

# FELLOWSHIP OF CATHOLIC SCHOLARS

# NEWSLETTER

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## Lines From Father Lawler's Desk

The Church sometimes gets weary of its scholars and its activities. This is not so because scholarship and action are ever unnecessary. Rather, the scholarship is often not scholarly enough, and the activism is not active enough. Each is too often watered down and made unhealthy because it fails to be responsive to all the goods the Christian scholar and the Christian activist have a duty to be concerned for.

Thus Archbishop Quinn was quite right to say that the conference held in Baltimore this fall to promote the ordination of women was raising an "illegitimate question." The concern to explore and honor the role of women in the Church was far from illegitimate. But the unwillingness there to take seriously the morally unanimous voice of all tradition about the divinely established requirements for valid ordination, and their cavalier rejection of the insistent voice of the living Magisterium, were thoroughly improper.

Generally speaking, the "I-can't-stand-it" and "The Spirit-is-on-my-side-because-I-am-so-sincere" schools of theology and activism have never been very serviceable for faith and holiness. Their counterproductivity has become only too evident in our day.

Ten years ago the Church was rent by those who pushed fiercely to make contraception acceptable in the Church. One is saddened at the remembrance of the tactics they used in insisting that the Church *must* abandon the unanimous voice of tradition, accept the pill, and instruct the faithful that it had become lawful to do what faith in all previous centuries had proclaimed, insisting it spoke with the authority of the Lord, to be gravely sinful. These activists were indeed facing a problem that spoke to real needs of the faithful. But they spoke with a tragically irresponsible inadequacy, and the fruits of their dissent have been bitter for many. The truer scholarship and activism found ways to meet the same need that were neither as religiously nor physically disastrous as the pill. With insistent concern these more serious scholars refused to rest until they found, as they have, a solution that honored the complexity of the problem. One need not abandon what faith has always taught to treat pastoral questions well.

In too many areas today we see a similarly impatient rejection of authentic Catholic teaching proposed as an ingredient in solutions to pressing problems. Some "solve" very difficult marriage problems by speaking as if there were no faith teaching on the indissolubility of a sacramental marriage once validly contracted. Some find room for every form of fascinating revisionism in Christology or ecclesiology by writing as though positions taken decisively by the family of faith in its solemn or ordinary and universal teaching had not been taken.

But the response of more serious scholars cannot simply be the negative one of chiding irresponsible solutions to live questions. The chiding is indeed important, and it sometimes takes great courage; but it is the easier part of the task. The important matter is that of providing really good answers to the live questions that agitate the family of faith. These are good times to be scholars in the Church. God has given us a wealth of work to do; and he will crown with joy the hearty efforts we make in the service of faith.

## Important Statements of the Day

On the morning after his election (October 17) John Paul II said to the Cardinals:

"Beloved brothers in the Episcopate and dear children, fidelity, as is clear, implies not a wavering obedience to the Magisterium of Peter especially in what pertains to doctrine. The "objective" importance of this Magisterium must always be kept in mind and even safeguarded because of the attacks which in our time are being levelled here and there against certain truths of the Catholic faith. Fidelity too implies the observance of the liturgical norms laid down by ecclesiastical authority and therefore has nothing to do with the practice either of introducing innovations of one's own accord and without approval or of obstinately refusing to carry out what has been lawfully laid down and introduced into the sacred rites. Fidelity also concerns the great discipline of the Church of which our immediate predecessor spoke. This discipline is not of such a kind that it depresses or, as they say, degrades. It seeks to safeguard the right ordering of the mystical body of Christ with the result that all the members of which it is composed united together perform their duties in a normal and natural way. Moreover, fidelity signifies the fulfillment of the demands of the priestly and religious vocation in such a way that what has freely been promised to God will always be carried out in so far as the life is understood in a stable supernatural way."

*L'Osservatore Romano (English Edition)*  
October 26, 1978

### *The Apostolic Delegate said:*

At the 15th Assembly of the *Consortium Perfectae Caritatis* in Washington D.C. on November 11th, Archbishop Jadot told 500 religious women that Paul VI frequently referred to Pius XII's recollections of his lengthy tour of the United States in 1936 as Cardinal Pacelli. Pacelli returned to Rome terribly impressed with the American Church and (often as Pius XII told the young Monsignor Montini) that the "greatest strength of the Church in the United States was its religious women." And the reason: "Because those women were the Church's best examples of spiritual life." Archbishop Jadot told his cheering audience that improved spiritual life was really what the renewal of Vatican II expects of religious still.

### *Archbishop John R. Quinn says:—*

Responding to an invitation to speak to a Baltimore Conference seeking to open the priesthood to women, the president of NCCB, told conference organizers that the theme of their conference is not "legitimate." He counseled that they should limit their deliberations to more general considerations of the role of women in the church exclusive of the priesthood.

The Vatican, Quinn said, "has clearly taught that fidelity to the apostolic tradition makes it impossible for the Catholic Church to ordain women to the priesthood." For that reason, he continued, "I would not take part in or give encouragement to the conference."

### *The Congregation of The Clergy Says:*

In a letter to Archbishop Quinn dated October 30, signed by Secretary Maximo Romero, the Sacred Congregation approved the *National Catechetical Directory* submitted to Rome by the American Bishops in 1977 with *three specific refinements* in the document requested by the Holy See covering revelation, priesthood, and penance.

Rome remarked that the NCD use of "Revelation" ("revelation") with capital/low case renderings "tends to engender confusions". The Holy See is of the opinion that "Revelation" standing alone signifies divine revelation in the strict sense and suggests that NCD find different terminology to describe the other ways in which God reveals himself.

Rome also wants the specific nature of the priesthood expressed more exactly, especially by placing due emphasis on its sacrificial eucharistic aspect. The ordained priest is to be understood as acting — not only "in the name of Christ" but "in the person of Christ", a state "essentially different" (not merely in degree) from that of deacons and the priesthood of the faithful.

As for penance, Rome wants First Confession for children to precede First Communion not only in catechesis but in practice, and general absolution to be rare and administered only in serious circumstances.

All of these authoritative declarations represent another, and perhaps final, chapter in a decade of controversy between Rome and American religious educators over (among other things) revelation, the priesthood, and the sacrament of penance.

## Fellowship News

### 1979 Convention in St. Louis (March 30 – April 1st)

#### Tentative Program

#### Friday, March 30.

4:00 p.m. Meeting of the Board. (Agenda for the meeting to be sent out at least 30 days in advance of meeting. Suggestions for discussion of the Board welcome.)

7:30 p.m. Brief meeting of membership. Procedures of meeting to be outlined. Opportunity for questions about agenda for the Sunday afternoon business meeting. (Agenda for that also to be sent out in advance. Suggestions for items of discussion welcome.)

8:00 p.m. Keynote address.

#### Saturday, March 31.

9:00 – 11:00 a.m. First Plenary Session. (Two 45 minute talks) (30 minute discussion) (The lectures will cover the general theme of History and Philosophy.)

11:15 a.m. First session of Workshops in various areas.

12:30 Lunch.

1:30 p.m. Second Plenary Session. Historicism in Literature and Systematic Theology

4:00 p.m. Conference Mass. (Cardinal Carberry, Celebrant.)

6:00 p.m. Dinner. Presidential Address.

8:00 p.m. Third Plenary Session. Behavioral Sciences

#### Sunday, April 1.

9:00 – 10:30 a.m. Plenary Session. Historicism and Scripture.

10:45 – 12:15 Workshop Sessions.

12:30 p.m. Lunch

1:30 – 2:45 Business Meeting of Fellowship

Speakers presently are being invited.

- The Fellowship came into existence largely to encourage scholarly research and writing in the service of the faith. For this reason, the Board at its September meeting in Chicago decided that lectures at the coming convention be restricted, that time be assigned to *Workshops* reflecting on the present state of research in some areas. These workshops are intended to assist members identify areas in which work is most needed at this time.

- Five general areas have been selected for these Workshops: marriage, priesthood, religious life, religious education, the Church and public life. In each of these areas many new and pressing questions cry out for creative work. In some areas, the only imaginative work published in recent years commends suggestions that seem incompatible with authentic Catholic teaching. The Church seeks the service of its scholars seeking realistic treatment of live issues, worked out with full respect for all the difficulties involved and for the relevant teaching of the Church.

Two co-chairmen will be selected in advance to help direct discussion in the workshops. They will prepare sketches of certain major questions especially worth discussing in each area. Each member attending the Conference is encouraged to take part in one of the Workshop sections. Those who wish may contact the chairmen in advance to offer suggestions or materials that they might think useful for the particular Workshop.

Each Workshop section will meet at least twice. At the beginning of the first convention session, the Co-chairmen will give brief presentations pointing out major questions in need of treatment. The status of questions will become clearer during the workshops, and the need of creative work in special problems will become evident. It is hoped that by the end of the second session individuals or groups of members will have begun to shape plans for serious work in some of the areas discussed.

- Father Bertrand de Margerie, S.J., writes from Paris to suggest two projects for Fellowship Scholars. The first would be, in part, a service honoring the memory of Pope Paul VI. At Christmas, 1968, Pope Paul had told the Cardinals of his intention to answer the objections raised against *Humanae Vitae*. Circumstances made it impossible for him to fulfill this task himself; it might be a gesture of gracious scholarly fellowship to undertake a project aimed at fulfilling this need. Much work has already been done, many excellent papers already written and books published that should be gathered in one place. A good editorial team could search out bibliographies covering the major questions that have arisen from the encyclical's publication. A first rate anthology of the best written commentaries on *Humanae Vitae* could result.

