that love the full flowering fruit of new life. Sex which is marital therefore is *unitive* and *procreative*. If I positively will against either one, I am still having sexual intercourse, just not *marital* sexual intercourse.

Presupposed is the foundational principle of Christian sexual ethics which says that sexual intercourse is good, reasonable and morally legitimate in and only in the context of marriage. To appreciate this we must pause a moment on the meaning of Christian marriage.

Marriage is a type of human association (of human community), what Vatican II calls an “intimate community of conjugal life and love” (GS 47). Marriage is not just a community of love, like the community we call friendship, it is a community of love and “conjugal life.” It can therefore be called a conjugal community, or a conjugal friendship and marital love can be called conjugal love.¹⁶ This singularly married type of love, the Council writes, “is uniquely expressed and perfected through the marital act”, an act which, by its very nature, presupposes procreative possibilities. (GS 49) On this

Karol Wojtyla writes in his pre-papal work *Love & Responsibility* (1960):

The marital relationship is not just a union of persons . . . but is essentially a union of persons affected by the possibility of procreation. . . . The relationship between husband and wife is not limited to themselves, but necessarily extends to the new person, which their union may (pro-) create. (pp. 226–27)

The *Catechism of the Catholic Church* (1997) says something similar:

Fruitfulness (*fecunditas*) is a gift, an *end of marriage*, for conjugal love naturally tends to be fruitful. A child does not come from outside as something added on to the mutual love of the spouses, but springs from the very heart of that mutual giving, as its fruit and fulfillment. (No. 2366)

The tradition teaches that marriage, expressed and perfected in sexual intercourse, has two dimensions: it is friendship (i.e., unitive), but not *just* friendship; it is procreative, but not *just* procreative; it is not merely a procreating relationship. But if we are to understand the Church’s teaching, it is important to see that without the procreative dimension the institution *as a whole* would be unintelligible. I do not mean to say that individual marriages which are not procreative are meaningless. This is not, nor has it ever been, the Catholic teaching. But the name *marriage* is given to precisely *this* kind of community, this type of friendship—the conjugal friendship. No other friendship (e.g., neighbor to neighbor, mother to daughter, a cowboy to his horse) is dignified with name *marriage*. The institutionalization of this unique kind of friendship is precisely because of its conjugal nature with its potential procreateness. It is because of these two dimensions—the procreative and the unitive—that the marital relationship is by nature and God’s design an *exclusive* relationship.

Therefore: To be *marital* individual acts of sexual intercourse between married persons must fully respect both dimensions proper to the one exclusive relationship. Each sexual act is either marital or not marital. Sexual acts outside of marriage, because they are not exclusive, are not unitive, therefore

not marital, therefore wrong. Orgasmic homosexual sex is not possibly procreative, therefore not marital, therefore wrong. This reasoning holds consistent for acts of adultery, non-conjugal mutual masturbation, orgasmic oral or anal sex, bestiality and, yes, contraception. When a man and woman, married or otherwise, deliberately exclude the possibility of parenthood from an act of sexual intercourse they thereby render that conjugal act non-marital. Whatever else their 'sexual love' is with respect to that act, it is not marital love. By deliberately excluding procreative possibilities, the character of the act changes. What otherwise would be an act through which the couple experiences, expresses and perfects their marriage (embodied in the intrinsic two-fold good of self-giving and procreation), becomes merely an act of mutual, or bilateral enjoyment. I would like to develop further this line of reasoning.

Sacred Scripture teaches that the love between Christian spouses is so holy that it is a sign of the love of Christ for his Church (Eph. 5: 21-22, 24-28, 31-32). The Church's belief is that the human institution of marriage has been taken up by Christ and made a sacrament, that is transformed into a holy communion, which not only images a divine reality, but also makes its participants sharers in that reality. The mutual subjection so poetically (and unpopularly) described by St. Paul in Ephesians 5, and the corresponding roles of husband-as-Christ and wife-as-the-Church, imply that Christian sacramental marriage is a reality of complete self-emptying love, of a husband for his wife, of a wife for her husband (—after all, what didn't Christ give for our redemption, and what shouldn't we—the Church—offer in return?). The free human act which most perfectly images this mystery is the conjugal act, in which the one-flesh reality of husband and wife is both experienced and expressed.¹⁷

If in anticipation of sexual intercourse a wife, smarting, say, from an old wound, decides that when she is next together with her husband she will withhold her heart's love from him, that she will prevent as far as possible their sexual intercourse from being—at least on her part—an

authentic exchange of love, perhaps by imagining she is having sex with another man, or by choosing to sport a cold demeanor, or by intentionally remaining rigid in her movements; if she in fact carries through with her intents, wouldn't we say that this act, at least relative to her, is morally deficient? Or again, say King Henry VIII, determined for a male successor, calls into his bed-chamber Katherine of Aragon, or Ann Bolyne, or Jane Seymore, and has sex with her for the exclusive purpose of procreating; let's even say she is willing, so their sexual act is 'consensual'. But Henry, at least, (perhaps also his mate) *is and intends to remain* entirely uninterested in making the act anything more than baby-making, i.e., he is unwilling to will any spiritual unity with his mate; wouldn't we say that this act was unfit to be called a *Christian* conjugal relation? In other words, when a spouse determines (or even when both spouses agree) to withhold the spiritual dimension of themselves from their partner in an act of sexual intercourse, we would say, I presume, that the act is morally deficient. But men and women are more than simply spiritual entities like Angels; we are also bodily; we are, says Aquinas and Catholic Tradition, a unity of body *and* spirit; neither body alone, nor spirit alone, but an embodied spirit. So if holding back my spiritual self from my spouse in sexual intercourse is morally unfit for a Christian (unfit for anyone who is married), why wouldn't the same be true if I hold back my bodily self, by deciding to exclude from my married sex something which common sense, the witness of the ages and the teaching of the Church say is intrinsic to marital intercourse? It's like saying, "I love you, dear, but . . ."

Genesis teaches that man and woman are made in God's image. If God, in whose image we are made, is, as John the Evangelist says, Love, then doesn't it make sense that he would will that the passing-on by procreation of his divine image from person to person take place in the context of this wholly unique human act, an act meant to summarize all that spousal love itself means and is, viz., faithful, irrevocable and self-emptying love?

And doesn't it make sense that he would will that such an act and such a process be protected and promoted within the integrity and stability of the marital relationship? ✕

FOOTNOTES

¹Paul VI, *Humanae Vitae*, 1968, par. 14; restated by John Paul II in *Familiaris Consortio*, 1981, par. 32.

²Resolution 15 of the Conference proceedings reads: "Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. *Nevertheless in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles.* The Conference records its strong condemnation for the use of any methods of conception control from motives of selfishness, luxury, or mere convenience." [emphasis added] (voting: For-193; Against-67) Anglican Lambeth Conference (1930).

³Resolution 15, Section 2.147, Committee Report of the 1958 Anglican Lambeth Conference.

⁴The Church in the past appealed to the story of Onan in Genesis 38 as a biblical warrant for its condemnation of contraceptive acts. Contemporary exegetes argue that the point of the passage is Onan's failure to fulfill his Levirite vow and not his act of *coitus interruptus*, hence they disregard its relevance to the morality of contraception.

⁵Notice here that one need not engage in intercourse to practice contraception, e.g., a tyrant who wants to control population might contracept by having anti-fertility additives put into the water supply, which illustrates that the two acts are distinct. For one contemplating intercourse, however, *two* choices have to be made: (1) whether or not to engage in sexual intercourse *and* (2) whether or not to contracept.

⁶Germain Grisez, Joseph Boyle, John Finnis, William E. May, "'Every Marital Act Ought to be Open to New Life': Toward a Clearer Understanding," *The Thomist*, 52, 3, July, 1988, 371.

⁷*Ibid.*, 372.

⁸*Ibid.*, 373.

⁹*Ibid.*, 388-89.

¹⁰*Humanae Vitae*, 16.

¹¹Even if a couple approves of contraception, since no new life is envisaged in their act of intercourse during infertile periods, they cannot will against it. And if they abstain during fertile periods, their choice to abstain, i.e., to will *not* to have sexual intercourse, does not entail a will rejecting the good of life, since no good has been envisaged to be rejected, even though it does mean not willing that the good of life be realized.

¹²See Finnis, Boyle and Grisez' treatment of 'conditional intent' in *Nuclear Deterrence, Morality and Realism* (Oxford University Press, 1987), 81-86, 99-100.

¹³Grisez, et al., *Toward a Clearer Understanding*, 401-02.

¹⁴Pope Pius XI, *Casti Conubii*, Sec IV (1930).

¹⁵Vatican II, *Gaudium et spes*, 49-51.

¹⁶This is not to say that marriage is simply friendship plus genital sexual expression. The metaphysical ground for the possibility of full sexual expression is the *complementarity of the sexes*, which when brought to its conclusion in the permanent and exclusive covenant of marriage justifies the sexual expression, which plays an important part in actualizing the good of the marriage. But the capacity that man and woman have for complementing one another (for filling one another out) is not limited to sexual expression, but runs straight to the heart of the spiritual persons themselves. Dietrich von Hildebrand discussed this in his short book, *Marriage: The Mystery of Faithful Love* (Sophia Press, 1991), 13-15.

¹⁷And in the fruit that God has ordained to grow from this holy vine, the 'one-flesh' metaphor dissolves into actuality; for in the child that springs from this Christian love, shining through her eyes, her height and hair, her temperament and talents, it's all but impossible to say where mommy begins and daddy ends.

Edith Stein as Philosopher

D. Q. McInerney

Professor, Our Lady of Guadalupe Seminary, Lincoln, NE

I

It was not long after her baptism, in 1922, that Edith Stein (St. Teresa Benedicta of the Cross) began to take a determined interest in the works of St. Thomas Aquinas. Trained as she was as a phenomenologist, her decision to embark upon a serious engagement with the works of the Doctor Communis involved, as she herself tells us, an entry into what was for her a whole new philosophical world. “When I began to study the writing of Aquinas,” she notes in the Preface to a work which was to serve as the direct philosophic predecessor to *Finite and Eternal Being*, [1] “the following question continuously disturbed me: What method is actually being used here? Being accustomed to the phenomenological way of working, which makes no use of traditional doctrines but investigates everything that is necessary for the resolution of a question itself *ab ovo*, I ran into a procedure in which sometimes Scriptural texts, sometimes citations of the Fathers, sometimes statements in ancient philosophy were brought into play in order to draw conclusions from them.” [2] We can easily imagine the state of her discom-bobulation in her first meeting with St. Thomas, for the mode of philosophizing that she was encountering was antithetical to everything she had been taught to believe about philosophy, and how it was properly to be pursued. But if Edith Stein was amazed at St. Thomas’s approach to philosophy, we can easily imagine what St. Thomas and his fellow schoolmen of the 13th century would have thought of her account of what the philosophical enterprise was all about. They would have been perfectly astonished by the idea that one begins philosophizing *ab ovo*, and by the idea that the right way for a philosopher to proceed is consciously and systematically to ignore everything

that philosophers before him have had to say. We can suppose St. Thomas commenting that only a Thales would be in a position to begin philosophizing *ab ovo*.

Those familiar with Edith Stein’s life are aware of the dramatic effect the reading of St. Teresa of Avila’s *Autobiography* had upon her. The book can be rightly recognized as the principal instrumental cause of her conversion to Catholicism. It fairly swept her off her feet. There seemed to have been no comparable experience associated with her first reading the writings of St. Thomas Aquinas. With respect to religion, Edith Stein converted from atheism to Catholicism, but, with respect to philosophy, there was no conversion from phenomenology to Thomism. As a philosopher, she was, from start to finish, a staunch proponent and defender of phenomenology. Did this have any bearing on the way she read St. Thomas? Unquestionably it did.

The Problem of Empathy, published in 1917, was Edith Stein’s first book-length philosophical work. It was written as a doctoral dissertation at the University of Freiburg under the directorship of Edmund Husserl, commonly regarded as the father of phenomenology. The work could stand as an exemplar of the phenomenological way of doing philosophy. It is a meticulously thorough, multi-faceted analysis of the nature of the emotion of empathy, and is particularly noteworthy for the wealth of striking psychological insights it contains. [3] The University of Freiburg was sufficiently impressed by the work that the institution awarded the doctoral degree in philosophy to its author *summa cum laude*. After earning her degree she received the signal honor of being appointed assistant to Professor Edmund Husserl, a position which she held for two years.

It was particularly due to the influence of the Jesuit Erich Przywara that Edith Stein turned in earnest to the study of St. Thomas. And not long after doing so she took upon herself the ambitious project of translating Aquinas’s *De Veritate*. The

translation was published, in three volumes, from 1931 to 1934. It was in 1931 that she also began work on *Potency and Act*, written as her “habilitation” for a faculty position she was seeking at the University of Freiburg. The special significance of this document is that, in it, she gave preliminary expression to many of the ideas and themes that were to see their full development in *Finite and Eternal Being*. It is that formidable work which is going to be the focus of attention in this essay. It is her single most significant philosophical work, and from it we are able to gain a sound estimate of her as a philosopher. She began the writing of *Finite and Eternal Being*—which she described as “a new, improved edition” of *Potency and Act* [4]—in the spring of 1935, and finished it some eighteen months later in the autumn of 1936. [5] At this time she was a Discalced Carmelite nun, Sister Teresa Benedicta of the Cross, living at the Carmel of Cologne. It was in this monastery that she was to make her solemn profession of vows in 1938.

The title of the work, *Finite and Eternal Being*, forthrightly declares the magnitude of the subject matter she had chosen to write on. The book, dedicated to ontology as it was, sets out to address the foundational questions having to do with the nature of being. But it was the methodology with which she decided to deal with her subject matter which is of special interest. The plan of action was that her ontological investigations would be carried on in such a way that would take into account the philosophies of both phenomenology and Thomism. In a letter to a friend, she explained that in the book she would be making “an attempt to come from scholasticism to phenomenology, and vice versa.” [6] In another letter, written after the book was finished, she informs her correspondent that “it treats of the fundamental ontological questions in the comparison between scholasticism and phenomenology.” [7] In yet another letter, also written after the book’s completion, she recounts that “in the year 1935/36 I wrote a two-volume work on the basic ontological questions, comparing and contrasting Thomism and phenomenology.” [8] Elsewhere, she described the

book generally as a “survey of the *philosophia perennis*.” [9] Regarding that subject, she saw fit to point out that, for her, the *philosophia perennis* was not to be considered as synonymous with Scholasticism. “I do not understand the *philosophia perennis* as a scholastic system,” she wrote, “but as the ceaseless search of the human spirit for true being.” [10] According to this view, the perennial philosophy would seem to entail simply the serious pursuit of metaphysics.

Given Edith Stein’s avowed intentions for *Finite and Eternal Being*, intentions she doubtless believed that she had fulfilled in the work, a reader might be expecting to be presented with a balanced, two-pronged approach, phenomenological and Thomistic, to basic ontological issues, the two philosophies working together cooperatively in a joint investigative effort. This is not, however, what the reader actually encounters. The book is written from a pronouncedly phenomenological point of view, which means, specifically, that the methodology of phenomenology sets the tone for the work, and establishes the standards according to which its arguments are formulated and developed. Referring to herself in the third person, she explains, in the Introduction to the book, her intellectual patrimony: “Her philosophic home is the school of Edmund Husserl, and her philosophic tongue is the language of the phenomenological thinkers. She uses phenomenology as a starting point to find her way into the majestic temple of scholastic thought.” [11] Phenomenology proved to be not only her starting point, but her end point as well. What was the degree of success she achieved in finding “her way into the majestic temple of scholastic thought,” given the philosophic means by which she chose to do so? To provide a satisfactory answer to that question is the principal purpose of this essay. By way of suggesting the general tenor of the fuller answer to come, I will simply make the comment that entrance into a temple does not necessarily imply an adequate familiarity with all the dimensions of its interior.