Father de Margerie suggests another kind of project. There is a need for more reflective study of the ecumenical "agreements" (theological, non-official) that have appeared over the last several years. Careful critical study is needed both to show the depth of the accomplishments, and to evaluate the claims made on behalf of some documents, some of which are unrealistic.

### Nominations for Fellowship Office 1979-1980

The nominating committee established by the Board of Directors proposes the following members for office in the next year.

- For President – Dr. James Hitchcock  
University of St. Louis
- For 1st Vice President – Fr. Earl Weis, S.J.  
Loyola University (Chicago)
- For 2nd Vice President – Fr. Joseph Farraher, S.J.  
University of Santa Clara
- For Executive Secretary – Msgr. George A. Kelly  
St. John's University, N.Y.C.
- For Associate Secretary – Fr. Frederick Jelly, O.P.  
Josephinum
- For Treasurer – Sr. Janet Fitzgerald, O.P.  
Molloy College

Drawing on lots to balance the new Board of Directors with an appropriate number of old and new members, the nominating committee proposes that the new Board contains (in addition to the office-holders) the following directors –

- Fr. Ronald Lawler, O.F.M., Cap.  
Catholic University of America
- Fr. Joseph Mangan, S.J.  
Loyola University (Chicago)
- Fr. John Miller  
Provincial, Holy Cross Fathers (New Orleans)
- Fr. Henry Sattler, C.S.S.R.  
University of Scranton
- Fr. James Turro  
Darlington Seminary (Newark)
- Sr. Carolyn McGinty, CSJ  
Rosary College (River Forest, Illinois)
- Dr. Eugene Diamond  
Loyola Medical School
- Mrs. Mary Joyce  
Author
- Dr. William May  
Catholic University of America

### COUNCIL OF LEARNED SOCIETIES AND SCHOLARS

Following the instructions given at our spring Conference, Fr. Lawler submitted to the Council of Learned Societies and Scholars at their October 20-21 meeting (held in Washington, D.C., to discuss with representatives from the Bishops' Conference the topic "Authority") an application for membership of the Fellowship of Catholic Scholars in the CLSS.

The CLSS has as member societies such groups as the Catholic Theological Society of America, the Catholic Biblical Association, the Canon Law Society of America, the American Catholic Philosophical Society, and the like. Recently the Mariological Society announced its intention to resign from the CLSS.

Father Joseph Jensen, O.S.B., secretary to the CLSS, later reported to Fr. Lawler that they had not been able to act on our application at this meeting. In studying their bylaws, they learned that the names of the founding societies were noted in the bylaws as the only societies forming the CLSS, and provision was not made for new members. A change in bylaws would be needed to admit us; and that could not be handled until their next meeting (apparently early in 1979)

Fr. Lawler asked Fr. Jensen if our application was in order for the next meeting. He was told that the documents we had submitted seemed sufficient, but that he would contact him if anything further were needed.

### From the Mailbag

"During the next year we will celebrate the centennial of Leo XIII's encyclical *Aeterni Patris*. It would be encouraging if members of the Fellowship would join an effort to encourage Pope John Paul II to honor the occasion with a document on the importance and place of Christian philosophy in our time."

Frank Lescoe  
St. Joseph College, West Hartford, Connecticut

#### Fellowship Incorporated

Fr. Lawler reports that the *Fellowship of Catholic Scholars* has been incorporated in the District of Columbia as a non-profit and tax exempt corporation.

Donations to the Fellowship henceforth are tax exempt.

## Selected Notes on Contemporary Books and Articles

### Book Reviews

Philip S. Keane. *Sexual Morality: A Catholic Perspective*. Paulist Press 1977.

This is not a particularly original book; but it is potentially an influential one, because it has been adopted as a text by so many Catholic seminaries and other schools. The spirit of the work may be partially grasped by a brief summary of some of its positions.

The author considers the question of lustful thoughts (or "sexual fantasies" — without seriously distinguishing different kinds of thoughts, or heeding the question of deliberateness) as not very important. "Without getting into a detailed moral analysis, it can thus be said that in most cases sexual thoughts and fantasies do not deeply involve the average person; they are not very significant as an area of moral concern." (p. 59) Similarly, adolescent masturbation is "not all that weighty" (p. 67) Deliberate adult masturbation, especially when frequent, may be "part of a life-style that is disordered" and is itself seriously wrong (p. 68); but he finds no serious moral evil in acts of masturbation when there is a notable reason present, as when a married person is separated from the spouse for some time, or the spouse suffers a long illness (*ibid.*)

Keane acknowledges that "our tradition" sees "some type of evil" in homosexual acts (p. 81) but he does not clearly indicate that moral evil is present in all such deliberate acts, much less that all full deliberate homosexual acts are objectively gravely wrong. He holds that there is some moral evil in premarital intercourse; but he stresses the point that young people do not always commit mortal sin through fornicating casually. No suggestion is made that the Church teaching that casual fornication is objectively gravely wrong is indeed true, or should be announced (pp. 103-04). Adultery is judged a bit more harshly: the *possibility* of adultery's being a grave sin — especially if there are repeated instances over a long period of time — is greater than the possibility of repeated fornication's being gravely wrong (p. 104).

The principles underlying this revisionary sexual ethics would seem to be immediately applicable to other areas of moral theology as well: for example, to life questions, to abortion and euthanasia. The author holds that there are no moral absolutes in the sense in which Catholic tradition has affirmed them. He concedes that there are verbal absolutes, such as: "Unjust killings are unjust." (p. 517). But the view that it is always and intrinsically wrong to deliberately slay an innocent person cannot be

sustained by the author's consequentialism. He indeed holds that there are "virtually exceptionless" rules; but the consequentialist logic he must rely upon to support them is notoriously weak. One regrets to see textbooks that encourage young Catholics to accept consequentialist rather than principled moral thinking at the very time when even scholars outside the Church have been pointing out with growing force the weakness in consequentialism. (See J. Connery, "Morality of Consequences: A Critical Appraisal," *Theological Studies*, Sept. 1973.)

The author is clearly aware of the existence of the *Declaration on Sexual Ethics*, published by the Congregation for the Doctrine of the Faith in 1975, and of the *Pastoral on Moral Values* published by the American Bishops in 1976, but he does not find it necessary to follow such directives. In a footnote (p. 226) he acknowledges that some "reputable authors" agree with the Church's authentic teaching. He seems not to realize how many such authors there are, nor that among these number are the most respected Catholic moral thinkers in the world: people like G.E.M. Anscombe of Cambridge, John Finnis of Oxford, and Germain Grisez of this country. When he rejects traditional Catholic positions, positions that have been part of the constant and morally universal teaching and belief of the whole Church, he does not begin to mention the forceful arguments such scholars offer in defense of the authentic Catholic position. In fact, he gives a few arguments of any kind even to sustain his own position. Largely he appeals to the authority of contemporary dissenters, when he fancies to constitute the "mainstream" of Catholic thinking. Without much argument, he assumes that a position which is contrary to all Catholic tradition and to the current insistent teaching of the Magisterium can be safely applied to pastoral guidance if some scholars hold such views.

It is interesting to note that this book received a *Nihil Obstat*, and was given an *Imprimatur* by an American bishop. Beneath the *Imprimatur* the following explanation was given: "The *Nihil Obstat* and the *Imprimatur* are official declarations that a book or pamphlet is free from doctrinal or moral error." (p. iv)

Ronald Lawler, O.F.M., Cap.

[Ed. Note: Father Keane teaches moral theology at St. Mary's Seminary in Baltimore. He will be teaching the course in sexual ethics at Catholic University in the coming spring semester.]

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#### *EDUCATION BY CHOICE: THE CASE FOR FAMILY CONTROL*

by John E. Coons and Stephen D. Sugarman,  
University of California Press, Berkeley, Ca. 1978.

In the book, the authors argue that a voucher or entitlement system is the most appropriate way to protect freedom of choice in education for the nonrich and, perhaps, improve educational quality. Their main concern is to defend the claim that nonrich as well as rich parents have the right to guide the education of their children. They claim that the public school monopoly has usurped that right. Their defense of educational choice for the nonrich originates in and is supported by their more basic philosophical claim that, "cultural and ideological diversity is a potential strength of our society." (p. 90).

They argue that if we continue to support a monolithic public school system, we, as a nation, will make it clear that we are, "prepared to run all the risks of official uniformity." (p. 100).

When the official line is officially compelled, it both preempts the expression of competing ideologies and, by implication, labels them deviant. Thus, those who challenge the majoritarian values of the public school fight a discouraging and unfair battle. While financially supporting the public [school] establishment they must assemble additional private resources to pay for their own conflicting message. Being addressed to children, that message must catch them after the public [school] has consumed their primary energies in formal instruction; it must then offset a conflicting message that has been delivered with all the sacerdotal pomp of a large institution; and it must convince the child that his holding values different from other children is not socially deviant. Can there be doubt that one effect of public education as presently structured is to chill the expression of minority views?