Aristotelian-Thomistic philosophy, though continuously adverted to throughout *Finite and*

Eternal Being, did not in fact act as a guide for her as she contends with the various ontological issues she chose to examine. If anything, Aristotelian-Thomistic philosophy serves her as a foil against which the superiority of the phenomenological method is implicitly proposed. If, as Edith Stein describes it, *Finite and Eternal Being* offers us a comparison between the phenomenological and Scholastic approach to ontology, Scholasticism suffers in the comparison. In some respects at least the book comes across as a negative critique of the Aristotelian-Thomistic point of view. It would certainly be wrong to say that Edith Stein did not learn from St. Thomas, but she was not a particularly docile pupil, and she had no hesitancy about criticizing him for what she regarded as his philosophical deficiencies. There is nothing especially remarkable in that, for this is typically how philosophers respond to one another's work. But criticism, in order to be beneficial to all parties concerned, must be fully informed.

Finite and Eternal Being was scheduled to be published in Germany by the same firm that had published her translation of St. Thomas's *De Veritate*, but the book, which had already been partially set in print, was not allowed to be published because of a law passed by the Nazi government which prohibited the publication of books by non-aryan authors. [12] Before her martyrdom, on April 9, 1943, Edith Stein attempted to have the book published in the United States, and, although she met with receptive responses to her inquiries from several parties, in the end her efforts were to come to naught. The book first saw publication, in Germany, in 1950, as Volume Two of *Edith Steins Werke*, the original two volumes having been compressed into one. We owe the English language publication of the work to the Institute of Carmelite Studies in Washington, D.C. The translation, done in the 1960's, was the work of Dr. Kurt F. Reinhardt, a professor of German at Stanford University. [13]

II

Finite and Eternal Being is an immensely rich and variegated work, and it would take an extended monograph to attempt to do it full justice. To meet the constraints imposed by an essay of this length, limiting decisions had to be made. I chose to concentrate attention on those subjects treated by Edith Stein which are clearly central to the book's argument, and to which she herself, accordingly, gave chief attention. The topics are as follows: philosophy in general; Christian philosophy; finite being; essence; nature; universals; prime matter; the problem of individuation; and, privation. My first task will simply be to present the key features of her thought as it bears upon these subjects, in as clear and coherent fashion as I can. Then, that done, I will respond analytically to the Carmelite philosopher's thought.

Edith Stein begins her book with some reflections on the nature of philosophy in general; it is not surprising to find that, in doing so, she reflects opinions which were those of her much respected mentor, Edmund Husserl. In laying the groundwork for what was eventually to become phenomenology, Husserl initially tended to regard philosophy almost exclusively as a methodology. He saw it as essentially a specialized way of looking at and analyzing the world. A very important aspect of the method of phenomenology was its habit of submitting the subject of one's investigations to a comprehensive descriptive analysis, examining it from every possible perspective, the ultimate purpose of which process was to ferret out the essence of the thing. The basic orientation of the methodology would seem to have been toward the world, the objective order. The essences of things were supposedly to be found in the things themselves. In the early stages of his philosophical career, Husserl seemed to be dedicated to the effort of countering the pervasive influence of idealism, and attempting to redirect the whole philosophic enterprise so that it would take on a more distinctly realist character. But whatever may have been the exact nature of his original intentions, it

is evident that what Husserl eventually left us with, in phenomenology, was simply the most recent variation on the theme of philosophical idealism. It was an intriguing variation, impressive in its way, but it was idealism nonetheless. As Husserl saw it, philosophy results in being not so much a body of knowledge as a means of gaining knowledge. It was not a wisdom, as the ancients taught, but an investigative tool; it was, at bottom, an elaborate exercise in self-analysis, a systematic way of exhaustively examining one's consciousness.

This general view of philosophy, of what it was and what it was supposed to do, was one which was fully accepted by Husserl's prize pupil, Edith Stein. It is little wonder, then, that she expressed ambivalence toward the Thomistic notion of philosophy as a *scientia*, that is, among other things, as a distinct body of knowledge. To be sure, philosophy, as the phenomenologist sees it, is importantly occupied with a variety of investigative procedures, but that is not the whole of it. After some two and a half millennia of effort, philosophy has succeeded in building up an impressive body of scientific lore. It is against the background of her effectively rejecting the richer, more capacious, Thomistic understanding of how philosophy is a science, that Edith Stein observes that *Wissenschaft* ("science") can be regarded "as it subsists according to its *nature*, or better *Wissenschaft* as *an idea*." [12] (emphasis hers) Here, after giving passing acknowledgment to the fact that science might be presumed to have a nature, and therefore enjoying objective status in the world, she prefers to regard it in subjective terms. It is the preferred phenomenological way of regarding things. It is not so much science itself (the science of philosophy) as *my idea* of science that gains the ascendancy. The subjective order is given precedence over the objective order. And we are left with the strong suggestion that, not only is one's idea of a thing superior to a thing, it determines the thing. [15]

Edith Stein's treatment of philosophy in general, in *Finite and Eternal Being*, leads her easily and naturally into a discussion of Christian philosophy. She has a number of thoughtful things to say about

a topic which, as it happened, was being hotly debated within Neo-Thomistic circles during the decade in which she wrote her book. To some Thomists of the time, the very designation, "Christian philosophy," was tantamount to a contradiction in terms. To speak of Christian philosophy made about as much sense, for those who held this view, as it did to speak of a Christian mathematics or a Christian chemistry. Among the more articulate opponents of this view was Etienne Gilson. Taking his inspiration from Pope Leo XIII's *Aeterni Patris* (1879), he argued that, not only was there no contradiction in the idea of a Christian philosophy, but, granting that those who were philosophizing were Christian, a Christian philosophy was inevitable. The real contradiction was to be found in a situation where you had a genuine Christian, and a genuine philosopher, and no Christian philosopher. Another French philosopher who was to adopt essentially that position was Jacques Maritain, someone whom Edith Stein quotes more than once in delineating her own position on the question. She is clearly on the side of Gilson and Maritain. She regards it as unthinkable that someone could, or should, attempt to separate one's faith from one's philosophy. She argues that "we have a Christian philosophy which uses faith as a source of knowledge. In this case we can no longer speak of a *pure* and *autonomous* philosophy." [16] (emphasis hers) Even among the proponents of the possibility of a Christian philosophy, there would be reluctance on the part of some to admit that faith can serve as source of knowledge, if that knowledge is to be considered genuine philosophical knowledge. If the source of one's knowledge were faith, they argued, then just for that reason it could not be counted as philosophical knowledge. For Edith Stein, the fact that philosophers apply their analysis to truths that are not accessible to unaided human reason does not thereby transform their activity into theology. What they do remains genuine philosophy. [17] "A Christian philosopher," she writes, "must aspire to a unity and a synthesis of all of the knowledge we have gained by the exercise of natural reason and by revelation. [18]"

One of the principal specifically metaphysical subjects Edith Stein examines in *Finite and Eternal Being* is potency and act. That this classical notion was of paramount interest to her is evidenced by the fact that the title for the work which was eventually to evolve into *Finite and Eternal Being*, alluded to above, was *Potency and Act*. The principle of potency and act, like so many other seminal ideas in Western philosophy, is something we owe to the amazingly agile mind of Aristotle. St. Thomas, dedicated Aristotelian that he was, made the principle a mainstay of his own philosophy, but, in doing so, he put upon it his own unique stamp. [19]

Edith Stein was keenly aware of the critical importance of the potency/act principle for a sound foundational analysis of being. And for the best of reasons, of course, for the distinction between potency and act goes to the very root of reality. She grappled with this principle with concentrated tenacity. The first question to be settled, in entering upon a serious philosophical investigation of being, with the potency/act principle as one's guide, is, Where does one properly begin? For St. Thomas, the question scarcely needs asking: one of course begins with things, real objects in the world that are the very embodiment of act and potency. Edith Stein takes a quite different point of view. For her, "The Starting Point of the Inquiry" is "The Fact of Our Own Being." [20] Thus, if one's concern is the investigation of the nature of being, specifically in terms of potency and act, one begins with oneself. And the being which is oneself is "the *being* that is implicit in the thinking: Cogito, sum." [21] The approach here reflects what is called the "phenomenological reduction," which involves the setting aside of the question of real, extra-mental existence in order to focus on the realm of consciousness. What remains after this reduction is "the area of *consciousness* understood as the *life of the ego*." [22] (emphasis hers) An important epistemological ramification of this approach, she explains, is that "while there may be some questions whether or not the *object* which I perceive with my senses exists in reality, there can be no doubt about the reality of my *perceptions*." [23] (emphasis hers) It is clear, then, how it is that, for the

phenomenologist, the subjective realm frankly takes precedence over the objective realm. The upshot of all this, as far as act and potency are concerned, is that, first and foremost, they "are ideas which the intellect encounters within itself." [24]

An important conclusion Edith Stein arrives at with respect to the principle of act and potency is that one and the same being can be both in act and in potency at one and the same time. "My present being," she writes, "is simultaneously actual and potential being." [25] The underlying idea she is seeking to emphasize here is that "my existence is a continuous movement...a *transitory* kind of being." [26] (emphasis hers) I shall return to this issue later in the essay.

Central to Edith Stein's study of the nature of being as such is the need to arrive at a workable understanding of the nature of finite being in particular, and then to compare and contrast finite being with infinite or eternal being. In Scholastic terminology, finite being is also known as contingent being, or possible being, or, simply, created being. The most salient note of finite being is that it is being that can not-be, and this sets it dramatically over against necessary being, which is just that being for which non-existence is an impossibility. There is only one necessary being, and that is of course God.

Edith Stein's approach to the subject of finite being is particularly interesting for the emphasis she gives to how finite being relates to time. Finite being is in fact inextricably bound up with time. She focuses on this fact in such a way to lead her to define finite being as "what does not possess its being but needs time to attain to being." [27] Expanding upon this idea, she concludes that "whatever is finite needs time to become what it is." [28] According to this analysis, being becomes, for its subject (i.e., the existing entity) not so much a possession as an aspiration. Being is that which an entity is in constant pursuit of, and the pursuit takes place within, is governed by, the fluid ambience of time. It is apropos of her examination of the nature of finite being that she introduces the problematical distinction between essential being

and actual being, a distinction which plays a dominant role in her whole ontology. There is nothing problematical in her understanding of actual being: it is simply being which enjoys real, extra-mental existence. So, the pen she holds in her hand is an actual being, whereas the idea of pen she holds in her mind is a conceptual being, not an actual being.

What about essential being? For Edith Stein, essential being is being which, though surely associated with actual being, is not to be thought of as necessarily an inherent part of it. Essential being, in comparison with actual being, has a superior kind of existence. Specifically, in terms of a concrete physical object, the “real” essence of the object, which she also calls “pure form,” is not intrinsic to the object but antecedent to it, and transcends it. She uses the experience of joy to illustrate the distinction between actual being and essential being. How do we know joy? The proper answer to that question would seem to be, Simply by experiencing it. But Edith Stein would then want to ask, How is it we know that what we are experiencing, this particular emotion, is joy? What is the basis for our identifying a certain emotion as joy and not as something else? Her answer is that we know a certain emotion to be joy because we come to understand that the particular emotion in question is informed by the essence of joy, which is to say, by joy itself. This “joy itself,” the essence of joy, is not defined by our experience; rather, it is the essence of joy which defines (i.e., properly identifies) our experience. Therefore, she concludes, “there could be no experience of joy if there were no essence of joy prior to the experience.” [29] This essence of joy, the pure form, “has no being in space and time. But wherever and whenever joy is experienced, the essence of joy is *actualized*.” [30] (emphasis hers) The actual being, which is the experience of joy, must wait upon the essence of joy in order to be actualized, to be made real precisely as the experience we call feeling joyful. She takes pains to emphasize that the essence of joy “belongs to a sphere entirely different to that of objects.” [31] This being the case, the essence of joy, and other instances of pure form, must “not be mistaken for the realities which derive

their name from them.” [32] In other words, the essence of joy is not to be mistaken for the emotional experience which we call feeling joyful. The basic ontological point being made here is that actual being (the experience of feeling joyful) is not to be confused with essential being (the essence of joy). Thus, what apparently happens, when we undergo an experience such as feeling joyful, is that a conjunction is somehow effected between the actual (i.e., the experience) and the essential. This is what she calls the realization of the essence, when “*something* that corresponds to it becomes real.” [33] (emphasis hers) A particular emotion (that would be the “something”) which I am feeling only becomes real, as that emotion, because it corresponds to a transcendent essence, a pure form.

If one accepts the correctness of Edith Stein’s understanding of essence, as something which is extrinsic to and transcends the object to which it is related, one appreciates the consistency of her logic when she claims that essence cannot be defined, and she rejects the Thomistic attempt to define joy as a passion of the soul, a sense appetite. If essence cannot be defined, that means we cannot have an idea of essence, at least not in any ordinary sense, for it is our ideas which are the media which bear within them the essences of the things they represent, which, in turn, are the proper objects of definition. An Aristotelian-Thomistic epistemology maintains that it is the object which determines the idea, the foundational principle here being that the human mind is measured by external reality. Edith Stein takes an epistemological stance which is precisely opposite to that position. “The *concept* is *formed*,” she writes, “in order to make possible the determination of the object.” [34] (emphasis hers) The concept precedes the object, and determines it. It is not the world that measures the mind; the mind measures the world.

The subjects of essence, nature, and universals, are closely interwoven in the way they are treated in *Finite and Eternal Being*, reasonably so. It is not easy to determine precisely the various functions the idea of “nature” fulfills in Edith Stein’s ontology, and that is because the term tends to be a

somewhat fluid one for her. But there is one application of the idea which is as clear as it is eccentric, regarded from the point of view of classical usage. She argues that individuals, just as individuals, possess natures. So, for example, Socrates has a nature, not as a man (i.e., a human nature), but as Socrates (i.e., a Socrates nature). This point of view allows her to make reference to a “*nature of this particular and no other something*.” [35] (emphasis hers) The fact that natures can be purely individual (i.e., applicable to no more than one individual) entails, for her, the possibility that natures can change, so that a human person, for example, can “be said to possess first one and then another nature—quid.” [36] By “nature—quid” she is referring to an essential nature or a pure form. In another place she speaks of “two natures which are actualized in this particular individual, *one after another*.” [37] (emphasis hers) To say that an individual nature can change, then, would mean that a person can participate in one pure form, say, shyness, and then, later, participate in a quite different pure form, say, boldness. As long as the natures in question are accidental, not substantial, this line of reasoning is uncontroversial. But an ongoing problem for her ontology is created by Edith Stein’s consistent neglect of the critical distinction between substantial being and accidental being.

All ideas which we express by common nouns are universals. The “problem of universals” revolves around the question of what is the precise nature of a universal’s reality. Edith Stein explains that “our own answer to the problem of universals goes somewhat beyond the position of *moderate realism* [the Thomistic position] without, however, going as far as *Platonic realism* (in the traditional interpretation).” [38] (emphasis hers) The qualifying phrase she puts in parenthesis is telling. Though Edith Stein’s ontology is not to be simplistically compared with Plato’s, it does reflect that ontology in certain significant respects. For example, her notion of essential being, or pure forms, is remarkable suggestive of the Platonic theory of the eternal Ideas or Forms. Her “pure forms,” like Platonic Forms, transcend actually existing objects in the world,

and in one way or another, are determinative of those objects. With respect to universals, when she writes that “it would seem that our point of view is closest to Duns Scotus,” [39] she appears to be taking a position which suggests the advocacy of some form or another of nominalism

Edith Stein does not leave us in any doubt as to her attitude toward the Aristotelian notion of prime matter, a mainstay of Scholastic ontology. “We found it impossible,” she writes, “to accept the notion of prime matter in the strictly Aristotelian sense.” [40] It would seem that her rejection of the notion was based upon her apperception that it showed itself to be, upon close analysis, inherently contradictory. But one can legitimately wonder if “the strictly Aristotelian sense” of prime matter was something she succeeded in fully assimilating.