On the jacket of the book, Andrew M. Greeley is quoted as saying, "if the oppressive, monopolistic bureaucracy of the public schools is ever broken, if ever a time will come when we will not take low-quality education in the city for granted, then Coons and Sugarman will deserve a lot of the credit." Even though there are those who find it fashionable to disagree with Greeley, I think they will find it difficult to do so in this case, for the following reasons:

1. Coons and Sugarman are professors of law at the University of California, Berkeley, and there is ample evidence, in this book, their latest collaboration, that they understand the complex constitutional questions involved in the issue of school support.

They are especially sensitive to the issues of racial justice, rights of conscience and free exercise of religion as it relates to free choice in education.

2. In their twelve years of collaboration they have proven that they are not enemies of worthwhile public education. In their, *Private Wealth & Public Education*, (written with William Clure), e.g., they clarified the constitutional theory adopted by the California Supreme Court in *Serrano v. Priest*, the crucial school finance case. They not only cooperated in the initiation of the case, they later briefed and argued it before the court.
3. They give their readers adequate reasons to conclude that they are genuine liberals with respect to school support policies, academic freedom and cultural pluralism.
4. Their arguments will give scant comfort to opponents, whether ecclesiastical or secular, of genuine freedom of choice in education.
5. In view of the fact that there are those who consider them to be genuine liberals, at least with respect to school reform, they may be able to communicate more effectively with some of those who routinely reject claims that present school support practices are unjust.

We will, for our present purposes, restrict the discussion of the drawbacks in the development of their argument to the following points:

1. their employment of the rich/nonrich distinction,
2. their usage of the term "private".
3. the so-called "public schools" as a secular.

The authors point out that:

Many families today can afford to pay for the education of their children without state assistance. Others could provide for the education of their children if the state had not already appropriated a substantial portion of the family's resources through education taxes. (p. 11).

It does not seem that the authors have emphasized those points often enough when, later in the book, they discuss the inability of nonrich parents to purchase alternative educational services for their children. Many more parents would be able to exercise those options, if their neighbors had not passed laws or tolerated court decisions that permitted the state to confiscate all or some of the funds that they otherwise would have had available to purchase such services.

Nor does it seem that they have come to appreciate sufficiently the ways in which present school support policies relate to the landmark *Pierce v. Society of Sisters* case, in which the U.S. Supreme Court unanimously ruled that:

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The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with high duty, to recognize and prepare him for additional obligations.

In subsequent decisions the U.S. Supreme Court has been unwilling to recognize the fact that the very right that the decision was designed to guard remains a *phantom* right for some semirich as well as most nonrich parents. That Coons and Sugarman have failed to recognize sufficiently that connection seems to be revealed most clearly in Chapter Nine, especially, in the section titled "Should Private Schools Be Included?" They say, e.g., (p. 153) "The idea of family choice in education does not logically require the involvement of private schools." Nevertheless, they do hold that (p. 153), "There are a number of reasons for including private providers in the program . . ."

We are not at the point where it seems appropriate to consider point two — their usage of the word "private." The meaning of the word, when applied to elementary and secondary schools, seems to amount to no more than a term with which to designate schools other than those that are: 1) secular *and* 2) tax-supported. Such an employment of the term seems to overlook the fact that most so-called "private" schools meet the academic standards established by the various state legislatures and state departments of education. In truth, they serve the common good as well as, and, in some cases, more fully than, the so-called "public" schools.

We have now reached the point where we can consider point three — the so-called "public schools" as secular. There are those who maintain that the so-called "public schools," when they are operated in accordance with recent decisions of the U.S. Supreme Court, especially those relating to Bible reading and public prayer, are established, secular schools. Some of those persons maintain that, under such conditions, the right to free exercise of religion, guaranteed by the First Amendment, is seriously

jeopardized, since religious development is so obviously related to a student's educational environment.

Even though their argument is marked by a failure to discuss or emphasize the precise points that we have noted, it remains a book of major importance, especially, for those who are convinced that present-day school support policies are unjust.

*John H. Walsh*

- Susan Teft Nicholson. *Abortion and the Roman Catholic Church*. University of Tennessee and the Kennedy Institute of Ethics, 1978.

This book has received rather more attention than it deserves. The author, a professor of philosophy at Chatham College (Pittsburgh), holds that "the Roman Catholic appeal for restrictive abortion legislation is vitiated by doctrinal inconsistencies and a failure to identify correctly the common moral principles applicable to the problem of abortion." (p. 97) Though the author breaks no new ground, and seems not to understand certain key points in the traditional Catholic arguments, the book does call for a critical response. This study is the second of a series of books published jointly by the University of Tennessee and The Kennedy Institute of Ethics. (at Georgetown University).

- J.A. Mirus, ed. *Reasons for Hope*. Christendom College Press, 1978. (18825 Fuller Heights Road, Triangle, Va. 22172. Paper \$5.75, plus 75c postage.)

This small book in Christian apologetics is worth nothing. It was written by four members of the faculty of Christendom College; Warren H. Carroll, Jeffrey A. Mirus, William H. Marshner, and Kristin M. Popkik. It is the first book of its kind to appear for many years: there is much excellent work here in defense of Christian faith. Standard questions are treated with a sensitivity to new problems. Unfortunately the work is more a set of essays than a unified text, and there is a certain unevenness in the quality of the distinct parts. Today too few Catholic students are given any coherent treatment of the role that intelligence plays in advancing towards or sustaining an act of faith. This work helps to supply a great need.



## Periodical Reviews

● Eileen Vogel, "Abortion, The Equal Rights Amendment and the Church – A Call to Common Sense" *Mirror of Justice*, Catholic Lawyers Guild of the Diocese of Rockville Center, N.Y., Vol. XX, 1978, pp. 19-36.

This article represents the findings of a two year study of research and debate on the ERA and its possible abortion connection. The study was conducted by *People Concerned for the Unborn Child*, a Pittsburgh organization of which Eileen Vogel is the Educational Chairperson.

It is the judgment of the Committee that the catchy slogan "equal rights" is not synonymous with equal rights in principle and that the so-called Equal Rights Amendment must be opposed as a moral imperative.

Vogel identifies the substantive misconceptions that are current as a result of the slogan technique – not the least of these being – that the Amendment is concerned with "bread and butter issues" of equal rights, e.g., equal pay for equal work, equal treatment in hiring, promotion, etc.; that the Amendment is a kind of "miracle drug" which will wipe out all our nation's discriminatory ills. As to the first of these claims, Vogel states that even if it were true, the ERA would still be unnecessary since both the legislation and the mechanisms already exist to deal with such forms of discrimination. Relative to the second claim, Vogel quotes Professor Paul A. Freund, Harvard Law School: "..... it is far better to have 'specific pills for specific ills' than simply one broad-spectrum drug designed for every ill which carries with it 'unwanted and uncertain side effects.'" (p. 20).

The introductory section concludes by reminding the reader that since sex discrimination is already illegal in the United States, an amendment to the Constitution is not necessary to make that which is already illegal *more illegal* – rather the enforcement of existing legislation and not more legislation – is the real need.

Since the proposed amendment is both unnecessary and inept as an economic and social panacea – what will it do? This question leads to the roots of the ERA which she identifies with the New Feminist Movement and its "liberation philosophy." Vogel considers the best source for this probe to be Lawrence Lader, who as an abortion pioneer was both a friend to Margaret Sanger and to Betty Friedan. In his book *Abortion II, Making the Revolution*, he describes how the abortion movement and the feminist movement converged and became one and thereby kicked off the "revolution." Lader traces the division between the old feminism of rights and the new feminism of revolution to the technology of contraception making possible the

radicalization of women: "Only when technology – and abortion is a crucial step in this process – allowed women to free themselves from the prison of incessant childbearing could they grapple with the possibility of achieving themselves on every plane." (p. 21) Vogel comments that now freed from the vulnerability of pregnancy – which the Neofeminists see as the ultimate discrimination and the abortion circles refer to as the "curable venereal disease" – the women could now pursue absolute parity with men in the rejection of her own biological femininity.

Continuing beyond the historical source the article reveals other legal sources – some in support of the amendment and others in opposition to it – appealed to for further understanding of the nature of this amendment.

The first source was the *Yale Law Journal* article of 1971 which was generally accepted as the definitive study of the ERA, and hailed by Senator Birch Bayh and Congresswoman Griffiths, the amendment's primary sponsors, as a "masterful piece of scholarship." The bottom line in the *Yale Law Journal* article was: "Prohibition against the use of sex as a basis for differential treatment applies to all areas of legal rights." (p. 23) The second source is the minority view of former Senator Sam Ervin concurred in by Professor Paul A. Freund and Professor Philip Kurland, Chicago Law School and Editor of the *Supreme Court Review*. In substance this opinion opposes not equal rights in principle, but that what is proposed by the ERA Amendment will destroy all distinctions between men and women: "The amendment contains no exceptions or limitations, and it is absolute in its terms . . . the proposed amendment attempts to impose a single standard of sameness . . . in all the multifarious roles regulated by law." (p. 26).

As a result of this over-kill on the part of sex discrimination proposed by the ERA Amendment many legal experts see this as ultimately giving every woman a *Constitutional* right to have an abortion at will. Vogel offers significant documentation on this matter, and includes Sarah Weddington's refutation of Birch Bayh's claim that the ERA has nothing to do with abortion, when she said that the enactment of a Human Life Amendment would deny the ERA *principle* that women have a right to "all choices." (p. 26-8).