In light of her conviction that individuals have natures, that natures are not shared by many individuals, one can see how it was that Edith Stein would have problems with the Thomistic notion that it is matter which is the root of individuation. Well, to say that she had problems with the Thomistic position is to state the case too circumspectly. She identifies her position with characteristic bluntness: “We cannot accept the proposed Thomistic answers.” [41] Later, she goes on to explain why she cannot do so. “I am convinced that the root principle of individual being is found in the formal structure of the objects as such.” [42] We can see in this position, I think, a reflection of her belief that individuals, as individuals, possess natures. But there is more to her rejection of the Thomistic theory of individuation than that. When she refers, in the quotation just cited, to the “formal structures” of objects, she is calling attention to her conviction that, in terms of the matter/form composition, characterizing every material object, it is the “form” side of the composite, rather than the “matter” side, which serves as the principal factor in individuation. And this point of view is clearly at odds with the Thomistic position.

The notion of privation was another key Aristotelian-Thomistic principle which Edith Stein takes exception to in *Finite and Eternal Being*. The

source of her difficulties with the notion is one she shares with many others, and revolves around its application as a constituent element in the definition of evil as the privation of the good (*privatio boni*). That definition of evil, especially as relating to moral evil, does not, she believed, give proper acknowledgment to the stark reality of moral evil, to its painful presence in the world. She states her case as follows: “Natural reason hesitates to accept a doctrine which sees evil as a mere want or debility, because we definitely experience evil as an efficient hostile force.” [43] She cannot accept the view that evil is essentially an instance of non-being, and concludes, then, that “evil is a kind of being.” [44]

III

Having reviewed, in sketchy form, the principal subjects focused on by Edith Stein in *Finite and Eternal Being*, I want now to take a closer critical look at the positions she took toward those subjects, and the arguments she mounted to defend her positions. Edith Stein assessed various key doctrines in the Aristotelian-Thomistic philosophy from the point of view of phenomenology. I will be assessing her phenomenology from an Aristotelian-Thomistic point of view.

Though the attitude that Edith Stein takes toward Christian philosophy is one which would not have found universal acceptance among the great Thomists of the 20th century, it is certainly a respectable one. It seems right to say, as she does, that our faith can supply us with subject matter for our philosophizing, without philosophy thereby being transformed into theology. But when it comes to her attitude toward philosophy in general, what it is and how it should proceed, the Thomist is confronted, in her phenomenological approach, with a philosophical *modus operandi* with which, to say the least, he is not a little uneasy. It all has to do with points of departure. Thomistic epistemological represents of course an essentially realistic position. It is guided by the conviction that the human

mind is measured by external reality, the objective order of things. All of our ideas, mental entities, are ultimately traceable to extra-mental entities. There are no innate ideas. Edith Stein, philosophically speaking, is facing in the opposite direction. To be sure, she cannot be identified as a philosophical idealist *simpliciter*, without qualification, nor, less, can she be said to occupy an extreme idealist position. What is more, on the positive side, there can be found throughout her work any number of passages which even the staunchest realist would find fully acceptable. [45] At the same time, however, there is much in her philosophy which shows an undeniable preference for idealist modes of reasoning. This is seen, for example, in her theory of essential being, or pure form, which suggests that the human mind, working on the natural level, has access to ideas through means other than sense knowledge. The hallmark of the idealist orientation is to give precedence to the idea, over that which the ideas represents. So, it is “the *idea of true being*” [46] (emphasis hers), not being as it is in itself, which is revealed to us through phenomenological analysis. For the realist, it is the thing which is the measure of the idea. For the idealist, it is the other way around; thus she can say, speaking of how we determine an object to be gold: “I measure the thing before me by comparing it with my idea of gold.” [47] When she refers to any aspect of being which the philosopher may reflect upon, the focus is on ideas, not on being itself. She sees objective being as filtered through the alembic of, and determined by, subjective being, the ego. [49] And the ego can constitute a world which would appear to be self-sufficient: “And thus eternal and temporal, immutable and mutable being (and also non-being) are ideas which the intellect encounters within itself; they are not borrowed from anything outside itself.” [50]

So, for Edith Stein, philosophy begins within the subjective realm; we start with “the fact of our own being.” It is the Cartesian *cogito* which serves as our point of departure. And, like Descartes himself, we are entitled to express scepticism concerning the reliability of our senses, instead of,

following St. Thomas, taking sense knowledge to be virtually certain knowledge. To advert again to a quotation cited above: “while there may be some questions whether or not the *object* which I perceive with my senses exists in reality, there can be no doubt about the reality of my *perceptions*.” [51] If one can properly raise questions about the real existence of objects in the world, then the “reality” of one’s perceptions becomes a very pale reality indeed, for the implication would then seem to be that there is no real correspondence between what one perceives to be and what in fact *is*. But in that case the reality of my perceptions takes on the same status as the reality of dream; it is entirely subjective. There cannot, in fact, be any questions about the objective reality of what is perceived by the senses. Even a mild flirtation with scepticism, at this most elemental level, risks the possibility of falling into a fatal epistemological slide which could end with one denying the human mind’s ability to have any certain knowledge at all of the external world.

In her treatment of act and potency, Edith Stein expresses the belief that it is possible that any given created being, at any given time, can be simultaneously in act and in potency. To recall a telling assertion: “My present being is simultaneously actual and potential being.” [52] Again, this can only be true in an importantly qualified sense. It all depends on whether we are talking about substantial being or accidental being. Any actually existing thing, a frog, say, can be only

“in act” with respect to its substantial existence. The frog cannot be in potency with respect to its very being as a frog; either it is a frog or it is not. However, that frog may be in potency with respect to any number of accidental modes of being. For example, the frog might be sitting quite still right at the moment; it is “in act” with respect to sitting. But it is “in potency” with respect to hopping. As a result of her not taking these basic considerations into account, when she contends, without qualification, that a being can be simultaneously in act and in potency, she is, though quite innocently, putting herself in violation of the prin-

ciple of contradiction and the principle of excluded middle. [53] According to her ontology, it would seem that a given entity never quite *is*, i.e., fully actual, but is ever in process toward full actuality. Thus she can speak of being that “does not possess its being but needs time to attain to being.” [54] And, on a more personal note “My existence is a continuous movement...a *transitory* kind of being...” [55] (emphasis hers) We might read the second statement as metaphor, but, taken literally, it posits insurmountable ontological difficulties.

Once the distinction between substantial being and accidental being is acknowledged, the difficulties which accompany her treatment of act and potency can be easily resolved. We do, as a matter of fact, “become” in all sorts of very important ways, but the becoming (the movement from “in potency” to “in act”) is only possible because of the constant “in act” of our substantial being. One commonly hears the phrase “becoming a person”; understood figuratively, it can carry powerful import. But, in strict ontological terms, no one becomes a person; we all become *as* persons. [56]

The limitations which are to be found in Edith Stein’s notion concerning the nature of finite being, which are not small, flow from a number of crucial imprecisions with regard to her understanding of act and potency. Let us recall that she defines finite being as “what does not possess its being but needs time to attain to being.” [57] And she tells us that “whatever is finite needs time to become what it is.” [58] These may serve as helpful ways of generally describing finite being, just so long as it is made clear that the “becoming” or the “attainment to being” in the statements cannot refer to substantial being. Again, for any object to “become” in any meaningful sense, it must preserve its substantial identity as that-which-becomes. Nor can we rightfully describe finite being as “what does not possess its being but needs time to possess its being,” if the “being” alluded to here is substantial being. For any actually existing entity, the only not-yet- possessed being applicable to it is accidental being. Any supposed object not in full possession of substantial being is not a real object.

Potential being cannot rightly be regarded, as she does, as “a preliminary phase of actual being,” [59] if the actual being in question is substantial being, for that would imply that there is something, in the order of being, which is antecedent to being.

The distinction that Edith Stein draws between essential being and actual being, which figures prominently in the argument of *Finite and Eternal Being*, provides us with another instance of the distinctly idealist orientation of her thought. For the Thomist, the essence of any object, its nature, is intrinsic to the object itself. Essence is precisely what it is about an object which the mind, through abstraction, comes to grasp. Thus ideas are born. The idea is something which is birthed by the mind as the result of the initial stimulating influence of the object to which it relates. The process all begins, then, with the object itself. The object determines the idea. [60] These elementary truths relating to Thomistic epistemology are worth rehearsing here only because they represent a sharp contrast to the epistemology advocated by Edith Stein. “The *concept is formed*,” she writes (emphasis hers), “in order to make possible the determination of the object.” [61] Note the reversal which has taken place. According to this epistemological account, the object, the thing posited in the objective order, must apparently wait upon the action of the human mind in order to receive its determination, which is to say, in effect, that it is the human mind that makes an object what it is, establishes, through thought, the essential identity of the object. But if the object is determined by the concept, rather than the concept by the object, on what basis does the concept make its determination with respect to the object? What is the content of the concept which directs it to correspond to, and then determine, this particular object rather than any other? One assumes, on the basis of what she has told us elsewhere, that the content of the concept is derived from the mind’s direct contact with essential being, pure form. Does this imply that Edith Stein subscribed to the notion of innate ideas? She nowhere explicitly says as much, but there is nothing in her epistemology which precludes that possibility.

The essence of a thing, then, is inextricably

bound up with the thing itself. It is not, as Edith Stein argues, something which “belongs to a sphere entirely different to that of objects.” [62] As previously noted, there is nothing to contest in her understanding of actual being. It is simply real, extramental existence. But her understanding of essential being poses serious problems. It is an understanding which, as she herself frankly admits, owes much to Plato. As the quotation cited immediately above indicates, her ontology effectively drives a wedge between an existent and its essence. The essence is no longer inherent to a thing, as its specifying determination, that which formally makes it what it is. She can say that “each individual has *its* essence,” [62] but by “essence” here she does not mean a principle which is shared by other things of the same kind, but something which is unique to each individual. In explaining her position, she writes that “in contradistinction to Aristotle, we understand the essence as an individual rather than a specific determination.” [63] But if essence is an individual determination, there is no longer any basis for identifying dogs as dogs and frogs as frogs, and every substance is like an angel’s substance, which is individuating by its proper species.

If one accepts Edith Stein’s understanding of essence as something which is extrinsic to an actually existing object, then one would concede that she is right in saying that essence is something which cannot be defined, for definition assumes that the essence that is being sought is to be found nowhere but in the definitum, the object which is to be defined. But for the Thomist, not only can essence be defined, essence is what definition is all about. When we successfully define an object, we encapsulate in precise terminology nothing less than the essence of the object. In definition, our focus is principally upon the object.

“Nature,” as understood by the Thomist, is roughly synonymous with “essence.” More precisely, we say that nature follows upon essence, flows from it; it is the explicit manifestation of essence, through action. By definition, a nature is something which is shared, such as is, for example, human nature. We call Tom, Dick, and Harriet human beings because

they have in common a human nature. Contrary to what Edith Stein holds, individuals, just as individuals, do not have natures, that is, they do not have natures which are peculiar to themselves and not shared by others. Harriet has a human nature; she does not have a Harriet nature. As Harriet, she is completely unique, quite unshared by anybody else. It undermines the very meaning of nature to maintain that individuals have natures.

She writes that “the concept ‘human being’ is no part of this particular human being.” [64] Granted, the concept, just as concept, is no part of this human being; it is part of the human being who is holding the concept, as a quality of his mind. But the concept “human being” would not even be able to be thought were there not a humanness, a shared nature, in the human being who is the object of thought. The point Edith Stein is urging by the above statement is her conviction that individuals have natures. For her, because the *concept* “human being” is dependent directly upon pure form (i.e., essential being), which is prior to and transcends the individual, that concept cannot be part of the individual himself. She reinforces this point when she writes that “*nature and quid*” [by which she means essential being] transcend individuals, and for this reason “we disavow their actual being in them.” [65] She disavows that natures, essential being, can be incorporated within individuals, and that is because she sees them as transcending individuals. This point of view reflects an insufficient appreciation for the fact that what may transcend individuals, in the form of universal concepts, nonetheless depend upon individuals for their intelligibility. A nature, such as, for example, human nature, has its actual being in individuals, and nowhere else. We can speak intelligibly about “humanity” precisely because there are individual creatures who evince, who are in possession of, a human nature. The universal concept, humanity, is real because it is rooted in the real. If the nature was not actually realized in individuals, a term like “human being” would be meaningless. [66]

In rather roundly rejecting the Aristotelian notion of prime matter, Edith Stein was rejecting,

I think it fair to say, not so much an Aristotelian notion as an imperfect construal of an Aristotelian notion. The same holds true, I believe, with regard to her responses to the notions of individuation and privation. We will consider each of these in turn. What Edith Stein seems to be doing, in rejection the Aristotelian notion of prime matter, and almost in spite of herself, [67] is overlooking the proper status of prime matter as a principle *in* things, and transforming it into a kind of thing in itself, enjoying separate, quasi-autonomous existence. For the Aristotelian-Thomist, prime matter is a principle of pure potency, but it is a principle which is to be found only in secondary matter, that is to say, matter as we ordinarily understand it. Prime matter is intrinsic to ordinary matter, and inextricable from it. If there were no ordinary matter, neither would there be prime matter. [68] It is wrong to suppose that prime matter could exist in any kind of independent way, separate from ordinary matter, which is just what Edith Stein seems to be supposing when, for example, she suggests that we could rightly think of prime matter in terms of “pure mass.” [69] Assuming that she is understanding mass as the physicist understands it, as the quantity of inertia a body possesses, we cannot take mass to be prime matter. To be quantifiable, as is mass, necessarily implies determination, but prime matter, by definition, is completely undetermined.

St. Thomas Aquinas taught that the foundation for individuation in material beings was matter itself. The matter in question here is secondary matter, or matter as we ordinarily understand it. It is the hylemorphic theory, the theory that holds that all material things are composed of prime matter and substantial form, which is the foundation for his teaching. The form of a thing is what encompasses its essence or nature; it is that of a thing which determines it to be precisely the kind of thing it is. Because the form determines the nature of a thing, and because natures are shared, we argue that it cannot be the form just as such which distinguishes, and separates, one individual material thing from another. It must, then, be the matter.

All frogs share the same frog nature, so it cannot be frog nature, encompassed within form, which provides the basis for individuation among frogs. It is form as informing matter, secondary matter, which allows us to differentiate this frog from that one.

The specific reason Edith Stein gives to explain why she cannot accept the Thomistic answers regarding the individuation of corporeal substances is that she cannot bring herself to see matter as being at the root of the fact of individuation. "I am convinced," she writes, "that the root principle of individual being is found in the formal structure of the objects as such." [70] If "formal structure" is understood as entailing a real existent, i.e., prime matter as *informed*, which gives us secondary matter, then she is correct in this. When we claim that it is matter which individuates corporeal creatures we are not talking about prime matter. Prime matter, as such, can individuate nothing, for it is utterly undifferentiated, having no determination whatever. It is only informed matter, secondary matter, that can individuate, and that matter, perforce of necessity, then, would have to be part of what she calls the "formal structure" of objects. It appears that Edith Stein was misinterpreting St. Thomas as saying that it was prime matter just as such, devoid of any determination, that founded individuation, and on that understanding she found the theory unacceptable. [71]

As we have seen, Edith Stein found problematic the classical definition of evil as the privation of good (*privatio boni*) because she saw the definition, especially as applied to moral evil, as not giving sufficient recognition to the brute facticity of moral evil, its harsh and obtrusive presence in the world. It can be argued, in response to this attitude, that the definition, rightly construed, does not in the least bit minimize the reality of evil; its special virtue lies in the fact that it calls attention to precisely what kind of reality evil exercises, its exact mode of existence. Evil just as such is non-being. It is an absence. But it is an absence *in a being*, and therefore the being that suffers the absence is debilitated *as being*, and consequently its actions are debilitated. When it acts, then, the effects of its

actions on other beings are necessarily deleterious. The existential status of evil, its incontestable reality, is seated in the reality of the being it infects.

Convinced of the inadequacy of the notion of evil as non-being, she made bold to suggest that "evil is a kind of being." [72] But this cannot be the case. To be a *kind* of being is to be, of course, a being, that which has existence, that which is in possession of "to be." But everything that exists, that *is* rather than is not, enjoys that ineffable status only and only because of the creative act of God. So, everything that exists, precisely as an existent, as that which has being, is good, cannot be anything other than good. The only alternative to this conclusion is to suppose that God creates evil. No being, just as a being, as an existent, can be evil. Evil, therefore, cannot be a kind of a being.

Edith Stein contends that natural reason cannot accept evil as "a mere want or debility, because we definitely experience evil as an efficient hostile force." [73] There is no question but that we definitely experience evil as an efficient hostile force, but what, really, is the source of the efficiency, the hostility, the forcefulness? It is not non-being just as such, it is non-being as invested in being. Let us consider the case of malice, which is evil, therefore non-being. It is only when malice manifests itself in a man, as an absence that subtracts from his humanity, that there evolves a creature we call a malicious man. It is the malicious man, not malice just as such, which is the source of the harm. The malicious man is a real being, but he is a maimed being, and he acts as a maimed being. It is his power as a man that is the ultimate efficient cause of the negative impact he has on others. There is nothing "mere" about the absence of a quality in a creature that *should have* that quality, for that absence, rather than inhibiting efficient activity, can actually intensify it, but now that activity, because of the absence of a quality which is proper to the creature, is decidedly negative in its effects. In the case of the malicious man, what is absent in him is the virtue of charity.

IV

What general conclusions might be drawn about Edith Stein as a philosopher? First, and by way of “placing” her in terms of schools of philosophy, it can be said with full confidence that she was not a Thomist, nor, by association, was she an Aristotelian. With equal confidence it can be said, speaking positively, that she was a phenomenologist, emphatically so. As noted earlier, she had been thorough schooled in the world-view and methods of phenomenology by its founder, Edmund Husserl, and she remained loyally committed to her mentor and his school throughout her life. Though her lively and sustained interest in St. Thomas clearly shows that she eventually came to appreciate that the world of philosophy was wider than the world of phenomenology, it is my opinion that she never surrendered her initial conviction that the phenomenological method was the only proper method for philosophy, and that the phenomenological way of looking at the world was the only right way of looking at it.

It is somewhat remarkable, though, given her sincere interest in St. Thomas, that she seemed to assimilate into her philosophic consciousness so little of his essential spirit. Why was that so? Some of my criticisms of her interpretations of St. Thomas’s might lead to the conclusion that the problem was that she simply lacked the intellectual wherewithal sufficiently to grasp the profound thought of Friar Thomas. Such a conclusion would be laughably false. Edith Stein was possessed of a powerful and penetrating intellect. Simply in terms of native ability, she was every bit up to the task of engaging productively with the Thomistic corpus.

The answer to the puzzle, I think, is that when Edith Stein came to the study of St. Thomas Aquinas she was already a fully formed philosopher, and the peculiar nature of her philosophical formation was such that it had an inhibiting effect on her ability to approach the Angelic Doctor’s works with complete intellectual openness. As we have seen, she herself admits that her first encounter with St. Thomas represented something of a major

intellectual shock. She was befuddled by his whole approach to philosophy. St. Thomas spoke a language which never ceased to sound foreign to her philosophic ear, and it is therefore understandable that she did not always catch some of the more finely tuned aspects of his thought.

She approached St. Thomas as a phenomenologist. She attempted to read St. Thomas through the lens of phenomenology. But if you look at St. Thomas through the lens of phenomenology, you do not see St. Thomas; you see phenomenology. And then one of two things happen. Either you attempt to turn St. Thomas into a phenomenologist, or, more honestly—and this is what happened to Edith Stein—you reject St. Thomas because he does not measure up to the phenomenological presuppositions to which you are committed. I call the second alternative more honest, because the one who opts for it has the candidness to recognize that there are very real, and very radical, and perhaps even irreconcilable, differences between phenomenology and Thomism.

To say that Edith Stein was not a Thomist is not to level an accusation; it is simply to state a matter of fact. But was the fact of her being a phenomenologist completely without problems, not simply with respect to the realm of philosophy, but, potentially at least, beyond that realm as well? I contend that phenomenology is inherently problematical as a philosophical system, and that is because to be a phenomenologist is to be an idealist, and to be an idealist is to put yourself in permanent danger of subjectivism, and subjectivism is the high road to relativism. By no stretch of the imagination can it be said that Edith Stein ever even looked down the road to relativism, but because of her essential idealist orientation, she was not entirely free of subjectivism, a subjectivism which is most clearly manifested by her consistent loyalty to what she regarded as the proper starting point for philosophy: the self. When St. Thomas embarks upon the effort to demonstrate the existence of God, he begins with the objective order of things, with how things stand in the physical world. Revealingly, Edith Stein did not find the results of

St. Thomas's labors, the famous Five Ways, particularly impressive. [74] When she embarks upon her inquiry into the question of the possibility of pure spirits, she typically begins where she begins all her philosophical investigations. "We shall begin our inquiry not by following the line of thought suggested by St. Thomas but shall rather seek access to the problem of the basis of personal and inner experience." [75] She is quite conscious, then, of the radical difference between the Thomistic approach to things and the approach of phenomenology.

In his 1953 study of the thought of Max Scheler, the philosopher Karol Wojtyła arrived at some pointed conclusions about phenomenology, and its compatibility with Christian thought in general. "It is, therefore, due to its phenomenological principles," he wrote, "that Scheler's system is unsuitable for the interpretation of Christian ethics." [75] The main problem with phenomenology, as he saw it, was that its seminal principles lacked an objective character, and because of that lack, "ethical value always remains in an intentional and—despite everything—subjective position." [76] His overall conclusion is singularly unambiguous: "These investigations convince us that the Christian thinker, especially the theologian...must not be a phenomenologist." [77]

Etienne Gilson, in reflecting on St. Augustine's heavy reliance on Neo-Platonism and the effect it had upon his thinking, decides that it was the Bishop of Hippo's large misfortune not to have a philosophy which was adequate to his theology. [78] I think something of the same sort can be said of Edith Stein and her relation to phenomenology. It was not adequate to her great mind. Though there is enduring merit to be found in certain aspects of her philosophy, it seems to me that, in years to come, she will be known—apart of course from her permanent, illustrious status as a saint and martyr—more as a psychologist and a theologian than as a philosopher, as a psychologist because of her universal and indiscriminate empathy for her fellow man, as a theologian because of her profound sensitivity to God and the things of God. ✠

FOOTNOTES

1. The work in question was *Potenz und Akt* (Potency and Act), which she began in 1931 as her dissertation for her "habilitation" (Habilitationsschrift), the document required for admission to the faculty in the German university system. She was applying for a position at the University of Freiburg. The work was published posthumously, in 1998. It is described by Fr. Steven Payne as "a study of the founding principles of the philosophy of St. Thomas Aquinas from a phenomenological perspective." (See Foreword to *Edith Stein's Finite and Eternal Being: An Attempt at an Ascent to the Meaning of Being*, (trans. Kurt F. Reinhardt) Washington, D.C.: Institute of Carmelite Studies, 2002, p. xiv ff.) Henceforth in these notes, for brevity's sake, I will cite *Finite and Eternal Being* simply as FEB.

2. FEB, p. 535. The fact that she was immediately alert to method, and puzzled by the method being followed by St. Thomas, shows two things: (1) the emphasis that the phenomenologist gives to methodology, and (2) just how foreign the Thomistic texts were to her philosophic eye. For the phenomenologist, or, at least, for some advocates of phenomenology, methodology is virtually the whole of philosophy. It is good, of course, for a philosopher to have a method, but method without matter is like a game plan without a game.

3. Edith Stein. *On the Problem of Empathy*. (trans. Waltraut Stein, Ph.D.) Washington, D.C.: ICS Publications, 1989. Some Thomists might be inclined to look upon this work as more a treatise on psychology than on philosophy.

4. FEB, p. 530. The initial subtitle she gave to *Finite and Eternal Being* was: *A Survey of the philosophia perennis*.

5. She wrote the manuscript longhand, in ink.

6. FEB, p. xiv.

7. FEB, p. xv.

8. FEB, p. 529.

9. FEB, p. 530.

10. *ibid.* Certainly the *philosophia perennis* is not a "scholastic system." It is larger than Scholasticism, and encompasses it. But one likes to think that Scholasticism is the fullest embodiment of the *philosophia perennis*, the most faithful preserver of it. Edith Stein's characterization of it as "the ceaseless search of the human spirit for true being," besides being a bit amorphous, leaves the impression that it is principally a process, and gives insufficient acknowledgment to the fact that it constitutes a formidable body of truths already attained.

11. FEB, p. 12.

12. If everything had proceeded uninterruptedly, the book would have been published in Germany in 1937 or 1938.

13. The Foreword to FEB provides an interesting account of the history of Dr. Reinhardt's translation. See p. xviii ff.

14. FEB, p. 16.

15. "*Wissenschaft as an idea*—that enduring substrate of every concrete human knowledge and science," (emphasis hers) she writes in *Finite and Eternal Being*. It is not the idea, the formal sign, that can serve as an "enduring substrate," but only that which the idea signifies. Interestingly, it is in the early pages of FEB, along with observations such as the above, that we find Edith Stein's clearest and strongest expressions of the realist position. But then, as the work progresses, the idealism that is inherent to phenomenology gradually becomes more prominent and assertive.

16. FEB, p. 24.

17. The bone of contention here has to do with the formal objects of philosophy and theology, that which serves to identify them as distinct sciences. Philosophy studies being from the point of view of natural reason, whereas theology studies being from the point of view of divine revelation. The question then becomes, Does the philosopher cease doing philosophy and begin doing theology when he reflects on truths that can only be known through revelation? Edith Stein answers the question in the negative. And this seems to be the proper response. It would appear odd, on the fact of it, to suggest that a philosopher effectively stops being a philosopher, and is suddenly transformed into a theologian, when he turns his analytical attention to revealed truths. While there are certain truths that the philosopher, just as philosopher, through the exercise of natural reason alone, could never discover (e.g., the truth of the Incarnation), nothing seems to prevent him, as a man of faith, from simply accepting those revealed truths as “givens” (just as, analogously, he accepts many truths on the natural order), and then reflect upon them philosophically.

18. FEB, p. 25.

19. It is no exaggeration to say that the twin notions of potency and act were central to St. Thomas's thought. He found universal application for them.

20. FEB, p. 35.

21. FEB, p. 36.

22. *ibid.*

23. *ibid.*

24. FEB, p. 37.

25. FEB, pp. 38–39.

26. FEB, p. 45.

27. FEB, p. 61.

28. *Ibid.*

29. FEB, p. 64.

30. FEB, p. 63.

31. FEB, p. 64.

32. FEB, p. 66.

33. FEB, p. 68.

34. FEB, p. 72.

35. FEB, p. 70.

36. FEB, p. 76.

37. FEB, p. 85.

38. FEB, p. 101.

39. *ibid.* She explicitly admits that she subscribes to the Scotian notion of spiritual matter. See. p. 408 ff.

40. FEB, p. 201.

41. FEB, p. 340.

42. FEB, p. 496.

43. FEB, p. 404.

44. FEB, p. 405.

45. For example, she writes, speaking of the truth of a sentence: “Its Truth in the strict sense consists in its being in *adequate correspondence with something which is* [mit einem Seienden (with an ex-

istent)] or in the fact that something corresponds to it which has an independent existence. The truth of the sentence, in short, is founded upon a *true being* (that is, a being which has its foundation in itself and which provides a foundation for a sentence).” (FEB, p. 17) (emphasis hers) Here we have a clear statement of the correspondence theory of truth, a realist theory which presupposes that the foundation for truth is the objective order of things. However, later in the book she will speak of “essential truth” as “the congruity of some actuality with the corresponding pure form.” (FEB, p. 296) Now the correspondence is no longer between the thing in the world and the mind, but between the thing in the world and the transcendental realm. It is an idealist way of regarding truth.

46. FEB, p. 46.

47. FEB, p. 296.

48. FEB, p. 104.

49. She speaks of “that ontological realm, which is inseparable from the ego.” (FEB,

p. 54) The import of this statement is not simply the obvious fact that being (the ontological realm), as known, is necessarily inseparable from the knowing ego, but that the ego, through its ideas, has a certain determinative affect on the ontological realm. Her idealist proclivities are reflected in a statement she makes later in the book. “We followed the *Augustinian* way, which proceeds from that which is nearest to us...*the life of the ego.*” (FEB, p. 277) (emphasis hers)

50. FEB, p. 37.

51. FEB, p. 36,

52. FEB, pp. 38–39.

53. The principle of excluded middle has it that there is no ontological middle position between being and non-being. A being either exists, or it does not. That is why no being, in terms

of the first act of existence, can be said to be simultaneously in act and in potency. One of the more prominent features of *Finite and Eternal Being* is a continuing lack of active awareness of the critical distinction between substantial and accidental being.

54. FEB, p. 61.

55. FEB, p. 45.

56. No human being is in potency with respect to personhood. We are all constituted as persons by God's creative act. Personhood is an inextricable part of our substantial existence as human beings. We could no more “become” persons, ontologically, than we could “become” human beings.

57. FEB, p. 61.

58. *ibid.*

59. FEB, p. 67.

60. The first principle of Thomistic epistemology is, *nihil est in intellectu quod non prius fuerit in sensu*, “there is nothing in the mind that was not first in the senses.” Sense knowledge is the foundation, the *sine qua non* condition for, intellectual knowledge, which is to say, knowledge in the strict sense.

61. FEB, p. 72.

62. FEB, p. 64.

63. FEB, p. 478.

64. FEB, p. 166.

65. FEB, p. 140.

66. FEB, p. 98.

67. For Plato, “humanity” is not realized in individual human beings but in the eternal Form. Edith Stein claims that her Platonic propensities do not take her as far as Platonic realism, “in the traditional interpretation.” (*FEB*, p. 101) But I think she was closer to the “traditional interpretation” than she realized.

68. I say “almost in spite of herself” because she shows that she has a sure grasp of *certain aspects* of the Aristotelian position, as can be seen, for example, by a perusal of Section 9. pp. 184-86.

69. What is especially puzzling about her inclination to take prime matter as something which is somehow separate from secondary matter is that Aristotle states clearly how he interprets things in the following passage: “for each thing is made up of such natures, and *prime matter* is preserved in them.” And she quotes just this passage in her book. (*FEB*, p. 179)

70. “Thus it seems that in the case of *pure mass* we are dealing with something which corresponds to the Aristotelian insofar as this term refers to that substratum of all external nature which we designate as *prime matter*.” (*FEB*, p. 194)

71. *FEB*, p. 496.

72. Edith Stein can be excused for having difficulties with St. Thomas’s theory on individuation, for it is not with its subtleties, and some Scholastics have seen fit to raise serious questions about it. Professor Joseph Bobik of the University of Notre Dame has provided us with an enlightening analysis of the theory in his article,

“St. Thomas on the Individuation of Bodily Substances,” which appears as Chapter 52 in *Readings in the Philosophy of Nature*, Henry J. Koren, C.S.Sp., S.T.D., ed. Westminster, Maryland: The Newman Press, 1958.

73. *FEB*, p. 405.

74. *FEB*, p. 404.

75. “But do the *a posteriori* proofs—the inferences from created effects to an uncreated cause—fare much better? How many believers, after all, have become believers on the strength of the Thomistic proofs of the existence of God? These proofs too demand a leap over an abyss: The believer leaps across lightly, the unbeliever stops this side of the precipice.” (*FEB*, p. 110) It is fairly obvious that she did not regard the proofs to be demonstrative.