The third source appealed to in this investigation into the proposed amendment is legislative history, i.e., it must be kept in mind that it will be the Supreme Court which will decide the interpretation of this Amendment since Congress failed to set forth clear-cut guidelines and limitations on the amendment. This is the same Court that gave us abortion on demand under the implied right to



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privacy. Vogel sees the prime goal of the ERA Amendment the Constitutional guarantee of absolute abortion rights for women, and she quotes Betty Friedan: "As for reliance on future Supreme Courts — that's the reason we need ERA." (p. 31).

In the concluding sections of this study Vogel stresses certain lessons that must be learned: 1) that the Neofeminist movement (revolution) is absolutely intolerant of anyone who stands in the way of their goal — either we will become an Abortion Culture or a Pro-Life Culture — there is no in-between; 2) what the Human Life Amendment is to the Right to Life Movement, ERA is to the Right to Choose Movement to permit abortion; 3) the New Feminism and its inseparable demand for absolute abortion rights is incompatible with the teaching of the Catholic Church; 4) no movement can call itself a legitimate civil rights movement while denying the most fundamental civil right and human right, the right to life itself, to millions of preborn Americans; 5) that common sense demands that we not institute "social justice" for a minority while instituting social injustice for the majority — Neofeminism are the deaths of over four million preborn babies, sacrificed not in the flames of the pagan god, Moloch, but in the flames of hospital incinerators across the land, on behalf of the new paganism, the New Idolatry, where She becomes a god unto herself and the tenets of Christianity give way to the new "religion" of Femininity.

[Editor's Note: The text of the Federal ERA is as follows:

"Section 1.

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

"Section 2.

The Congress shall have the power to enforce, by appropriate legislation, the provision of this article."

"Section 3.

This amendment shall take effect two years after the date of ratification." (p. 30-36)]

Joseph E. Hogan, C.M.

Two articles dealing with *Church music* are worth mentioning:

SINGENDE KIRCHE, Volume 25, Number 4, 1977-78. *Quarterly of the Church Music Commission of the Austrian Bishops.*

This final number in the twenty-fifth anniversary volume of SINGENDE KIRCHE has a particularly welcome article by the Austrian composer, Josef Friedrich Doppelbauer. Although Doppelbauer

entitled his contribution, "The Future of Church Music," he begins with a short history of Catholic church music in this century. Reminding his readers that the *Motu Proprio* of St. Pius X was misinterpreted, he criticizes those church musicians who thought (and do think) that polyphonic music is only a concession until we are able to establish Gregorian chant as the only music for the liturgy. Doppelbauer insists that the intentions of Pius X were, in some areas, not followed and that as a result of misinterpretations Gregorian chant assumed a false place within the world of church music. Saint Pius X never intended to exclude or to denigrate other works, particularly polyphonic ones. On the other hand, Professor Doppelbauer also reminds us that while some were mistaken about the intentions of Pius X, others who reject Gregorian chant and all Latin church music, are in our own day equally in error. However, Doppelbauer argues persuasively that the opponents of Latin church music, be it Gregorian chant, renaissance polyphony, or eighteenth century Viennese settings of the ordinary, are not opposed to it because it is in the Latin language. Rather, they are opposed to it because it is *good*, i.e., beautiful, pleasing, church music. The opposition to art music probably arises from the realization that the people are not able to sing the great church music written for the Church's liturgy. Therefore, the music must be brought down to the lowest common denominator, brought within the capability of the congregation whose members may not even be able to read notes. It is, suggests Doppelbauer, a descent into the trivial and vulgar. This situation has resulted from a false estimation of the *participatio actuosa*, the "active participation" of the faithful. In attempting to stimulate what they call "active participation of the faithful, the liturgists have destroyed choirs, brought trivial and, what is worse, show music into the sacred services. In order to retain the "active participation" of the faithful, as they understand it, the liturgists must resist all attempts to raise the musical level. Thus, the composer of Catholic church music no longer has a function within the Church.

Doppelbauer rejects both flight into tradition and the use of everything new. A third position is possible, but it is not practical until the church musician finds new ways to express in music the eternal verities of the Faith, to include modern musical devices developed by secular composers which are fitting for the liturgy.

UNVA VOICE KORRESPONDENZ, Volume 8, Number 3, 1978. *Bi-monthly Journal of Una Voce (Germany).*

Johannes Stohr contributes an article to this issue of UNA VOICE KORRESPONDENZ discussing the translation of the orations for the various saints' feast

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days. He criticizes severely the poor translations of the Latin texts into the vernacular mentioning both the German and English texts. While he does not find any departure from the dogmas of the Church, he has discovered many imprecise and ambiguous translations of rather clear Latin texts. In some cases, the translators have added their own ideas through the introduction of phrases and even sentences not found in the Latin.

Klaus Gamber has an article which asks the purpose of the liturgical gathering. Is it an assembly for the purpose of worshipping God or merely a town meeting or a social occasion? The Mass as a meal only with the loss of the sacred-profane distinction deprives the liturgy of its sacred function — the worship of God.

*Richard M. Hogan*

#### ALETHEIA: AN INTERNATIONAL JOURNAL OF PHILOSOPHY

Ed. Josef Seifert. Irving, TX:  
University of Dallas Press, 1977/78  
Published annually; \$12 per year.

Catholic philosophers often do not realize that within phenomenology there has always existed a small number of philosophers who refused to follow Husserl into the labyrinth of a purely subjective human consciousness which is cut off from all "things in themselves". These philosophers held that Husserl's later transcendentalism betrayed the real genius of phenomenology in its original idea, which they saw as a radical overcoming of modern subjectivism and relativism.

The philosophical heirs of these "phenomenological realists" or "Munich phenomenologists" have launched a new journal, ALETHEIA, to continue the work of the *early* Husserl, and the *early* Scheler, Adolf Reinach, Roman Ingarden, Alexander Pfander, Edith Stein, and especially Dietrich von Hildebrand. At the same time they philosophize in deep solidarity with the great philosophers of the classical and Christian tradition — particularly Plato, Aristotle, St. Augustine, St. Anselm, St. Bonaventure, and St. Thomas. These deep roots in the *philosophia perennis* make "realistic phenomenology" and this journal worthy of the attention of Catholic scholars.

ALETHEIA's editor, Josef Seifert, currently directs the Ph.D. program in philosophy at the University of Dallas. He is well known in his native Europe for his books on epistemology, ethics, and the mind/body question, and is becoming familiar to Americans as well.

Seifert's own long article in ALETHEIA's first issue manifests the phenomenological, yet classical character of the journal itself: "Essence and

Existence. A New Foundation of Classical Metaphysics on the Basis of 'Phenomenological Realism,' and a Critical Investigation of 'Existential Thomism.'" In this article, Seifert not only distinguishes many new and heretofore undifferentiated "realities" indicated in the classical tradition by the term "essence"; he also deals with the "existence" as no phenomenologist before him, discussing at length its nature and significance for being.

In the light of these manifold distinctions, Seifert develops a comprehensive philosophy of essence and existence, which he uses to criticize "existential Thomism" for being both inadequate to reality and a deviation from the more profound understanding of these questions found in St. Thomas himself.

John Crosby's article on *bonum* should also interest Thomists. He argues that, contrary to its claims, the Thomistic philosophy of *bonum* actually fails to root *bonum* adequately in being. He maintains further that the deep unity of being and value can only be preserved on the basis of certain crucial distinctions (within *bonum*) often implicit in the tradition, but only recently made explicit by the late Dietrich von Hildebrand. Crosby's provocative article merits the attention of those who seek to preserve the Thomistic metaphysics of *bonum*, as well as those who insist that non-Thomistic value-philosophy necessarily splits value from being.

Although this issue contains a third article of interest to Thomists (an analysis of "transcendental Thomism" by Walter Hoeres), it would be a mistake to consider ALETHEIA a journal concerned only with Thomism. The current issue contains articles on spiritual substance in Hume, the nature of love, the finiteness of the past, and other subjects. And the editor's introduction promises that ALETHEIA will regularly address uniquely modern problems (such as those raised by Hegel, Kant, Hume, the later Husserl, etc.) as energetically as it addresses traditional ones. Each annual issue focuses on one major area in philosophy. This first issue is devoted to metaphysics; the next will treat questions of epistemology; and the third will consider ethics and problems of medical ethics.

The eagerness with which this issue of ALETHEIA engages Thomism on questions of such vital importance to philosophy as "essence and existence," "being and value," and "transcendentalism Thomism," as well as its solidarity with the *philosophia perennis* in the struggle against skepticism, relativism, historicism, subjectivism, and other modern errors, suggests that in its pages Catholics will find both a strong ally and that spirited discussion that serves so well to invigorate and deepen all true philosophy.

*John L. Barger*

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The Spring 1978 issue of *Louvain Studies* (Vol. 7, no. 1) contains two articles of special interest. The first, "Moral Teaching, Traditional Teaching and *Humanae Vitae*," by Joseph A. Selling, is an abstract from his doctoral dissertation, written under the directorship of Louis Janssens and entitled *The Reaction to "Humanae Vitae": A Study in Special and Fundamental Theology*. The second article of interest in the Spring 1978 issue of *Louvain Studies* is Joseph Omoregbe's "Evolution in Bernard Haring's *Ethical Thinking*," again an abstract from a Louvain dissertation entitled *Bernard Haring's Fundamental Moral Theology: A Study of his Moral-Theological Methodology*.

Selling's basic argument is that the teaching in *Humanae Vitae* cannot claim to be the traditional teaching of the Church. Rather it is an expression of a teaching or, better, an interpretation of the natural law, that is found in the documents of the papal magisterium of Popes Pius XI and Pius XII. Selling argues that the traditional teaching of the Church itself, as expressed in Vatican Council II, particularly in *Gaudium et Spes* (nn. 47-52), is grounded in a different understanding of the natural law, one that stresses the fact that moral acts are acts of the person, and that therefore the teaching in *Humanae Vitae* is not properly reconcilable with the teaching found in *Gaudium et Spes*. Selling then concludes that in *Humanae Vitae* "Pope Paul never really intended to condemn every form of artificial birth control for the mature, responsible, loving married couple" (p. 43). For Selling the pope's intent in writing *Humanae Vitae* was to restate a position on the specific question of contraception that Pope Paul himself realized was "dated" and "inadequate," but nonetheless "safe." He did so because he "feared for the implications of simply saying that contraception was in itself acceptable" (p. 44). From this it follows that the "discipline of moral theology," in facing "the problem of how to incorporate the content of that encyclical *Humanae Vitae* into the more general category of the 'teaching of the church'" (p. 25), can properly conclude that the content of this encyclical can no longer claim to be the teaching of the Church. This, at any rate, is the conclusion that seems to be called for on the basis of Selling's analysis.

Several comments seem in order. I shall focus on certain key contentions made by Selling in the course of erecting his argument. The first of these is his contention that Pope Paul, in par. 8 of *Humanae Vitae*, "reinstates the notion that children are the ultimate purpose of marriage, thus once again implying the idea of primary and secondary ends" in marriage (p. 26). In doing so, Selling contends, *Humanae Vitae* is placing itself in opposition to the teaching found in *Gaudium et Spes*, a teaching to

which Pope Paul had appealed in part. 7 of the encyclical. Selling believes that the passage in which Paul says that "through the reciprocal personal giving of self, which is proper and exclusive to them, husband and wife tend towards the communion of their beings, by which they perfect one another *in order to* collaborate with God in the generation and education of new lives" (emphasis added) marks the spot where Paul's teaching departs from that found in *Gaudium et Spes* (p. 26). Selling's contention here is simply erroneous and is shown to be so by the text of *Gaudium et Spes* itself, for in this document we read: "it must be said that true married love and the whole structure of family life which results from it is *directed to* disposing the spouses to cooperate valiantly with the love of the Creator and Saviour, who through them will increase and enrich his family from day to day" (n. 50, emphasis added). Since *Humanae Vitae* and *Gaudium et Spes* affirm the same truth, Selling's attempt to find a contradiction between them on this question is odd, to say the least.

Selling likewise contends that according to the encyclical "the moral evaluation of sexual intercourse rests entirely upon the structure and form which the act achieves. This form is basically the physiological process of insemination" (p. 28). The contention that this is the encyclical's key teaching is central to Selling's argument. In making it he is simply repeating the charge, frequently made, that the moral argument in *Humanae Vitae* is "physicalistic" (Charles E. Curran terms this the "basic flaw" of the encyclical in his recent essay, "After *Humanae Vitae*: A Decade of Lively Debate" in the July, 1978 issue of *Hospital Progress*).

This charge against the encyclical is closely linked to the claim, again expressed by Selling (cf. pp. 39-40) that there is no significant difference between regulating conception by artificial contraceptives and doing so by the practice of periodic continence. As Selling puts it, there is "little if any difference *intentionally* between contraception and an efficient program of periodic continence" (p. 39 emphasis added). The problem with this charge, of course, is that it is simply untrue and, in fact, an analysis of this subject is sufficient to show that those who accuse *Humanae Vitae* of physicalism have simply not grasped the teaching of the encyclical.

Elizabeth Anscombe has, with others, luminously shown that what the encyclical is concerned with is not the physical structure of the act of marital coition as such but rather with the *intentionalities* that are expressed in it (cf. her *Contraception and Chastity*). Since this point is so important, however, I should like to comment on it at more length and show precisely what it is that Pope Paul is

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holding (with the whole tradition of the Church) to be morally wrong in contraceptive intercourse. Pope Paul clearly recognizes in *Humanae Vitae* that not every marital act can result in conception and that there is no need to have a positive intent to procreate in order for a marital act to be holy and good. Thus when he says that "each and every marriage act must remain open to the transmission of life" (n. 12), he is not intending that this statement be understood as a description of the physical structure of the act ("the physiological process of insemination," as Selling puts it). His meaning becomes clear when we realize that what he calls morally wrong is the anti-procreative intent and choice entailed in contraception: "excluded is every action which, either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, aims, whether as end or means, at making procreation impossible" (n. 14)

The non-physicalistic character of the encyclical is made crystal clear in this passage: "indeed it is justly considered that a conjugal act imposed upon one's partner without regard for his or her condition and lawful desires is not a true act of love, and therefore it goes against the requirements which the right moral order calls for in the relationship between husband and wife. By the same token it must also be acknowledged that a mutual act of love, which jeopardizes the possibility of transmitting life . . . goes against both the divine design of marriage and the will of the first Author of human life" (n. 13). Here Paul is teaching that what is wrong or immoral, what is contrary to the nature of the person and his acts and to the meaning of marriage, are genital acts in which *either* the unitive *or* the procreative meaning of the marital act is repudiated. What is morally of significance is the *intent* to reject either one of these great goods.

It is precisely for this reason that the regulation of fertility by the practice of periodic continence is not an act of contraception or no different in intentionality than an act of contraception. Persons who practice periodic continence do so because they do not wish to reject the procreative good of their sexuality and marriage. I grant that someone can regulate conception by the practice of periodic

continence and act immorally, with a contraceptive set of mind, but this is not the issue.

Selling's failure to grasp the moral reasoning at work in the encyclical is typical of many today. His failure is reflected in his claim that the encyclical locates the morality of the act in its physical structure and that there is no difference or very little difference in *intentionality* between the choice to contracept (which is an *anti*-procreative choice) and the choice to practice periodic continence. *The truth is that there is a vast difference in intentionality.*

Selling's argument is, in many ways, predictable. His study was directed by Louis Janssens. This Belgian theologian proposed the same sort of interpretation of *Humanae Vitae* and claimed that it was contradicted by *Gaudium et Spes* in an earlier article in *Louvain Studies*, his "Considerations on *Humanae Vitae*," *Louvain Studies* (1969) 231-253. All Selling seems to do in the present article is to design an argument intended to support the earlier Janssens' position. The problem is that the argument works only if one grants the interpretation the authors gives to the teaching in *Humanae Vitae*. This interpretation is simply erroneous and is predicated upon a patent misunderstanding of the encyclical.

Omeregbe shows that Haring has changed his evaluation of many sorts of acts in virtue of his adoption of axiologico-personalistic principles. For instance the earlier Haring held that artificial contraception, direct sterilization, artificial insemination, and other sorts of acts were always morally wrong, whereas the later Haring argues that such sorts of acts can sometimes be morally right. Nonetheless, Haring continues to maintain, for example, that an act of masturbation is still intrinsically disordered and can be mortally sinful. Omeregbe sees an inconsistency here and judges that Haring has not consistently followed through the logic of his principles. Sadly, Omeregbe, who now teaches in the Department of Philosophy at the University of Lagos (Nigeria), fully accepts the axiological-personalistic principles at the basis of Haring's moral theology and is apparently ready to apply these principles consistently.

William May

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### Publications of Interest

- An article entitled "Unwanted Conceptions: Research on Undesirable Consequences", by Dr. Edward Pohlman, an Associate Professor of Educational and Counselling Psychology at the University of the Pacific, Stockton, California was reprinted from *Eugenics Quarterly* 14:2, 1967, pp. 143-54 in *Child and Family* 8:240, 53, 1969 with the editorial comment by Dr. Herbert Ratner.

Pohlman's study was commissioned and supported by grants from the Social Service Committee of the Planned Parenthood Federation of America. Dr. Ratner's editorial comment, written nine years ago, is even more relevant today now that Planned Parenthood has become overt about its true goal: the decimation by abortion of human beings branded as unwanted even though unwanted conceptions have

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no demonstrable undesirable consequences. The editorial comment in *Child and Family* reads:

"P's search of the scientific literature in support of the 'hypothesis that unwanted conceptions have undesirable results for parents and children,' results in the surprise conclusion that 'the direct evidence of such a relationship is almost completely lacking.'" Ostensibly, Planned Parenthood subsidized this study in the hope of bolstering its position that adverse sequelae justify the elimination of 'unwanted' pregnancies. To ascertain the scientific facts concerning 'unwanted' conceptions and undesirable consequences is most commendable. What is not commendable is for the sponsors to disregard the absence of scientific data supporting their highly publicized thesis and to continue to promote their opinionated swivel-chair conclusion as if it had impeccable scientific credentials."

"The continuing practice of Planned Parenthood to hold to the position it espouses and the axe it grinds by ignoring or minimizing scientific literature which is counter to its claims, and to propagandize unsubstantiated claims by superficial slogans which appeal to their followers is a great disservice to American society."

"An additional conclusion of P. compounds the damage. Though P., in undertaking this study believed that a scientific demonstration of the undesirability of 'unwanted' conceptions 'would provide a powerful additional argument for the importance of birth planning. He now feels that such evidence is not so important.'" P., here, abandons the objectivity of the scientific method. He chooses instead the subjectivity of a protagonist. Loyal to his cause he opts for decision-making based on ignorance or error rather than knowledge. He states, 'many individuals perceive unwanted conceptions as having undesirable effects; correct or not, these perceptions probably influence their actions as effectively as views based on additional research.'"