76. *FEB*, p. 391.

77. Karol Wojtyła. *Über die Möglichkeit eine christliche Ethik in Anlehnung an Max Scheler zu schaffen. (Evaluation of the Possibility of Constructing a Christian Ethics on the Assumptions of Max Scheler’s System of Philosophy)* Ed. Juliusz Stroynowski, *Primat des Geistes: Philosophische Schriften*. Stuttgart-Degerlock: Seewald, 1953, 1980, p. 97.

78. *ibid.*, p. 109.

79. *ibid.*, p. 196.

80. Etienne Gilson. *God and Philosophy*. New Haven: Yale University Press, 1941, p. 60.

The Thomas More College of Liberal Arts invites students to enter the Faith and Reason Scholarship Essay Contest. The College will award the four-year, half-tuition Scholarship to as many as four winners. Honorable Mention scholarships will also be awarded. To be eligible, students must be applying to the Thomas More College of Liberal Arts as new, full-time students (freshmen or transfer students) for the 2004-2005 academic year. For more information call 800-880-8308 or email admissions@thomasmorecollege.edu.

Human Dignity, Human Rights and Moral Responsibility

*A paper presented at St. Charles Borromeo Seminary, 4 October, 2003
by George Cardinal Pell*

In his encyclical *Veritatis Splendor* (“The Splendor of Truth”) in 1993 Pope John Paul II claimed that the Church was facing a genuine crisis which touched the very foundations of moral theology.¹ He explained that this crisis was no longer a matter of limited and occasional dissent but of an overall and systematic calling into question of traditional moral doctrine.²

In this year in which we celebrate the twenty-fifth anniversary of the election of the Holy Father and the tenth anniversary of *Veritatis Splendor* it is a moot point whether the crisis has lessened or deepened, or indeed whether the situation remains basically as it was. Rome has spoken, but in the English-speaking world there is no evidence that the matter has been successfully concluded. I speak as an Australian bishop primarily about the situation in Australia. It remains for others to judge just how relevant my comments might be for the situation here in the United States and for other parts of the Catholic world.

After a few introductory words to set the scene I wish to speak on two topics central to human dignity and moral responsibility. One was treated extensively in *Veritatis Splendor*—the role of conscience—and the second is the Christian understanding of human rights.

The Pontificate of John Paul II

Pope John Paul II is an historical anomaly. We risk categorising his outstanding achievements as being normative for the papacy. This is particularly a danger for young Catholics who have known no other Pope. In fact no Pope in history, even Pope John XXIII, has exercised such an influence in so many fields. This is partly a consequence of the mass media today, but more particularly it is a consequence of his unique contribution. *Veritatis Splendor* was discussed everywhere throughout the Western world. The major papers in just about every Western capital city editorialised on this encyclical. His defence of human rights against Communist and totalitarianism was pivotal. These are but one part of his extraordinary achievements. An important task for the future will be to assimilate his teachings and put them into practice.

This encyclical had been announced on the Feast of St. Alphonsus in 1987, but did not appear until after the publication of the *Catechism of the Catholic Church*. It was eagerly awaited by admirers of the Pope and also by his opponents inside and outside the Catholic Church. The traditional loose alliance of dissidents were well organised with their allies in the secular media to orchestrate a chorus of dissent, as they had done so successfully in 1968 against Pope Paul VI’s encyclical *Humanae Vitae*.

However the world had changed since 1968 in a number of significant ways. First of all the scope for dissent had enlarged immeasurably. In 1968 the arguments for individual judgment or private conscience were

advanced on the topic of the new means of contraception, which it was alleged, with some justification, was disputed even within the Catholic tradition. Today what remains in dispute are the grounds for moral argumentation itself within the Catholic and indeed Christian tradition, and the controverted areas now include every area of sexual practice, and many issues which touch human life. Consequently there are also significant debates on marriage and family life. There has been no period in Church history where such a range of moral teachings has been rejected and the rejectors have continued to insist on remaining within the Church and aspiring to change Church teaching. Also there has probably been no period in Church history where so many have been able to do this without effective retribution. To my knowledge no bishop has taken up the recommendation of the Holy Father in *Veritatis Splendor*¹ to take away the title “Catholic” from Catholic institutions which are deviating significantly from sound moral doctrine.

In 1968 many in the Church were optimistic that the progressive reforms of the Second Vatican Council would soon bring wonderful fruits, and that dialogue with the world would be one of the means for this. *Humanae Vitae* was a valuable corrective to this inflated optimism. The collapse of the Church, for example, in Holland and French-speaking Canada then lay in the future, as did the exodus of many priests and religious and the radical decline in vocations to the priesthood and religious life in many parts of the Church. Today we are much better aware of the consequences of the

acid rain of modernity on our Catholic communities, of our minority status as serious Christians everywhere in the English-speaking world, and of the damaging power of the neo-pagan world of communications. Probably, too, we are better aware of the fruits of internal dissent.

However Pope John Paul II has been an immensely more powerful influence than Pope Paul VI. Pope Paul was fated to lead the Church at an intensely difficult time, but he will not rank with Leo the Great or Gregory the Great. John Paul II will, and one major reason for this will be his moral teaching, especially as outlined in *Veritatis Splendor* and *Evangelium Vitae* (“*The Gospel of Life*”), (1995).

No Primacy of Conscience

Sections 54–64 of *Veritatis Splendor* are the best short pieces written on conscience since Cardinal Newman’s *Letter to the Duke of Norfolk* in 1875. It is a sophisticated and accessible piece of work, quoting section 16 of the Second Vatican Council’s Constitution on “the Church in the Modern World” (*Gaudium et Spes*) about the voice of conscience always summoning us to love good and avoid evil. “For man has in his heart a law written by God. To obey it is the very dignity of man; according to it he will be judged (cf. Romans 2:–14–16).” There is an explicit reference to the development in the Church’s moral doctrine similar to the development in the doctrines of faith, provided the original meaning is preserved intact.⁴ The encyclical is not fundamentalist.

Naturally I accept the teaching of the Second Vatican Council and *Veritatis Splendor* on the crucial role of conscience for us all. However

for some years I have spoken and written against the so-called “doctrine of the primacy of conscience”, arguing that this is incompatible with traditional Catholic teaching. Not surprisingly this has in turn provoked a number of hostile public refutations and quite a number of letters from friends and acquaintances attempting to persuade me of the error of my ways.

My basic object is twofold: a) to explain that increasingly, even in Catholic circles, the appeal to the primacy of conscience is being used to justify what we would like to do rather than to discover what God wants us to do; and b) to claim that conscience does not have primacy. One should say that the word of God has primacy or that truth has primacy, and that a person uses his conscience to discern the truth in particular cases. To use the language of *Veritatis Splendor*, conscience is “the proximate norm of personal morality” whose authority in its voice and judgment “derives from the truth about moral good and evil”.⁵

Whatever the pressures for conformity produced by public opinion and the mass media today, there is a healthy rhetoric about respect for the rights of the individual, including the right to private judgment, in the English-speaking democracies. Today we value our freedom of speech, however much it might have been constrained in the distant past. We take it for granted that all citizens have a freedom to choose their career, their home and all adults presume unreflectingly the right to choose a spouse—or now, increasingly in Australia, a temporary partner. Just as people have the right in a democracy to choose their religion so, too, some feel they should be able to choose the type of

morality they follow.

Unless all kinds of implicit Christian assumptions are made explicit, the claim to the primacy of individual conscience easily becomes in our cultural context the same as a claim to personal moral autonomy. Indeed, most Western moral philosophers since the eighteenth century, with the exceptions of the Marxists and the Christians, have followed Kant in advocating some form of moral self-legislation and government (autonomy), as distinct from heteronomy or rule by others. Even Kant would be appalled by contemporary autonomy liberalism. He believed in objective morality (“practical reason”) which autonomy gives us the means and opportunity to follow, never a self-made morality of private preference.

When a person is autonomous, or independent, or at liberty to follow his will in moral matters, this implies that other persons have some kind of obligation to respect this person’s freedom of judgment and action. What is the nature of the obligation of other people towards the agent? We might look at this from another perspective and ask: what is the extent of the agent’s freedom to follow his own will? In response one can usefully give two versions of moral autonomy. The first emphasises the person’s right to choose in the areas of life generally open to moral evaluation, leaving the limits outside which the agent might curtail his right generally unspecified.

John Rawls has defined the extreme of this version of autonomy with characteristic lucidity. It is “the complete freedom to form our moral opinions so that the conscientious judgment of every moral agent ought absolutely to be respected”⁶. The realities of social life and public order constrain us

into recognising the impracticalities of such a principle as a basis for our personal conduct. In any society the only two alternatives are unanimity or the exercise of authority. The second version of autonomy, the more practical version, always spells out in some way the constraints necessary for social life. The principle of autonomy which informs Rawls' own work, his alternative and more practical meaning, defines acting autonomously as "acting from principles that we would consent to as free and equal rational beings"⁷. I am not arguing this account is adequate; merely that it is one example of the limitations and precisions required.

Those Catholics who appeal to the primacy of conscience cite a number of classical references. The first comes from the Second Vatican Council's "Declaration on Religious Freedom" (*Dignitatis Humanae*), which states that religious freedom "has to do with immunity from coercion in civil society"; "The truth cannot impose itself except by virtue of its own truth." However these advocates often leave unsaid the conciliar teaching from the same paragraph that religious freedom "leaves untouched traditional Catholic doctrine on the moral duty of men in society towards the true religion and towards the one Church of Christ"⁸. So while the Declaration explains that in matters religious "no man is to be forced to act in a manner contrary to his own beliefs... within due limits", it also goes on to say that all men are "bound by a moral obligation to seek the truth, especially religious truth"⁹.

The American Father John Courtney Murray, S.J., who had such a profound influence in the production of the Declaration wrote in his introduction to the English translation: "The conciliar affirma-

tion of the principle of freedom was narrowly limited—in the text. But the text itself was flung into a pool whose shores are wide as the Universal Church. The ripples will run far. Inevitably, a great second argument will be set afoot—now on the theological meaning of Christian freedom"¹⁰.

A second reference frequently quoted, and indeed cited by the Holy Father himself in *Crossing the Threshold of Hope* comes from St. Thomas Aquinas, who explains that if a man is admonished by his conscience, even when it is erroneous he must always listen to it and follow it.¹¹ The supporters of primacy of conscience do not go on to explain, as Aquinas does and John Paul II has done over a life-time of writing, that the binding force of conscience, even mistaken conscience, comes from the person's belief that the conscientious decision is in accord with the law of God.¹²

A final passage, also frequently cited, is Cardinal Newman's famous declaration at the end of his *Letter to the Duke of Norfolk*: "Certainly, if I am obliged to bring religion into after-dinner toasts (which indeed does not seem quite the thing) I shall drink—to the Pope, if you please—still, to Conscience first, and to the Pope afterwards"¹³. Newman was concerned about the Ultramontane claims of extreme infallibilists, facetiously explaining that if the Pope told the English bishops to order their priests to work for teetotalism or to hold a lottery in each mission, they would not be obliged to do so.¹⁴ But there is no doubt also that his understanding of conscience is very specifically Christocentric and God-centred, within the Catholic tradition.

Conscience is not a long-sighted selfishness, nor a desire to be consistent with oneself; but it is a mes-

senger from Him, who, both in nature and in grace, speaks to us behind a veil, and teaches and rules us by His representatives. Conscience is the aboriginal Vicar of Christ, a prophet in its informations, a monarch in its pre-emptoriness, a priest in its blessings and anathemas, and even though the eternal priesthood throughout the Church should cease to be, in it the sacerdotal principle would remain and would have a sway.¹⁵

In all Newman's examples, conscience is not left as an unfenced equivalent of secular autonomy but is closely defined and linked with a proper understanding of Christian and indeed Catholic teaching.

In strictly theological language the claim to primacy of conscience is a cliché, which only requires preliminary examination for us to conclude that it needs to be refined and developed to have any plausible meaning at all. I do not even favour the substitution of the primacy of *informed* conscience, because it is also possible that with good will and conscientious study a devout Catholic could fail to recognise some moral truth and act upon it. It is truth, or the word of God, which has primacy, and we have to use our personal capacity to reason practically, that is, exercise our conscience, to try to recognise these particular truths.

However it is at the pastoral level that this espousal of the primacy of conscience has disastrous effect. Let me give you a crass but actual example, recounted to me by a friend who witnessed this encounter. A man asked this question; suppose I have been regularly "sleeping with my girlfriend." Would it be wrong for me to be receiving Holy Communion? Without hesitation the theologian replied, "Vatican II has taught that in answering any

moral question, you must obey your conscience. Just do that.” Such a teaching is insufficient and misleading. Does it mean there are no moral absolutes or authorities? Is it sufficient to follow one’s feelings? Or was Charlie Brown correct forty years ago to claim that “it doesn’t matter what you believe as long as you are sincere”?

In many places, even in the Catholic world, the category of mortal or death-bearing sin is now an endangered species, because the unthinking presumption is that everyone is honestly doing his or her “own thing.” Obviously public opinion places limits to this world of easy options, often coterminous with the limits of political correctness, but many areas of sexual conduct and activities such as contraception, abortion, euthanasia, the number of children are “free go” areas, where one opinion is held to be as good as another.

This reflects the fact that there has been a dramatic shift in the tectonic plates of public moral discourse within the Catholic Church, and certainly within the ranks of the other Christian churches. The public disarray in the Anglican churches on the suitability of ordaining active homosexual men and women to the Anglican ministry is one spectacular example of this.

Once upon a time it was pastorally useful, sometimes necessary to explain the possibility of invincible ignorance among those who differed from us, because of the temptation to presume bad faith in opponents. Now for many, tolerance is the first and most important Commandment. Now it is necessary and important for us to argue for the possibility of culpable ignorance, indeed the possibility of culpable ignorance, that usually has been built up through

years of sin and is psychologically invincible, short of a miracle. The idea of culpable moral blindness is discussed as infrequently as the pains of hell.

Jesus knew human nature very well and *Veritatis Splendor* quotes that marvellous saying of Our Lord from St. Matthews gospel: “the eye is the lamp of the body. So if your eye is sound, your whole body will be full of light; but if your eye is not sound, your whole body will be full of darkness. If then the light in you is darkness, how great is the darkness!”¹⁶

Christian writers at different times have expounded wonderfully on the concept of culpable moral blindness. St. Thomas More wrote his *Dialogue of Comfort Against Tribulation* in the final year of his imprisonment in the Tower, speaking there of conscience’s susceptibility to corruption whether by the cynicism and self-love of Father Renard (Father Fox) and Master Wolf, or by conscientious blindness through the stupidity of poor scrupulous Master Ass.¹⁷

Even earlier, in 1377–78, St. Catherine of Sienna in her *Dialogue* spoke of the consequences of pride, sensuality, impatience and the consequent lack of discernment. These four chief vices constitute a tree of death. “Within these trees a worm of conscience nibbles. But as long as a person lives in deadly sin the worm is blinded and is so little felt”.¹⁸

Christianity and Human Rights

The great saints and doctors of the Church I have quoted to demonstrate that conscience lives under the truth and has to take its bearings from it were not afraid of using Godly language to make this clear. This is also true of Pope John Paul II. There has been a tendency,

at least in Australia, and not just among Catholic intellectuals but also among bishops and priests, to make the public argument for Catholic moral claims and social teaching on the basis of secular reason, without too much reference to God. Relying on this approach too much can be a mistake. I think we should follow the example of St. Thomas More and St. Catherine of Siena and others—including the Pope—and make God a central part of the case we make to the world.

As someone who believes, even apart from Revelation, that it is more reasonable to be a theist than an atheist or agnostic, and in societies where 80 or 90 per cent of the population believes in God, we should not concede that secularism is the only basis for public discourse and never accept that Catholic discourse be described as “sectarian” or “partisan”.

Not surprisingly, the moral muddle that people find themselves in at the personal level on questions of conscience and autonomy has important consequences at the public level. The Australian moral theologian Tracey Rowland has argued strongly that the reluctance to use Godly language and the explicit language of the Catholic tradition when addressing the common good has not helped this confusion, and may very well have made it worse. Rowland argues that using secular language to set out Catholic claims does not persuade secularists and only serves to mislead the faithful by suggesting an agreement in substance that does not exist, and which makes it easier for Catholics to accept a secular understanding of autonomy and freedom, especially when it comes to the hard teachings of the Gospel.¹⁹ Clearly, a greater use of Godly language in making the Catholic case

to the world would be significant step towards rectifying this situation.

There are some in the Church (and Rowland, following Alasdair MacIntyre and David Schindler, is among them) who argue that Catholics should not use (what MacIntyre calls) the “dubious idiom and rhetoric of rights” regnant in Western democracy—either as a basis for dialogue with secularists or as a vehicle for advancing the Catholic understanding of justice, morality and the common good.²⁰ Attempting to do this fails to take account of the way the secular liberal tradition developed in opposition to the classical Christian synthesis and the anthropological assumptions that sustain it.²¹ The danger in pursuing this course, so it is argued, is that we will gain nothing (because secular liberals will not abandon their secularism simply because we appeal to their liberalism) and lose everything (by inadvertently encouraging recourse to secular understandings of the person, freedom and autonomy among the faithful). But while the identification of this danger by these critics is not entirely misplaced, it is exaggerated. We need to keep a sense of perspective and to remember that while ideas certainly have consequences, the logic they follow in working themselves out rarely proceeds in academic purity.

We are all aware of the enormous secular pressure on the Church to mind its own spiritual and religious business, and to leave the question of which values the community should adopt to those who can consider it in an “unbiased”—i.e. secular—fashion. This is not a position that the Church can ever accept. In *Veritatis Splendor* the Pope cites the Code of Canon Law to make this abundantly clear, declaring that “the Church has the right always and

everywhere to proclaim moral principles, even in respect of the social order, and to make judgements about any human matter in so far as this is required by fundamental human rights or the salvation of souls.”²² Note the grounds on which the Church bases its interventions in the public domain: the salvation of souls and the defence of fundamental human rights. While language such as “the salvation of souls” is not much in vogue in Australia (something we should rectify), one of the many ways in which the Church serves this good today is precisely through the defence of fundamental human rights. For John Paul II, abandoning the idea of human rights is not an option.

A dramatic example of this was provided in *Evangelium Vitae* when the Holy Father referred to indications suggesting “an objective conspiracy against life”,²³ and against the most fundamental right of all: the right to life. On the one hand, the Pope observed, we have “the various declarations of human rights...[and] a growing moral sensitivity, more alert to acknowledging the value and dignity of every human being, without any distinction.” But on the other hand, “these noble proclamations” and sentiments are “contradicted by a tragic repudiation of them in practice.” This poses, according to the Pope, “a direct threat to the entire culture of human rights?”²⁴ When we consider that “many countries, perhaps even departing from basic principles of their Constitutions,” have determined not to punish destructive practices against life “and even to make them legal”,²⁵ the threat posed to the entire culture of human rights cannot be mistaken for some sort of intellectual abstraction.

The analogue to the primacy of

conscience in the private domain is found in what might be called “the primacy of rights” in the public domain. Just as conscience is claimed to have primacy over truth, rights are claimed to have primacy over justice—in the full sense of that word as it understood in the Catholic tradition. In both cases there is an assertion of the self against truth and against other people, to the detriment of both conscience and rights. In *Evangelium Vitae* John Paul II warned that the threat posed by human rights turning against themselves in this way particularly endangers the rights of the weakest; and is capable “in the end, of jeopardizing the very meaning of democratic coexistence”.²⁶ This concern is foreshadowed in *Veritatis Splendor* when the Holy Father reminds us that “only a morality which acknowledges certain norms as valid always and for everyone, with no exception, can guarantee the ethical foundation of social coexistence,” nationally and internationally.²⁷ A culture of rights needs to be soundly based on justice. It is doubtful that the relativist and positivist concepts of justice that predominate today can provide this.

Veritatis Splendor emphasises “the risk of an alliance between democracy and ethical relativism, which would remove any sure moral reference point from political and social life, and on a deeper level, make the acknowledgement of truth impossible.” It repeats the words of *Centesimus Annus* (1991) tracing the violation of human rights to “the denial of the transcendent dignity of the human person” and warning against “a democracy without values” which easily becomes “open or thinly disguised totalitarianism”.²⁸ The Pope observes that in the face of “fundamental human rights [being] trampled upon and held in contempt” there is a

“widespread and acute sense of *the need for a radical* personal and social renewal capable of ensuring justice, solidarity, honesty and openness”.²⁹

The basis for this renewal, and “the unshakeable foundation and essential condition of morality”, human rights, justice and “the personal dignity of man” can only be found in the truth: “the truth of God, the Creator and Redeemer, and the truth of man, created and redeemed by him”.³⁰

“What is truth?”³¹ Pilate’s decisive question to Our Lord was regarded by Nietzsche as the only insight of any value in the whole New Testament. In the post-modern world of the West which Nietzsche did so much to bring about, Pilate’s question is increasingly thrown in the face of the Church as well, sometimes searchingly but more often than not with cynicism and condescension. This incident in the Passion reflects our own situation too, where power sits in judgement on truth and finds it worthy only of condemnation. The arguments against truth take the form of a cascade designed to ensure that it is ruled out of consideration one way or another: there is no such thing as truth; or if there is, we cannot know it with certainty; or if we can, we cannot agree about it. Best then to forget about this problem. Our purported inability to know and live the truth places only one demand before us, that we be tolerant of the views of others. But in the absence of any genuine knowledge about what is intrinsically good or right, tolerance becomes merely one value among many, of equal dignity in fact with intolerance. This helps to explain why what is sometimes described as liberal tolerance so often serves as “a seminary of intolerance” (in Leo Strauss’s apt phrase),

especially when it is confronted by values or claims which might impede “the uninhibited cultivation of individuality”.³²

In the absence of truth, on what basis do we give preference to upholding human rights over trampling them underfoot? There is no basis, of course. We simply have to make a decision one way or the other. For some theorists this is sufficient. At one extreme there is the German legal theorist Carl Schmitt who argued that the essential thing is the decision: it does not matter what you decide for, as long as a decision is made and adhered to resolutely until the end.³³ At the other extreme there is the American philosopher Richard Rorty, who argues that not only is there no truth to guide us in the consideration of equally valid choices, but that the “truth” of a choice adds nothing to it. Truth is not needed, for once a decision has been made, we live it out in any case “as if” it were true. It is decision that animates action, not truth, and while Rorty would prefer that we make our decision in favour of his own secular liberal values, this applies irrespective of whether we decide to respect or violate human rights.³⁴

This idea of “decisionism” (as others have called it) is drawn upon in different guises as a way of showing how political and social action might be sustained in a situation of radical ethical relativism. In a democracy Rorty is likely to have greater appeal on this score than Schmitt with his particular historical associations, but Schmitt is perhaps the more instructive case for understanding where this approach can lead. The crucial question is whether a mere decision, even a deadly serious decision, in favour of human rights is sufficient to sustain the commitment

and action necessary to ensure that rights are consistently respected. Leo Strauss, for one, suggests that a decision is not enough. “Once we realize that the principles of our actions have no other support than blind choice, we really do not believe in them any more. We cannot wholeheartedly act upon them any more. We cannot live any more as responsible beings. In order to live, we have to silence the easily silenced voice of reason, which tells us that our principles are in themselves as good or bad as any other principles.” If we are unable to find a foundation for the defence of conscience and human rights in reason and truth, our commitment to both can only be based on “fanatical obscurantism”³⁵—although obviously we are unlikely to call it by this name.

The denial of truth makes an enduring concept of justice that genuinely serves human life and love impossible. It makes, in short, for nihilism. The practical meaning of this can be seen in the contradiction the Holy Father identifies between a growing awareness of human rights and a repudiation of the fundamental rights of some of the most vulnerable members of the human family. We are so familiar with talk of the “right” to an abortion that it can be difficult for us to recall what a shocking and absurd debasement of the language of rights this is. And now, as medical science continually pushes back the age at which premature babies can be saved, including babies who have survived abortion, abortion activists are beginning to insist that abortion is not just the “right” to terminate a pregnancy, but the “right” to “the extinction of the foetus”.³⁶ When upholding human rights entails the assertion of the self against others, the entire culture of rights cen-

tral to democracy is, as the Pope says, directly threatened. And it strongly suggests that without a firm foundation in the transcendent dignity of the human person and the existence of moral absolutes which place limits on the human will, it becomes harder and harder for people to believe in, and maintain a wholehearted commitment to human rights in all their fullness.

To refuse to use the language of rights and conscience in a situation where the secular understanding of rights is beginning to collapse under the weight of its own contradictions, would only deny the Church an opportunity to claw back some ground for an authentic understanding of the person, human freedom and the common good. It is not too far-fetched to suggest that the collapse of the secular understanding of human rights raises the prospect of the whole idea of rights disappearing, especially as ideas which are more and more frankly Nietzschean push liberal presuppositions aside.³⁷ For the Church to do nothing to salvage and redeem the language of rights, precisely when the assertion of the self against others is becoming more brutal and the confrontation between power and truth is becoming more clear, would not only be counter-productive. It would also be a betrayal of the transcendent dignity and destiny of the person which John Paul II has so powerfully recommitted the Church to defend.

Conclusion

The Holy Father was right in his Angelus address of this August 17th to claim that “the Christian faith gave form [to Europe], and some of its fundamental values in turn inspired the democratic ideal and human rights of European modernity”.

Human rights discourse properly understood can be used by Catholics as a grammar for expressing, rather than diluting, our understanding of duties, especially those owed to the weak. But just as the *scientia* in conscience, knowing objective truth, has been replaced by preferences, feelings, the invention and construction of moral obligations or options, so too human rights divorced from a proper understanding of the dignity of all persons can be used to further the culture of death and damage the civilization of life and love.

Pope John Paul II, especially in *Veritatis Splendor* and *Evangelium Vitae* has made an invaluable contribution to this long struggle in which we are privileged to participate, especially by his linking of God, truth and freedom.

FOOTNOTES

1. *Veritatis Splendor* § 5.
2. VS §4.
3. VS §116.
4. VS §54 & n.100.
5. VS §60.
6. John Rawls, *A Theory of Justice* (Oxford University Press, Oxford: 1973), 518.
7. *Ibid.* 516.
8. *Dignitatis Humanae* §1.
9. DH §2.
10. John Courtney Murray SJ, *The Documents of Vatican II*, gen. ed. William M. Abbot SJ (Chapman, London & Dublin: 1966), 674.

11. Pope John Paul II, *Crossing the Threshold of Hope* (Jonathan Cape, London: 1994), 191.
12. Thomas Aquinas, *Summa Theologica* 1-2, 19.5. See also the Commentary *In Epistolam ad Romanos*, c.14 lect. 2 (ad v.5).
13. John Henry Newman, *Letter to the Duke of Norfolk* (1875); in *The Genius of John Henry Newman: Selections from his Writings* (Clarendon Press, Oxford: 1989), 267.
14. *Ibid.*
15. *Ibid.* 263-64. Cf. *Catechism of the Catholic Church* (1994) §1778.
16. Mt. 6:22-23.
17. Thomas More, *Dialogue of Comfort Against Tribulation* (1535), (Sheed & Ward, London: 1951) 93-98. Quoted in John Finnis, “Address to the Thomas More Society,” Melbourne, 23 August 1999.
18. Catherine of Siena, *The Dialogue* (1337-38), (Paulist Press, New York: 1980), §31.
19. Tracey Rowland, *Culture and the Thomist Tradition after Vatican II* (Routledge, London: 2003), 156.
20. *Ibid.* 148.
21. *Ibid.* 157.
22. VS §29; citing Canon 747, 2.
23. *Evangelium Vitae* §17.
24. EV §18.
25. EV §4.
26. EV §18.
27. VS §97.
28. VS §§99 & 101 (cf. *Centesimus Annus* §§44 & 46).
29. VS §98.
30. VS §99.
31. Jn 18:38.
32. Leo Strauss, *Natural Right and History* (1950), (University of Chicago Press, Chicago: 1965), 5-6.
33. Carl Schmitt, *The Concept of the Political* (1932), trans. George Schwab (1975), (University of Chicago Press, Chicago: 1996).
34. Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989).
35. Strauss 6.
36. Sacha Zimmerman, “Fetal Position,” *New Republic*, 18 & 25 August 2003.
37. Cf. Rowland 155 & 158.

From the Fellowship of Catholic Scholars Newsletter, Volume 1, Number 1, December 1977

Lines from Father Lawler's Desk

St Thomas Aquinas once expressed the central concern in his scholarly life by making his own the words of St. Hilary: "I am aware that I owe this to God as the chief duty of my life, that my every word and sense may speak of him." (S.C.G., I, Ordinary No.2).

The Catholic scholar's words may speak of God in many ways. By pursuing what is true and good, in honest intellectual efforts, scholars labor to speak of Him. But in times of transition and trial within the family of faith, more specific services may be asked of them.

Traditionally, Catholic scholars of the greatest authority and most evident intellectual integrity have found it right to give a priority in their labors to face intellectual problems that seemed to threaten the personal faith of the members of the Church. Augustine, Aquinas, Thomas More, Newman, gladly assumed such labors: questions that most disturbed the peace and unity of faith became their central problems. The Christian scholar is often called to use his own special skills responsibly in the service of the family of faith.

Great love of the gift of Catholic faith is not rare. Scholars who acknowledge that the magisterium is a gift of God to the Church, and to reverence it in the same way and acknowledge to it the same authority that saints and scholars over the centuries have shown, are present yet in very great numbers in the Church. The Fellowship was not established to canonize any narrow or partisan

interpretations of faith, but to encourage the hearty support of Catholic faith and life that the tradition of scholarship in the Church has always recognized as indispensable.

How the Fellowship Began

In January 1977 in seven different parts of the United States—seven different priests from different backgrounds were discussing with their local peers what could be done to redirect the Catholic scholarly community towards a more friendly approach to the teaching authority of the Church. In each case the priests independently found their working peers isolated and frustrated. Almost by accident of correspondence and formal conversations, Fr. Joseph Mangan, S.J. of Loyola University Chicago, Fr. Robert Levis of Gannon College in Erie, Pennsylvania, Fr. John Miller, C.S.C., provincial of the Holy Cross Fathers in New Orleans, Msgr. George A. Kelly of New York, Professor James Hitchcock of St. Louis University, Fr. Joseph Fessio, S.J. of the University of San Francisco, Fr. Ronald Lawler, OFM, Cap. of the Catholic University of America, decided to meet in St. Louis first of May 7-8, then on August 23-24, 1977 for a discussion of the Catholic academic situation. At the August meeting in Jesuit Hall at St. Louis University they were joined by Professor Germaine Grisez, Fr. Paul Quay, S.J., Fr. Henry Sattler, C.S.S.R., Fr. James Turro, Fr. William Smith, Fr. Louis Barth, S.J., Sr. Janet Fitzgerald, OP, Sr. Miriam Paul Klaus, S.C.M.M., Dr. William Lynch, Sr. Catherine McMahon, Fr. Earl Weis, S.J., Sr. Mary Christopher, S.N.D., Fr. Paul Marx, O.S.B., Fr. Fred Jelly, OP, Fr. John Hardon, S.J., Fr. Donald Keefe, S.J., Fr. Denis Meade, O.S.B., Sr. Theresa Catherine Shea, OP, Dr. William Parente, Dr. Joseph Graham and double the number more, the decision was made to create the Fel-

lowship of Catholic Scholars.

The name was suggested by an Australian layman who happened on the scene by chance.