"This is utilitarianism in its most frightening dimension. To kill a child in utero on what may be the false premise that an 'unwanted' conception has undesirable consequences of sufficient magnitude to warrant such a personal tragedy exhibits the callous and cynical disregard of social engineers for the individual's good. Ironically, in the absence of a confirmation by science — that unwanted conceptions have undesirable consequences for parents and children — they brainwash susceptible women to precipitate them to abort and, thus, introduce the ultimate of undesirable consequences: abortion."

- *The Teaching Church in Our Time* edited by George A. Kelly (St. Paul Editions 1978) covers the relationship to magisterium of Catholic doctrine in the following areas — scripture, tradition, modernism, infallibility, catechetics and sexual matters. The contributors are Msgr. Eugene Kevane, Fr. Manuel Miguens, OFM, Fr. Robert Bradley, SJ, Fr. John Hardon, SJ, Fr. Joseph Hogan, CM, Fr. Bruce A. Williams, OP, all faculty members for the Institute for Advanced Studies in Catholic Doctrine at St. John's University, New York City.

This is volume two of a series dealing with Catholic doctrine. Volume I entitled, *The Sacrament of Penance in Our Time* was published in 1976. Volume III, *The Sacrament of the Eucharist in Our Time*, published in 1978. Volume IV, *Human Sexuality in Our Time* in 1979. Volume V, *Church Ministries in Our Time* will be published in 1980. All are St. Paul Editions.

- The Fall 1978 issue of *The Human Life Review* contains three articles by Fellowship members Fr. Francis Canavan, S.J. ("ERA: New Legal Frontier"), Fr. William Smith ("The Test Tube Baby"), Germain Grisez and Joseph Boyle ("Life, Death, Liberty").

- Professor Charles E. Rice of Notre Dame publishes in December a new book entitled *Beyond Abortion: The Origin and Future of the Secular State*. The chapter headings are descriptive of the book. They include the following: Positivism, Secularism, St. Thomas Aquinas, The Natural Law and the Constitution: The Original Intent, The Failure of the Constitution: Positivism, The Failure of the Constitution: Secularism, The Contraceptive Mentality, Abortion: The Problem, Abortion: The Remedies, Euthanasia.

- *Science Magazine* (July 21, 1978) has an interesting article entitled "The Mystery of the Shroud of Turin Challenges 20th Century Science." Apparently there is a new science called sindonology in existence (shroud study). An American team of scientists is now in Turin studying the linen cloth known to be at least 600 years old. The author concludes: "So it seems likely that modern science and religion may soon meet in a cathedral in Turin, with no outcome guaranteed."

- *The Philosopher's Index* is continuing to provide information to philosophers that is saving them time and improving their preparation in their work. Research for papers, class work, or just trying to keep up with all the journals being published is facilitated by the *Index*. You will find the information quickly and efficiently by using this service. Write to: *The Philosopher's Index*, Philosophy Documentation Center, Bowling Green University, Bowling Green, Ohio 43403.

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● The June 1978 issue of the *Newsletter* asked for help in tracking down a publication by Robert T. Michael. Edward J. O'Boyle, research professor at Louisiana Tech University, suggests the following:

Robert T. Michael, "The Rise in Divorce Rates, 1960-1974: Age-Specific Components," *Demography*, May 1978, pp. 177-182.

Robert T. Michael, "Why Has the U.S. Divorce Rate Doubled Within the Decade?" National Bureau of Economic Research 1977, Stanford, California 94305 (mimeo).

● The NC Documentary Service, *Origins* published (October 5, 1978) a new argument for a married clergy. Since the ordination of women is unlikely in this century, Msgr. Colin MacDonald, executive director of the U.S. Bishops' Committee on Priestly Life, speaking on an enlarged sphere of influence for women through a married clergy, quotes Clara Maria Henning humorous (sic) observation: "There is every reason to anticipate that the Church will be forced to accept a married male clergy long before it will come to accept the idea of women priests. That eventuality will at least afford us a minimum of influence. For then we can close the door at night and, charging at our man with flying colors, we can say, 'Listen, Mr. Big Shot . . .'"

● *The Historical Credibility of Hans Kung An Inquiry and Commentary*

By Joseph F. Costanzo, S.J.

Published by the Christopher Publishing House

53 Billings Road

North Quincy, Massachusetts 02171

The Table of Contents

A Candid Preface — Romanism — Mary, *Mater Ecclesiae* — Roman Curia — Dutch Catechism — "Unhistorical" Saints — Nuncios — *Lex Fundamentalis* — Women Religious Orders — Indulgences — Pope Paul's Encyclicals — *Credo* — Mixed Marriages — Papal Primacy — St. Paul, Liberty, and Law — Photian Affair — Galileo — Usury — Rites Controversy — Secular Power — Scriptural Exegesis — Honorius — Augustine's *De Trinitate* — *Papal Magisterium and Natural Law* — *Majority Decision* — *Lex Dubia* — Conscience — *Casti Connubii-Cicognani*.

#### APPENDICES —

A. *Papal Magisterium and Humanae Vitae*.

B. *Academic Dissent: An Original Ecclesiology*.

C. *Papal Magisterium, Natural Law and Humanae Vitae*.

● Cornelius T. Kane, O.P. of the Catholic University of America, has recently published a brief monograph, *Habit: A Theological and Psychological Study* (Washington: Academy Press of America, 1978). This interesting booklet provides a good summary of the Thomistic notion of the human act as dependent upon deliberation and freedom of choice. It also reviews the work of the psychologists Dollard and Miller (of Yale University) on the influence of *unconscious*, socially induced, habits on the behavior of human persons, and then attempts a theological interpretation of their work. Kane holds, that socially induced habits are by no means what Aquinas meant by *habitus* and by *virtue*. Rather such habits are induced by the acts of others and, if disposing the subject to immoral behavior, related to the effects or original sin. *Habit* in the Thomistic sense involves the free and conscious activity of the agent; strikingly Miller and Dollard propose such activity as the proper therapy to help persons who have been crippled by the socialization process. Kane's brief study is enlightening and provocative.

● The *doctrinal* principles underlying renewal of religious life may now be found in an official Vatican text entitled, DIRECTIVES FOR THE MUTUAL RELATIONS BETWEEN BISHOPS AND RELIGIOUS IN THE CHURCH, prepared by the *Sacred Congregation for Bishops* and the *Congregation for Religious and for Secular Institutes*, "benevolently approved and mandated for publication" by the late Pope Paul VI on May 14, 1978. Here official documents regarding ecclesial and consecrated life are offered for guidance to religious communities but also for scholarly study and accurate commentary. Copies of the English *Vatican* text of this document are available at \$1.00 each from Sister Mary Elise, S.N.D. 13000 Auburn Road, Chardon, Ohio 44024.

● Leo Sweeney, S.J. reports that his theistic and Thomistic metaphysics book, *A Metaphysics of Authentic Existentialism*, formerly published by Prentice-Hall (1965), is now available in "Books on Demand," University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan 48106, Attention: Books Editorial Department (available in microfilm of xerography).

● The Fall 1978 issue of *Communio* has a creative article on "Sacramental Sexuality and the Ordination of Women" by Fr. Donald J. Keefe, S.J. Two good articles on sexuality follow — by Fr. Richard R. Roach and Dr. William E. May.

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## James V. Schall, S.J. on The Distinctiveness of Christianity.

“. . . We should indeed be concerned about the confusion caused by the ideas claiming to represent what the faith is ‘really’ about, only to discover, finally, that those presentations of the faith are actually about some position the Christian tradition long ago felt to be contrary to its truth. Whatever the development of dogma might mean, Christianity is not just anything. It cannot define itself into its opposite.”

“Frequently in recent years, however, freedom has gained a primacy over truth, particularly when cast in academic terms, such that freedom means the right to hold the opposite of what Christianity has believed and held. To be a Christian, however, means that there are some things that ought to be rejected. Chesterton was perfectly right in his instinct: ‘He who wills to reject nothing, wills the destruction of will; for will is not only the choice of something, but the rejection of almost everything.’ To be Christian and reject nothing is not to be a Christian.”

“The recent, widely publicized cases concerning Hans Kung, who always appeals to what he insists is the Christian truth, remind me in a way of modernism, that little loved aberration, for he is a theologian who apparently feels he is saving the Church from itself in the name of scholarship by not allowing himself to be condemned or not publicly identifying himself with those groups that profess substantially what he actually holds. All of this is connected with the effort to create a kind of ‘second’ orthodoxy defined by the academic theologians, the authority of whom is conceived to be independent of and superior to the actual episcopacy because of a kind of higher theological wisdom.”

“Is there still a place within the Church for those of us who still believe in the Nicene Creed as it has classically been understood? When I read Kung or a Schoonenberg or a Sobrino, the subjects of *Time’s* wonderments, I am not particularly disposed to argue with them. I do have a kind of curiosity about why they would even want to stay in the orthodox Church or convert it to their views. Just what purpose it serves them to maintain that certain essential truths of Christianity have been misinterpreted or wrong all along leaves me with some perplexity. In my more cynical moments, I am inclined to wonder if it is because they realize that if they admitted to all of us they did not agree with the faith as taught, they would lose their main claim to public attention. A professed Catholic who pronounces, say, a kind of Buddhism as the real ‘truth’ of Christianity surfaces

as an interesting oddity. One who holds the Nicene Creed is not, evidently. Yet, it is this latter who is the Christian.”

“Nevertheless, Ignatius of Loyola, who was primarily concerned with orthodoxy, asked us to presume the best in others. This good advice reduces me to holding that these men, insofar as they differ with the tenets of the faith, do not really grasp its uniqueness and integrity. “A man was meant to be doubtful about himself, but undoubting about the truth . . .’ These words, again of Chesterton, are clearly the right ones that ought also to govern the public discussion today. For the world wants to know if we Christians hold these newer doctrines or retain our connection to the classic creeds. Even Rudolf Augstein, Editor of German’s prestigious, *Time*-like *Der Spiegel*, complains that the Church does not teach what its theologians teach. And once we admit that we choose the newer views, I suspect, the world will quietly walk away in the sure comfort of knowing that Christianity really did not teach anything *radically* ‘new’, as it claimed historically. As a result, someone will again have to set out on the great project of Chesterton to try to rediscover sanity, only to find it is already there, in the Creed.”

“Jon Sobrino and the other Marxist-oriented theologians who shift, shade, and alter classic Christian dogmas and practices are bad theologians. They presume that they must at all costs accept Marxism, almost for the same kind of reasoning that other theologians think they must accept modern science. It is not difficult to do this in very learned-*looking* books, often under the auspices of prosperous Christian publishing houses. . . . Thus, the whole ‘liberation theology’ movement, in spite of its growing dominance, betrays intellectually little more than a one-sided effort to convert Christianity to Marxist categories. . . . So, again, are we still permitted to believe in the Creed? Undoubtedly it is very nice for Hans Kung to tell us he is orthodox, while refusing clearly to tell us who this Jesus is, or at least, insisting that his Jesus is the one ‘really’ revealed in Scripture. But let us suppose that Chalcedon is in truth ‘heretical’ or irrelevant in its Christology. Then, do those of us who continue to follow the early Council need to form our own Church, one adhering to the Creed as written and understood in Christian tradition? If this is what it takes to disassociate ourselves from Kung’s Christ, so be it.”

(From *New Oxford Review*, September 1978)

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## More on Fr. Fessio's Institute

[The Public storm raised over the St. Ignatius Institute at USF serves the purpose of bringing to attention once more arguments about the Catholicity of colleges and universities. Since Vatican II there has been a shift *away from* the kind of commitment Fr. Fessio's Institute makes. The following comments crystallize the core of the disagreements.]

● At the request of the President of USF, Michael Scriver surveyed the complaints against the St. Ignatius Institute. His report (sixteen pages long) contains judgments deriving from an evaluation made on purely secular educational norms.

1. "SII is at least substantially successful in providing a good sense of community in its students (a secular goal) and a strongly religious 'semi-environment' for students whose personal or parental predilections lie in that direction."
2. "While it is impossible to deny that there are certain dimensions in which SII can arouse legitimate *concern*, we did not unearth any sound basis for regarding these concerns as flags of fatal flaws."
3. SII also clearly represents one of the most potent generating centers for new funds in the whole USF complex.
4. [Since there is serious disagreement about doctrine at USF, the report reminds the reader:] "USF *loses* some students because of its perceived liberal theological position (just as surely as it gains others) and would lose more except for SII."
5. The report asks: "Is USF tied by charter to 'liberal' Catholicism? Is it obvious that the answer is negative in each case, and the position of the critics (of SII — on this point) is, as far as we could discover, far more narrow-minded than they project onto SII. An outsider might have wondered whether USF needed an enclave of 'conservative' theology until one saw that attacks on SII (over this point) which showed more clearly than catalogues that liberalism has become the new

orthodoxy and hence that a stronger foundation for presenting the alternative was indeed desirable."

6. "In the press coverage of SII this year, the most obvious fact was that the critics were vociferous and hostile, while Fr. Fessio was judicious and temperate. It is not quite persuasive for these critics to make it a major thrust of their criticism that Fr. Fessio is intolerant and intemperate."

● Fr. Paul Quay, S.J. of St. Louis University (*America* October 21, 1978 p.253), in chiding fellow Jesuits for their "public assault" on SII, takes the argument to the core: "Fr. Tetlow speaks of the 'native right' of the human mind to take positions on the basis of 'reasons it has found sound.' Just humanly speaking, this seems a sort of rationalism that has a rather low standing among philosophers today. But at a Catholic University, does not the knowledge of God's mysteries, given only to faith, hold preeminence over every form of merely rational discourse, remaining always inaccessible to the latter though never truly contradicting it. A theology that cannot draw assent except on the basis of reasons found sound by the human mind would be at best only a kind of philosophy of religion." (The negative *America* articles appeared, September 9th.)

● It is also worth noting that special Institutes have been created in various sections of the country — Middleburg, Cleveland, Philadelphia, Yonkers, to name a few — to provide instruction in authentic Catholic Doctrine. Gannon College in Erie, Pa. has a developed program. The Institute for Advanced Studies in Catholic Doctrine was specifically established in 1974 at St. John's University in New York to give graduate training in doctrine and Catechetics leading to a Master of Arts degree. All of these Institutes share with Fr. Fessio the common objective of zeroing in on the authentic teaching of the Church in both the research and teaching. Fr. Fessio's program is for undergraduates. The others vary in the extent of their graduate courses.



## Editorial

There are quite a few legalisms cropping up in some local parishes which should interest scholars. Why? Because recent studies in scripture and liturgy are credited with justifying new strictures on the faithful.

A "legalism" is really nothing more than a device, demand or rule which enforces or helps to enforce social policy or public law. The world is full of legalisms (birth certificates, passports, letters of credit), and so is the Church (permission to marry outside one's parish, proof of freedom of state, and so forth). Usually legalisms are the creatures of office holders who wish to make sure that law is enforced, that society's intentions are not frustrated by society's criminal element.

The contemporary Church under the egis of Pope and Bishops has shed many traditional legalisms (the administration of the sacrament of matrimony is a notable example) in favor of entirely new rules (prominently displayed, for example, in every Sunday liturgy).

However, newer demands still are being made of the faithful at local parish levels, which have not been legislated or which in going beyond the law represent someone's theory about the Church and its sacraments, rather than what the Church officially says about herself.

The most noticeable case of this kind was the enforced postponement in many dioceses of first confession for eight year olds, in spite of Rome. At the 1977 Synod of Bishops on Catechesis American representatives acknowledged this problem when they told the world body that "it is not enough to say that children have the right to go to confession if this right remains practically ignored." And in many American parishes it is still ignored.

Newer legalistic wrinkles are appearing in many parochial centers, such as the following:

- Parents are told they must have their baby baptized at the Sunday parish Mass on a prescribed Sunday. No private baptisms are permitted.
- Parents of confirmandi are required to make a weekend retreat under penalty that their child will not be confirmed.
- Penitents are unable to find absolution in a confessional box or private absolution at a general penitential service.

"Command performances" for faithful and unfaithful parishioners alike, regardless of age,

longevity of residence, educational or Catholic qualifications or their freedom as members of the Church are not any longer uncommon. The legitimate effort to reach the unchurched, or to impede the unworthy reception of sacraments by those who have no faith, or to develop catechetical responsibility among Catholic adults, also means in some places strictures on Religious practices for Catholics who enjoy rights in the Church, even though a given priest does not know them.

What these faithful Catholics also find distasteful is that in obeying the command to attend "orientation sessions", they are exposed to teaching which they know is untrue. Some priests in reaching out to the unchurched bluntly tell people that failure to attend Sunday Mass or using contraceptives no longer disqualifies them from the reception of Communion. Those in second or third marriages are also encouraged to follow their conscience. One priest, who refuses to permit children in his parochial school to be taught they *have* to go to Mass, refuses to marry young adults who do not go to Mass. All of this is scandal to those who know better.

The excuse for these new requirements is that they are said to represent Vatican II's call for developing the type of Catholic community which biblical and liturgical studies say the primitive Church typified. The problem arises, however, not with the community concept as such, but with the failure to remember that after the first century the Church no longer was a little flock of enthusiasts but an institutional community by itself, encompassing those who enjoyed Catholic rights even while refusing to join approved Catholic sub-communities. Another contemporary distortion of "community" is the belief that it can be created or enforced by strictures more demanding than what hierarchy lays down as necessary to Catholic identity.

Many strange things go on at the parish level in the name of scholarship. It is incumbent on scholars who would redirect the course of the future Church to be closely in touch with official Church documents and the normal life of the good parish, not merely with ancient files or hardship cases. Of special need is more balanced research on the meaning of the universal Catholic community — the institutional Church, if you will. The Catholic Church is more than the substance of tightly knit "little flocks." Strangely, in the Church of old legalisms, there were many dispensations, even *epikeia*, which made the necessary legalisms of the institution tolerable. Solid scholarship cannot properly be used to justify "little Caesars", who function outside general law.

## Items of Interest

● *Priestly Formation.* The Bishops' Committee on Priestly Formation is currently making preparation for its next edition of the *Program for Priestly Formation*. Each five years this document is revised. The *Program* has been immensely influential in shaping the path of seminaries in this decade. Members of the Fellowship especially concerned with the quality of priestly education and formation might restudy the current *Program*. Pope John Paul II has already made important statements on priestly formation. The Holy See published a notable document on theological study in seminaries a few years ago. Suggestions for improving the *Program* can be brought to the attention of Rev. Daniel Pakenham, executive secretary of the Committee, or to Most Reverend John A. Marshall, Bishop of Burlington, Vt. Scholarly articles documenting the importance of certain aspects of priestly formation are always useful.