The first Statement of Purpose was drafted chiefly by Dr. Germaine Grisez and Fr. Ronald Lawler. The constitution was drafted by Fr. Henry Sattler—these were finally approved at the first meeting of the Board of Directors in Washington, D.C., November 12, 1977. ✠

Rev. Ronald Lawler, the first president of the Fellowship of Catholic Scholars, died Nov. 5, 2003, at Vincentian Home in Pittsburgh. He was 77.

BOOKS RECEIVED

Email Alice Osberger aosberge@nd.edu if you would like to receive and review a complimentary copy of one of these new books that publishers sent to the FCS office for review.

Vicar of Christ: A History of the Popes, by Charles A. Coulombe, Citadel Press, Kensington Publishing Corp., New York, (2003), 492 pp.

Human Dignity and Reproductive Technology, eds. Nicholas C. Lund-Molfese and Michael L. Kelly, University Press of America, (2003), 142 pp.

Half-Truths: What's Right (and What's Wrong) with the Clichés You and I Live By, by Montague Brown, Sophia Institute Press, Manchester, NH, (2003), 175pp.

Galileo in Rome: The Rise and Fall of a Troublesome Genius, by William R. Shea and Mariano Artigas, Oxford University Press, (2003), 226pp.

Understanding New Religious Movements, 2nd Edition, by John A. Saliba, S.J., Rowman & Littlefield Publishing Group, (2003), 293pp.

Morality: The Catholic View, by Servais Pinckaers, O.P., trans. By Michael Sherwin, O.P., St. Augustine's Press, South Bend, IN, (2003), 141pp.

The Impact on Philosophy of Semiotics, by John Deely, St. Augustine's Press, South Bend, IN, (2003), 267pp.

Mark Lowery, **Living the Good Life: What Every Catholic Needs to Know About Moral Issues.**

Ann Arbor, MI: Charis Books, Servant Publications, 2003. 237 p. \$10.95.

Reviewed by William E. May

Michael J. McGivney Professor of Moral Theology, John Paul II Institute for Studies on Marriage and Family at The Catholic University of America

I will first offer a rather full summary of the book, make a few personal observations, and conclude with a final appraisal.

This book, which contains an introduction, nine chapters, and a conclusion, is in many ways a splendid commentary on Pope John Paul II's *Veritatis splendor*. With the Pope, Lowery presents the Christian moral life as a matter of living a good life and of "reaping the incredible benefits of participating in [human] goods ordered under the highest good."

The first three chapters focus on the true meaning of freedom, its relationship to the truth and to conscience. With John Paul II Lowery opposes both *autonomy* (the idea that each individual is a law unto himself) and *heteronomy* (the legalistic concept that morality is a set of arbitrary rules imposed by some external authority to hinder us from doing as we please). Lowery, following the Holy Father, proposes a *participated theonomy*, i.e., the idea that the supreme norm of human life is God's eternal law, or what can be called his wise and loving plan of human existence, and that God has so made us that we can, under the gentle disposition of providence, come to an ever-deepening knowledge of this wise and loving plan through the natural law, which is our intelligent participation in God's eternal law (cf. *Dignitatis hu-*

manae, 3). Conscience plays a role in our cognitive awareness of this wonderful plan, as Lowery amply shows.

Lowery notes that we can share in God's eternal law in two ways, first, through the natural law and second through the divine law made known to us through the divine revelation whose last word to us is Jesus Christ, the Word of God made man for our sake. Natural law's first directive is that *good is to be done and evil avoided*, and, Lowery says in company with Aquinas, even evil-doers seek to guide their actions according to this fundamental directive, since they do not do evil for the sake of evil but for the sake of some good apparent to them. Thus they rationalize their behavior by appealing to the good for whose sake they choose to do evil. Lowery goes on to show that the "good" is not a vacuous concept, for we can specify what is good. For Lowery (as well for Karol Wojtyła, the author of *Love and Responsibility*) the good most central for moral issues is the human person, who is always to be respected as an end and never to be treated as a mere means, as the personalistic principle affirms. It is in light of this principle, Lowery believes, that we can show the truth of the specific precepts regarding our neighbor that we find in the Ten Commandments.

The fourth chapter shows how our existence as bodily beings fits into the natural law. Here Lowery provides a concise but accurate summary of key themes found in John Paul II's famous Wednesday audiences on the "theology of the body." Lowery nicely develops John Paul's notion of the "language of the body" and his concept of the "nuptial meaning" of the body. Effectively attacking the dualism so prevalent in our culture, Lowery emphasizes that we are composites of body and

soul rather than souls possessing bodies or vice versa that we *are* males and that we *are* females, not persons who simply "happen" to be male or female. Thus the male body is the sign of the gift of the male person to the female person and vice versa. Lowery shows how beautifully this gift is realized in marriage; how it is debased in non-marital sex and in contraception.

Chapter five focuses on God's law as revealed to us through Scripture and Tradition and faithfully guarded by the Magisterium. Lowery does a masterful job in exposing the flimsy arguments used by revisionist theologians to support their spurious claim that the Magisterium simply *cannot* propose specific moral norms infallibly. With *Lumen gentium* 25 Lowery distinguishes carefully between truths *authoritatively* but not infallibly proposed, which we are to accept with a "religious submission of will and mind" and truths infallibly proposed. He goes on to note, with the Council Fathers, that truths of faith *and* morals can be infallibly proposed either by the extraordinary exercise of the Magisterium (solemn definitions by a council, for instance, or *ex cathedra* pronouncements of the Holy Father) or by the *ordinary and universal magisterium*. He shows that John Paul II in *Evangelium vitae* clearly taught that the Church's teaching on the absolute inviolability of innocent human life from direct attack and on the intrinsically evil character of procured abortion and of euthanasia has been infallibly proposed by the *ordinary and universal Magisterium*. This chapter is a little gem in a fine work.

Chapter six takes up the issue of "disordered goods" and the "mystery of sin." Lowery clearly sets forth the conditions required for mortal sin, i.e., the kind of sin utterly incompatible with God's love and which therefore deprives us of his own divine life, namely, that the act must be seriously

evil, the agent intend, i.e., freely choose, the act, and must know at the time he chooses to do it that it is gravely evil. In this chapter Lowery discusses the notion of “fundamental option,” noting with John Paul II that there is a valid use of this expression insofar as our baptismal commitment or what John Paul II refers to in *Veritatis splendor* 66 calls the “obedience of faith,” that is, our choice, our commitment, to live *as Christians, as children of God*. But he goes on to show that the notion of “fundamental option” proposed by dissenting theologians, a view he calls *radical fundamental option*, is simply incompatible with Catholic faith because it refuses to recognize that particular human acts (categorical choices) can indeed change our “option” to live in accord with our baptismal commitment.

Chapter seven is perhaps the most difficult in the book. It is concerned with the nature of the human act and the sources of its morality. With John Paul II, the Catholic tradition and the *Catechism of the Catholic Church*, Lowery rightly maintains that there are three sources of the morality of a human act: the *object*, the *intention* (=end), and the *circumstances*. Lowery distinguishes between circumstances that are outside the act and what he calls *specifying circumstances* or *specifications* rather than circumstances, e.g., to have intercourse *with one’s own wife* vs. to have intercourse *with one’s child* (=incest), and he argues, rightly, that certain actions so specified (e.g., incest) are intrinsically evil and can *never be justified by intention or circumstances*. Lowery then offers a very intelligent critique of the proportionalist method of making moral judgments that was roundly condemned in *Veritatis splendor*.

Chapter eight gets into “tough cases” such as those that occur when a pregnancy may endanger the

mother’s life, the use of lethal force in war, the death penalty etc. Thus Lowery in this chapter sets forth such principles as the “principle of totality” and the “principle of double effect.” He does a good job showing how dissenting theologians have grotesquely distorted both of these principles to advance their views, and he offers intelligent guidance in their use, in particular it seems to me in discussing the question of a just war, both *ius ad bellum* and *ius in bello*. In this chapter he also considers the very difficult question of cooperation in evil, clearly distinguishing between formal and material cooperation.

In chapters six through eight Lowery has been chiefly concerned with the “lower” limit of the Christian moral life: of identifying and avoiding the kinds of human acts that kill divine life or are inimical to it. In Chapter nine he wants to show that there are *no upper limits* to the Christian moral life, that we are called to be saints, and that God wants to help us in our struggle to become holy, as the heavenly Father is holy. He gives us the infused moral virtues of prudence, justice, temperance and fortitude and enables us to acquire them as well, and in addition he gives us his grace to enable us not only to know what we are to do but to do it.

In the conclusion of this fine book Lowery points to the Eucharist, where our Lord and Redeemer is present with us and for us. Christian moral life is in reality a *eucharistic life*, one nourished by Christ himself, one in thanksgiving for his saving death and resurrection, one in union with him.

I have some minor issues to note. The most serious error in the book is not so much Lowery’s as the 1994 edition of the *Catechism of the Catholic Church*, for, following a definition of lie given in no. 2483, Lowery says

(in chapter 7, p. 161) that “telling a falsehood to someone *who has no right to truth is not a lie*.” Unfortunately, this distinction between a permissible “falsehood” and a “lie” is *not* in the Catholic tradition but was made by the Protestant author Hugo Grotius and was taken up by dissenting theologians. Thus the Modifications of the *Catechism* in the 1997 definitive edition orders the offending sentence, which reads: “To lie is to speak or act against the truth in order to lead into error someone who has the right to know the truth” changed to read: “To lie is to speak or act against the truth in order to lead someone into error.”

I think that in the chapter on natural law Lowery could have shown more clearly how to defend the truth of the precepts of the Decalogue had he, like John Paul II in *Veritatis splendor* (there following St. Thomas), stressed that those precepts, rooted in the great principle that we are *to love our neighbors as ourselves* (on this see *Summa theologiae*, 1–2, 100, 3, ad 1), protect the inviolable dignity of the human person made in God’s image by protecting his *good*, i.e., *the various goods at the different levels of his being* (cf. *Veritatis splendor*, 12–13). In the chapter on the moral object he could also more fruitfully have used the teaching of John Paul II in *Veritatis splendor* 78 on identifying the moral object.

My concerns are really minor. The work is first rate and admirably achieves the author’s purpose of introducing readers to the “Church’s moral vision.” It reads very well, and one can see that the author must be an excellent teacher.

Readers should consult the author’s website (given in the Introduction) because on it they will find a valuable glossary of terms and a useful bibliography.

Lowery is to be thanked for this fine book. ✠

Etienne Gilson. **Thomism: The Philosophy of Thomas Aquinas**, a trans. of *Le Thomisme* by Laurence K. Shook and Armond Maurer. Toronto: Pontifical Institute of Medieval Studies, 2002, pp. xiv + 454. Cloth, \$74.95.

*Reviewed by Jude P. Dougherty
Emeritus Professor of Philosophy,
Catholic University of America*

This book is a translation of the sixth and final edition of Etienne Gilson's *Le Thomisme: Introduction à la philosophie de saint Thomas d'Aquin*. Gilson published the first edition of this work in 1919. Subsequent modifications and editions appeared in 1922, 1927, 1929, 1942, 1944, 1956, with the final sixth edition appearing in 1965. The 1965 edition may be regarded as his chef d'oeuvre, the culmination of Gilson's long effort to present succinctly and comprehensively the philosophical thought of Thomas Aquinas. As new editions appeared, the editors explain, older interpretations were discarded, out of date controversies were suppressed, new insights gained and incorporated into the ever-enlarged versions.

Although none of the titles Gilson gave to the six editions of his work contains the qualification "Christian," he nevertheless insists on the essentially theological character of Thomas's teaching. The theology of Thomas incorporates "not only in fact but necessarily a strictly rational philosophy. To deny this would be like denying that stones are real just because they are used to build a cathedral."

In his preface, Gilson humbly describes a certain sadness in taking leave of a volume that has been a lifelong companion, in effect a chronicle of a decades long intel-

lectual journey. "What disturbs me more," he writes, "is the thought of the ignorance and mistakes that can still distort the interpretation of a doctrine in the mind of a historian who devoted himself to it for sixty years."

As a historian of medieval philosophy, Gilson is unsurpassed. It was his early studies of Descartes which led him to explore the medieval background of the problematic which the French philosopher confidently addressed. Those studies inevitably led him to the thought of Aquinas, at first dispassionately examined from the neutral vantage point of the historian, later embraced wholeheartedly and developed within a 20th-century context.

Gilson's study of Aquinas focuses on the philosophical reflection which Thomas places at the service of theology. Hagiography does not interest him, yet "the mystic never entirely separated his meditations from his teaching, which drew inspiration from them." That said, Thomas the Christian teacher drew upon Aristotle but also on Dionysius, the *Liber de causis*, Augustine, Boethius, Avicenna, and Averroes; in short, on anyone he found useful to his work. Thomas's theology is undoubtedly that of a philosopher. Yet, as Gilson writes, "For theology to remain formally one as a science, it must want philosophy, elevate it to itself and assimilate it, so that all natural knowledge that it contains is directed and subordinated to the theologian's point of view."

Gilson asks: Can we, without destroying it, uproot a philosophical idea from the milieu in which it was born and make it live outside its habitat? Gilson's answer is ambiguous. A philosophy begins, he maintains, with a philosopher and is identified with him, and this is no less true when the philosopher is first a theologian.

Gilson's exposition of the philosophy of St. Thomas follows the order given in the *Summa Theologiae*—the existence of God, the Divine Being, creation, angels, the human person, intellect, will, the virtues, law, and society. After an extensive examination of Thomas's key doctrines, the book concludes with a chapter entitled "The Spirit of Thomism."

The texture of Thomism, Gilson maintains, is woven from a small number of constantly intersecting principles—the notion of being, its intelligibility, and confidence in the power of the intellect to ferret out the secrets of nature. "Thus it is the being of a thing that determines its truth, and it is the truth of a thing that grounds the truth of thought."

Natural reason, Gilson believes, leads to a longing for the supernatural. If one sentence could summarize his position, it may be this: "[Thomism] is a philosophy that creates excitement by means of pure ideas and does so by sheer faith in the value of proofs and submission to the demands of reason." ✠

LATE NEWS

J. Michael Miller, C.S.B., president of the University of St. Thomas, Houston, and a member of the Fellowship, has been appointed Secretary of the Congregation for Catholic Education in Rome by His Holiness John Paul II. He has been elevated to the titular see of Vertara and will be ordained archbishop in Rome in early January. Our heartfelt congratulations to our colleague. He will bring to his new assignment the vigorous wisdom that has always characterized his career. ✠

Hadley P. Arkes. **Natural Rights and the Right to Choose**

(Cambridge University Press, 302pp, \$28.00)

Reviewed by William L. Saunders
Family Research Council
Washington, DC

In his new book, Hadley Arkes, a friend of the Fellowship and one whose columns in *Crisis* magazine were, over many years, staple reading for those following abortion politics in the U.S., reflects upon more than a decade of struggle to pass a seemingly minor pro-life law. The law in question was the Born Alive Infants Protection Act. As its name implied, it extended legal protection (and medical care) to any infant who survived an abortion. However, it was, emphatically, *not* the “minor” law that, being concerned only with infants who *survive* abortions, it might first have seemed. In explaining why this is so, Professor Arkes tells a fascinating story that is part constitutional history, part philosophical reflection, and part political narrative. It will make interesting reading for anyone attempting to contribute to the building of a culture of life through legal or political measures at the national, state or local level of government.

Professor Arkes is Ney Professor of American Institutions at Amherst College. And it with *American institutions* that he is concerned in his book. Specifically, he is concerned with the effect on American institutions of a “right” to abortion. As we all know, the right to abortion was enshrined in American law under two Supreme Court decisions, *Roe v. Wade* and *Doe v. Bolton*. These decisions were rendered thirty years ago. It is Professor Arkes’ opinion that developments in the intervening thirty years have placed the very reality of American

constitutional democracy at risk.