● Fellowship theologian, Joseph J. Farraher, S.J., has assumed the role of question-answer man for the *Homiletic and Pastoral Review* (November 1978). He took up immediately two contemporary pastoral sore points – “Good Faith Solutions” in second marriage situations and test-tube babies. In each case he exemplifies Catholic clarity. Fr. Farraher may be reached at the Church of the Visitation, 655 Sunnydale Avenue, San Francisco, California 94134.

● The second Newsletter of the *Joint Committee of Catholic Learned Societies and Scholars* appeared in September 1978. The member societies of JCCLS are the American Historical Association, American Philosophical Association, Canon Law Society of America, Catholic Biblical Association, Catholic Theological Society of America, North American Academy of Liturgy. The Mariological Society of America has withdrawn its membership.

The JCCLS was established in April 1975 as a collaborating agency with the National Conference of Catholic Bishops. Bishop Daniel E. Pilarczyk of Cincinnati and Msgr. Richard K. Malone of the NCCB serve as liaison persons for the hierarchy. Some of the country's nationally known scholars are already at work for JCCLS: Edward Kilmartin, Ladislav Orsy, Walter Burghardt, Joseph Jensen, Berard Marthaler, Richard J. McCormick.

Fellowship members featured in this *Newsletter* include Eamon Carroll, Earl Weis and Frederick Jelly.

● The Angelicum (Rome) has just inaugurated (1978) a course entitled “Devotion to the Sacred Heart: Theology, History and Spirituality.” The course will be conducted by Professors P. Mulhern, J. Aumann, and G. Cavallini.

● The Fellowship, by reason of its publication of its *Newsletter*, has become a dues-paying member of the *Catholic Press Association*.

● The growth of the *Couple to Couple League* has created an opening for a person to handle a variety of matters that are lumped in the category of communications. It provides an excellent opportunity for someone who would like to further the cause of natural family planning and the associated values. The *Couple to Couple League* seeks a Communications Specialist. The *Salary Range* \$8,000 – \$11,000. Send resume and inquiries to: Peter K. Walsh, Associate Director, The Couple to Couple League, P.O. Box 11084, Cincinnati, Ohio 45211

● On September 27, Gannon College and the diocese of Erie, Pennsylvania were co-sponsors of a Symposium commemorating the memory of Pope Paul VI and the tenth anniversary of his encyclical, *Humanae Vitae*. The theme of the gathering was “The Joy of Transmitting Life.” More than five hundred persons attended. The coordinating committee of faculty and administrators included Dr. Joseph Scottino, president of Gannon College, Dr. Martin Larrey, Dean of Humanities, Fr. Stephen Minkiel, C.M., chairman of the philosophy department and Fr. Robert Levis, director of the Pontifical Institute of Catechetics at Gannon.

The three main speakers were the following: Mary Kay Williams, assistant director, Human Life and Natural Family Planning Foundation in Washington, William A. Lynch, M.D., president, National Federation of Catholic Physicians Guilds, Dr. William May, associate professor of moral theology Catholic University of America. Tapes of all talks are available from Select Religious Recordings, P.O. Box 45, Homewood, Illinois 60430.”

● William A. Lynch, M.D., received an Honorary Doctor of Science degree from St. John's University, New York, on November 6th.

● The Latin Liturgy Association is an organization devoted to the encouragement of the Latin Liturgy in the United States and Canada. Chairman of the group is James Hitchcock, vice-president of the Fellowship and professor of history at St. Louis University. Dues are five dollars per year regular and twenty-five dollars per year for patrons. For information write: Mr. Albert Garland, Secretary, 5 Forestwood Ct., Columbus, Ga. 31905.

● During the 1978-1979 year the Gregorian University will continue its courses in Sacred Heart theology begun in 1974 and repeated and developed in each succeeding year. "Alcuni grandi temi attuali della devozione al cuore di Cristo" will be conducted this year by Professors Jesus Solano and Gervais Dumeige, both of the Society of Jesus. Jesuits Edward Malatesta and Jean Galot have conducted courses in this program at the Gregorian in previous years.

Under the heading of what might be called "Recent Developments in Christology" might be placed renewed interest in the Sacred Heart, promoted by the International Institute of the Heart of Jesus, 7700 West Blue Mound Road, Milwaukee, Wisconsin 53213.

● Publisher Sought—

Father Michael O'Carroll, C.S.Sp., a professor at Blackrock College, Dublin, has compiled a theological dictionary, *Theotokos*, embodying the results of recent research on doctrine, devotion, Scripture, etc., related to the Blessed Virgin. In completed form it will run about 900 pages and will include over 500 articles. He is seeking a publisher. Address correspondence to: Rev. Michael O'Carroll, C.S.Sp. Blackrock College, Blackrock, Co. Dublin, Ireland.

● A document that has not received the attention and study due it is *The Catholic School* issued by the Sacred Congregation for Catholic Education, dated in Rome, March 19, 1977. The document deals with the character and mission of Catholic schooling, specifically developing the general themes contained in the Second Vatican Council's Declaration *Gravissimum Educationis*. Of particular note to educators is its pithy description of the task of a Catholic school — "a synthesis of culture and faith" (reached by "integrating all the different aspects of human knowledge through the subjects taught in the light of the Gospel") and a "synthesis of faith and life" (realized in the "growth of virtue characteristic of the Christian"). The implications of this document deserve serious study, comment and development by Catholic scholars and educators.

*A Canon Lawyer Says*

Fr. Walter Cuenin of Boston in a paper prepared for the October 9-12 convention in St. Louis of the Canon Law Society of America, developing an agenda for parish priests seeking properly to administer sacramental marriage to persons with "Living faith", proposed a four fold test of the couple's living faith: willingness to submit to catechesis, to share the faith with children, to participate in worship, and agreement on moral values. Fr. Cuenin stated this final requirement as follows: "Is there some basic agreement on the part of the couple with Christian values? For example, do they share any common ground with us and our desires for social justice, peace, racial equality, support of human life? These may be areas in which the young couple can discern some relationship to the Church. If there is no real relationship here, then again, a sacramental celebration would seem to be without meaning." (*Origins*, November 9, 1978)

● James A. Walsh — Thomas F. Price Fellowship  
A FELLOWSHIP FOR MISSION STUDY AND RESEARCH 1979-1980

Purpose and Eligibility —

This Fellowship honors Bishop James A. Walsh and Father Thomas F. Price, co-founders of the Catholic Foreign Mission Society of America (Maryknoll). The purpose of the Walsh-Price Fellowship is to provide scholars, teachers and researchers with time to pursue serious and productive research concerned with the Church's mission to the world. The work undertaken should aim essentially at advancing and contributing to contemporary mission understanding. The Center is particularly interested in promoting Gospel values as they affect the human family.

Applicants must have a Doctorate or its equivalent.

Pertinent Data —

Tenure: Three months to a full year.

Maximum stipend: \$20,000

Application deadline: February 1, 1979

Announcement of Awards: March 31, 1979

For additional information and application materials write:

Director, Center for Mission Studies, Maryknoll, New York 10545. Telephone: (914) 941-7590.

● Hans Kung lectured in New York City during October at the Fosdick Ecumenical Convocation on Preaching.

A local reporter for the *Brooklyn Tablet*, Betty Gray, (October 26) capsulated in more detail Kung's partial answer to his question "Why I am a Christian?" in the following quote:

" . . . I will never be prepared to call Christian the declaration that birth control is mortal sin, the denial of the divorced to the Holy Table, the denial or ordination of women, the enforcement of celibate clergy, the handing over of the election of bishops to a church council. I am in opposition with Church officials concerned only with themselves and their institutions . . .

"I am a Christian because I can thus be truly human . . ."

## From the Mailbag

- I am particularly interested in courses for priests, updating or renewal courses. The last time I was in Ireland on vacation (1976), my Society supported a course by paying the fees for some of our members — a course where eight of the ten names mentioned in the prospectus had been, to my direct knowledge, associated publicly as “dissenting” from *Humane Vitae* in varying degrees.

Rev. D. Hurley, Fiji Islands.

- “Etienne Gilson, whose recent death we mourn, should be the model that each of us takes of the true Catholic scholar. In devoting his life to Catholic

philosophical scholarship, he demonstrated the importance of both faith and reason, and the intimate connection between philosophy and theology. We remember him as a truly great scholar and a devoted Catholic who by his work brought himself and all those who read his works closer to Christ.

Gerald J. Berry,  
St. Francis Xavier University, Antigonish.

- “Families in one Eastern diocese who have objected to the religious education text used in their schools, after training their children from another text used in other dioceses, have discovered that the local Bishop will not confirm their children under those circumstances.”

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## Fellowship of Catholic Scholars

### Christmas Greeting

May the blessings common to the Christmas season enrich the work of the Fellowship during 1979 and inspire Fellowship members to creative work on behalf of the Church and to personal holiness.

### Proceedings of the 1978 Fellowship Convention

The *Proceedings* will be in print by Christmas. Fellowship members should be receiving their copy shortly thereafter.

The cost will be approximately \$5,000. Contributions will be gratefully received.

Foundation Member Rev. John B. Mulgrew, OP, Molloy College