In short, Professor Arkes’ contention is this: American judges are putting in place – and given their resistance to any “infringement” on the right to abortion, one may truly say, *cementing* in place – premises directly contrary to those undergirding our constitution. Our constitution was based on the premise that it secured rights inherent in the person. They were not the result of munificent grants from an all powerful sovereign; they were not, in other words, the result of positive law. Rather they were natural rights, rights inherent in human beings by the manifest dignity of being human. In dissent in the *Dred Scott* case, Justice McLean rejected the claim that the negro slave was mere chattel. Rather, “he bears the impress of his Maker, and is amenable to the laws of God and man, and he is destined to an endless existence.”

Furthermore, these natural rights were equally held; unless restricted due to misconduct, etc, each person possessed the same rights. Abraham Lincoln called equality the father of all moral principle. A final principle was this: at the federal level, power was shared between three co-equal branches of government, each of which was composed of men who took an oath to defend the constitution.

For many members of the Fellowship, these may seem to be, indeed, self-evident propositions. (One of the treats of the book is discovering the sources from the early days of the republic with which Arkes buttresses his case.) However, Arkes shows how the right to an abortion has undermined them all. First, he shows that, as was the case with slavery, abortion can only be accepted by denying either that all men are equal or, oddly, that all men are men. In other words, either some men are “natural” inferiors to other men, or some of those inferior beings

that appear to be men are really something else. Further, if a position of basic inequality is accepted (as in, say, holding that black men are inferior to white men, or that embryonic human beings are inferior to born human beings), that contradicts the equality upon which our constitution is based. If, as the Supreme Court suggested we do in its opinion in *Planned Parenthood v. Casey*, we accept a system of basic inequality because the Supreme Court tells us to do so, it is real question whether we are still a free people. While we may have the *institutions* of a democracy—voting, courts, legislatures, etc.—have those institutions been so subverted that they preserve only the facade of free institutions? If the other political branches can be forced into acquiescence in injustice by the judiciary, have we, perhaps unwittingly, traded a government of separated powers for one of government by courts? Can it be in a democracy that the ultimate rule-giver is not the people, but the most unaccountable of the three branches? These, in essence, were the questions posed by the famous symposium on judicial usurpation in *First Things* magazine, to which Professor Arkes contributed an essay.

In his book, Professor Arkes discusses that symposium and the ensuing controversy, which makes interesting reading. However, he makes it clear that the matter under review is not *judicial activism* but *judicial injustice*. In other words, whether courts are over-stepping their constitutional role is important, but even more important is whether they are doing so by mis-reading the constitution in order to institutionalize injustice. Professor Arkes argues powerfully that our constitution is not about mere procedural democracy, but about justice. It is based on an assumption of natural rights. Thus, courts might properly

understand the constitution to prohibit, or severely restrict, abortion. The absurdity in the current situation is that courts have read the constitution to *require* abortion.

The Supreme Court, and other pro-abortion Americans, have tried to convince us that the unborn is not a human being. This is a biological absurdity. However it is the only alternative to plainly (even robustly) affirming a right of some human beings to kill other human beings at their pleasure. Since most pro-abortion people shrink from this, they argue that the unborn is not a human being. Since that is absurd, they must be understood to argue that the unborn is not a human being *because I choose* not to identify it as one. Thus, the “right to choose” is about the *power* of some people to deny personhood to other people. The parallel to the situation under institutionalized slavery is troubling and summoning. Those who affirm a right to choose are actually denying the basis of any idea of, or set of, rights, for they are basing the idea of right on the reality of power. Thus, whoever has the power determines what rights there are. There is no stability to this ground, even for the pro-abortion Americans, for power can shift, and no “right” is secure unless it can be shown to be based on something other than majoritarian, or other power, preference. Thus, the logic of the “pro-choice” position is to deny the possibility of any coherent doctrine of rights at all.

So said, the situation in America is quite dangerous. Indeed, Arkes believes that it is really in the last decade or so that American courts have begun to undermine our institutions. The rest of his book details how he and others conceived a “modest first step” in the effort to resist this subversion of our constitutional principles.

That modest first step was the

Born Alive Infants Protection Act. It aimed to recognize in law a “modest” principle, viz., the child who survives an abortion is to be treated as is any other child however born. The child who survives an abortion must be given the same medical care as would any other child. It may not be thrown away, killed, or left to die. It is a human being. As such, it is worthy of our respect and of legal protection.

The book records the long effort to enact this modest step. (Though the effort began in the early 1990’s, the bill was not signed into law until the summer of 2002.) The reasons can be found in party politics, pro-life inter-organizational politics, failures of imagination, failures of conviction, and other realities of everyday political life. In this respect, the book underlines the dedicated, ceaseless effort that will be necessary to build a culture of life.

But it also points to the possibilities. What if President George W. Bush uses the law to require that “abortion providers” demonstrate, at pain of violation of federal law, that they do not kill babies who survive abortions? What if the Department of Health and Human Services were to require a quarterly account from all those hospitals? Will federal oversight make hospitals that provide abortions less likely to do so? What if the President, in the upcoming elections, used this law to talk to the American people about what we must do to respect the least among us? Could he inspire? Might he lead? Might a timid Republican party find a moral principle that would restore the Lincolnian leadership of its past? Does all this seem too much to hope for from “a modest first step”? Perhaps we need to recall the parable of the mustard seed. It is the smallest of seeds; yet when it blooms, its branches can shelter multitudes. ✠

R.A.J.Gagnon, *The Bible and Homosexual Practice*, (Nashville: Abington Press, 2001) 520 pp.

*Reviewed by Msgr. Wm. B. Smith
St. Joseph’s Seminary, Dunwoodie
Yonkers, NY*

RA.J.Gagnon, assistant professor of New Testament at Pittsburgh Theological Seminary, has produced a contemporary masterpiece. Contemporary because it reveals an amazing grasp and appreciation of all contemporary scholarship (pro and con) on this subject. Masterful because the complete exegesis of the biblical texts, the hermeneutical relevance of which is then applied to identify and critique seven contemporary arguments that try to circumvent the enduring validity of that biblical witness.

The author’s own claim is—to move from “what the texts meant in their original context to what the texts mean in a contemporary setting.” (40). It is rare enough in contemporary theology for an author to state “The Argument of this Book” (37–41) so clearly for all readers, but rarer still to calmly and cogently provide an irrefutable conclusion: (1) that same-sex intercourse is strongly and unequivocally rejected by the revelation of Scripture (487); And, (2) this conclusion about morality has implications for both church and civil policy (489). A final pastoral conclusion is that “the homosexual and lesbian are not the church’s enemy but people in need of the church’s support for restoring to wholeness their broken sexuality” (491).

Gagnon has no illusions about the “personal risks” inherent in writing such a book today, indeed, he lists them: one can be labeled as “homophobic,” “intolerant,” “resistant to diversity,” “uncritical,” “outmoded,”

endowing the homosexual debate with “unmerited importance”, and even of promoting “violence” (26–29). Each of these allegations is competently answered by the presentation of biblical truth concerning homosexual practice but also in a way that is helpful in defending other moral teachings that are biblically based.

As above, the first four chapters concern the biblical texts and hermeneutics. Chapter 1, “The Witness of the Old Testament” (43–157) is particularly helpful. The classic texts of Genesis 19:4–11 and Leviticus 18:22 and 20:13 are fully examined.

Gen. 19:4–11, the story of Sodom and Gomorrah (71–91), is sometimes dismissed or diluted (via D.S. Bailey and later J. Boswell) by some contemporary authors as a question of “inhospitality” rather than what truly is “homosexual” practice. Gagnon is not the first to refute this convenient piece of special pleading but his refutation is complete and completely convincing.

The double prohibition of the Holiness Code (Lev. 18:22 & 20:13) against homosexual practice receives very careful study by Gagnon. The author presents six reasons (113–117) for its singular importance while also refuting J. Boswell’s distortion of the same texts (117–20).

By my reading, the author nowhere invokes any Catholic magisterial teaching. This is not surprising given his denominational conviction. Nevertheless, he demonstrates one of the precise points of the CDF Letter “On the Pastoral Care of Homosexual Persons” (PCHP) (10/1/86). The CDF Letter PCHP n.6 notes the normative, divine pattern of heterosexual marriage in Creation (Gen. 1&2) before taking up specific biblical texts.

Gagnon presents the same approach (56–62). Furthermore, he

makes the same point as the CDF *n.5) that given the wide diversity of biblical forms (the descriptive story of Gen. 19; the prescriptive legislation of Lev. 18&20) the biblical judgment of both testaments on same-sex intercourse is uniformly a negative judgment of prohibition. Thus, whatever the literary form, the biblical judgment is always the same.

Gagnon’s Old Testament study is not limited to the classic texts of Gen. 19 and Lev. 18 & 20. Related texts, insights and relevant background are examined in some detail: Gen. 9:20–27—Ham’s Act and Noah’s Curse (63–71); Judges 19: 22–25—the Rape of the Levite’s Concubine (91–97); and the David and Jonathan question for what they say and don’t say (146–154).

Two shorter chapters serve as transition from Old Testament to New: chapter 2 “Same-Sex Intercourse as ‘Contrary to Nature’ in Early Judaism” (159–183) and chapter 3 “The Witness of Jesus” (185–228).

The central New Testament for Gagnon is Romans 1:24–27 which is the centerpiece of his fourth chapter (229–303). He gives meticulous attention to every attempted dilution of this condemnation (especially J. Boswell) and completely puts to rest all recent attempts of advocacy eisegesis. A thorough analysis of I Cor. 6: 9 and I Tim. 1:10 follows with careful attention to the key Greek terms *Malakoi* and *Arsenokoitais*—the latter significantly for St. Paul are the exact same words in the LXX version of Lev. 18 & 20.

The fifth chapter, “The Hermeneutical Relevance of the Biblical Witness” (341–486) differs from the prior four chapters. It is, as promised (40), the application of the biblical witness to every serious contemporary objection brought against the

received Christian teaching against same-sex intercourse. I am tempted to say that no scholarly publication on this subject has gone unread or unanswered by R.A.J. Gagnon.

In my judgment, Gagnon’s book is the definitive work, at least in English. In a sense, it is really two books: one is the text that is quite readable; the other is the footnotes that are exhaustive.

Although the methodology is entirely biblical and not magisterial from the Catholic point of view, the author provides a needed and truly scholarly Christian service—a service both to practicing Christians and to Christian churches concerned with correct Christian moral practice.

Any Catholic who reads the CDF Letter PCHP (1986), especially n.6 the brief four paragraphs summarizing the biblical basis for a correct judgment on the immorality of same-sex intercourse, will find in the Gagnon book complete biblical back-up, indeed, the reader will find encyclopedic scholarship to sustain the truth of this revelation.

In moral questions, a valid theological method should look for moral principles located in Sacred Scripture, clarified by Sacred Tradition and presented in any given age by the teaching Church. This book by R. Gagnon is a definitive contribution to locating moral principles in Sacred Scripture. ✠

OFFICERS

President

PROF. GERARD V. BRADLEY
University of Notre Dame
124 Law School
Notre Dame, IN 46556
Gerard.V.Bradley.16@nd.edu

Vice-President

DR. BERNARD DOBRANSKI
(Ave Maria School of Law)
6225 Webster Church Road
Dexter, MI 48130
bdobranski@avemarialaw.edu

Executive Secretary

NICHOLAS C. LUND-MOLFESE
Coordinator, Ministry in Higher
Education
Archdiocese of Chicago
916 S. Wolcott Street
Chicago, IL 60612
nclm@faithandculture.us

Editor of FCS Quarterly

PROF. RALPH MCINERNEY
Jacques Maritain Center
714 Hesburgh Library
Notre Dame, IN 46556
Ralph.M.McInerney.1@nd.edu

PAST PRESIDENTS

REV. MSGR. GEORGE A. KELLY
Cardinal John O'Connor
Residence
5655 Arlinton Avenue
Bronx, NY 10471

DR. WILLIAM MAY
John Paul II Institute
415 Michigan Avenue, NE-#290
Washington, DC 20017
wmay975874@aol.com

REV. MSGR. WILLIAM B. SMITH
St. Joseph's Seminary, Dunwoodie
201 E. Seminary Avenue
Yonkers, NY 10704-1896

REV. EARL A. WEIS, S.J.
Loyola University
6525 N. Sheridan Road
Chicago, IL 60626-5385

DR. JAMES HITCHCOCK
St. Louis University
6158 Kingsbury Drive
St. Louis, MO 63112
hitchcpj@slu.edu

ELECTED DIRECTORS

2001-2004

PROF. STEPHEN BARR
(University of Delaware)
9 Wynwyd Drive
Newark, DE 19711
sbarr@bartol.udel.edu

DR. STEPHEN MILETIC
Franciscan University of
Steubenville
1235 University Boulevard
Steubenville, OH 43952-1763
smiletic@franuniv.edu

REV. PETER RYAN, S.J.
Mount St. Mary's Seminary
Emmitsburg, MD 21727-7700
pryan@msmary.edu

MR. WILLIAM SAUNDERS
(Family Research Council)
801 G. Street, NW
Washington, DC 20001
wls@frc.org

2002-2005

DR. J. BRIAN BENESTAD
University of Scranton
Scranton, PA 18510
benestadj1@uofs.edu

REV. JOSEPH KOTERSKI, SJ
Fordham University – Philosophy
Bronx, NY 10458
koterski@fordham.edu

PROF. GLENN OLSEN
University of Utah
300 S. 1400 E. Room 211
Salt Lake City, UT 84112-0311
Glenn.Olsen@m.cc.utah.edu

DR. JOSEPH VARACALLI
(Society of Catholic Social Scientists)
225 Lewis Avenue
Westbury, NY 11590
JJTTLV@aol.com

2003-2006

DR. CAROL (SUE) ABROMAITIS
Loyola College
4501 North Charles Street
Baltimore, MD 21210
cabromaitis@loyola.edu

DR. ELIZABETH FOX-GENOVESE
(Emory University)
1487 Sheridan Walk
Atlanta, GA 30324
efoxgen@bellsouth.net

REV. J. MICHAEL MILLER, CSB
University of St. Thomas
3800 Montrose Boulevard
Houston, TX 77006
jmmiller@stthom.edu

REV. STUART SWETLAND
St. John's Newman Foundation
604 E. Armory Avenue
Champaign, IL 61820
fatherstuart@newmanfoundation.org

The Grand Silence

Perhaps the most astonishing item in accounts of Thomas Aquinas's life was his decision to stop writing. This happened after a mystical experience that left him with the sense that what he had written was mere straw compared to the intimation he had been given of what lies beyond. Josef Pieper wrote a little book about this, *The Silence of St. Thomas*. Thomas had a year yet to live, the *Summa theologiae* remained unfinished, ending abruptly in Part Three.

It occurs to me that any author experiences, *mutatis mutandis*, what Thomas did. One doesn't need a mystical experience to find what he has written painful. Purgatory has been defined as having to read one's doctoral dissertation over and over, a prospect that should whip anyone into spiritual shape. Nor need one go back to the

works of youth to feel a twinge of embarrassment. Often what one wrote only yesterday appears appallingly bad.

Of course there is the opposite experience as well—coming upon something one had forgotten he wrote and finding it good. More often, authors have the itch to rewrite earlier things as Henry James did, turning previously legible stories into the opacity of his later style. Poets notoriously regard their poems as infinitely corrigible, tinkering, altering, sometimes improving them.

Finally, one way or another, one is forced to face the limitations of what he has done. But then one has learned the pervasiveness of imperfection in appraising the writings of others. Seeking to write the last word is a good way never to write the first. Eventually of course it will all be swallowed up in silence. ✠

Ralph McInerny

Fellowship of Catholic Scholars Quarterly

Box 495

Notre Dame, IN 46556

Nonprofit Organization
U.S. Postage
PAID
Notre Dame, Indiana
Permit No. 10

Fellowship
of Catholic
Scholars
Quarterly