

FELLOWSHIP OF CATHOLIC SCHOLARS QUARTERLY

33

NUMBERS 1 & 2
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THE BISHOPS' CORNER

New Health Care Reform Law Contributes to the March
Toward a Culture of Death Most Rev. Samuel J. Aquila, Bishop of Fargo

REPORT on Meeting between Bishops and Fellowship Officers
.....by Rev. Joseph W. Koterski

IN MEMORIAM: TRIBUTES TO RALPH MCINERNEY
.....Joseph Koterski, S. J., James V. Schall, S. J., Jude P. Dougherty,
William Saunders, Helen Hull Hitchcock, James Hitchcock

ARTICLES

Pope's Anglican Initiative neither "Poaching" nor "Sheep Stealing"
but a "Generous Response" Kenneth D. Whitehead
Mothers in the Line of Fire: Women in Combat is a Pro-Life
Subject for Moral Theology.....Andrew A. Sicree
Pope John Paul II's Theology of the Body, Anthropology,
Morality, and Holiness..... William E. May
Jacques Maritain and *Dignitatis Humanae*: Natural Law as
the Common Language of Religious Freedom.....Brian Jones
Avarice and the Health Care Crisis.....Eugene F. Diamond, M.D.
The Roman Primacy Msgr. Daniel Hamilton
What's Wrong With Socialism?D.Q. McInerney

BOOK REVIEWS

*The Future Church: How Ten Trends Are Revolutionizing
the Catholic Church* by John L. Allen, Jr..... Kenneth D. Whitehead
The Realm: An Unfashionable Essay on the Conversion of England
by Aidan Nichols, O.P..... Ryan Topping
The Italian Inquisition by Christopher F. Black..... Jude Dougherty
Thine Own Self: Individuality in Edith Stein's Later Writing
Sarah Borden Sharkey Jude Dougherty
Au coeur de la philosophie de saint Thomas d'Aquin
by Leo J. Elders, S.V.D. Traduction française
de Véronique PommeretAnne Barbeau Gardiner
Covenant and Communion: The Biblical Theology of Pope Benedict XVI
by Scott HahnDavid G. Bonagura, Jr
*Fit for Eternal Life: A Christian Approach to Working Out,
Eating Right, and Building the Virtues of Fitness in Your Soul*
by Kevin VostSr. Mary Jeremiah, OP

OpEd COLUMNS..... William Saunders

SCHEDULE for Future Issues of the Quarterly

NOTICES

EX CATHEDRA..... J. Brian Benestad

ANNUAL MEETING

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Fellowship of Catholic Scholars
P.O. Box 495
Notre Dame, IN 46556
(574) 631-5825
www.catholicsscholars.org
J. Brian Benestad, Editor
benestadj1@scranton.edu



Fellowship of Catholic Scholars

Scholarship Inspired by the Holy Spirit,
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CONTENTS

THE BISHOPS' CORNER.....	2
REPORT	4
IN MEMORIAM: TRIBUTES TO RALPH McINERNEY	4
ARTICLES	
Pope's Anglican Initiative	9
Mothers in the Line of Fire	15
Pope John Paul II's Theology of the Body, Anthropology, Morality, and Holiness	19
Jacques Maritain and <i>Dignitatis Humanae</i> :	28
Avarice and the Health Care Crisis	30
The Roman Primacy	32
What's Wrong With Socialism?	36
BOOK REVIEWS	
<i>The Future Church: How Ten Trends Are Revolutionizing the Catholic Church</i>	42
<i>The Realm: An Unfashionable Essay on the Conversion of England</i>	44
<i>The Italian Inquisition</i>	46
<i>Thine Own Self</i>	47
<i>Au coeur de la philosophie de saint Thomas d'Aquin</i>	47
<i>Covenant and Communion</i>	51
<i>Fit for Eternal Life</i>	52
OpEd COLUMNS.....	53
SCHEDULE for Future Issues of the Quarterly	58
NOTICES.....	58
EX CATHEDRA	59
ANNUAL CONVENTION	60

Reminder: Membership dues will be mailed out the first of the year and are based on a calendar (not academic) year.

THE BISHOPS' CORNER

New Health Care Reform Law Contributes to the March toward a Culture of Death

Statement Regarding the Patient Protection and Affordable Care Act

by Most Rev. Samuel J. Aquila, Bishop of Fargo
March 30, 2010

For decades, the Catholic Bishops of the United States have faithfully called for greater access to health care, especially for the poor and uninsured. However, the new law, the Patient Protection and Affordable Care Act, while seeking to expand this access, at the same time embraces language which allows for the violation of the sacredness of human life by the expansion of federal funding of abortion. Furthermore, there is no clear support for conscience protection in the law. These problems are not mere shortcomings or imperfections, but grave and serious matters. Thus, the votes on health care reform taken by both chambers of Congress and signed into law by the president have ignored the basic principles for a just society and contributed to the precipitous march of society towards a culture of death.

In the final analysis, even in light of attempted remedies through executive orders and follow-up fix-it bills, this new national health care law still allows federal funds from taxes to pay for elective abortions through community health centers and federal health plans.

The executive order, which some legislators used as reasoning for their "yes" votes on the legislation, falls short. The legal and policy advisors of the U.S. Catholic Bishops have noted that the executive order cannot and does not fix the statutes authorizing the funding of abortion, it cannot and does not make up for the absence of conscience protections that are missing from the statute, and it does not strengthen existing conscience

protections. Where the executive order purports to fix shortcomings in these areas, it is highly likely to be legally invalid; and where the order is highly likely to be legally valid, it does nothing to fix the shortcomings. I encourage you to visit the Diocese of Fargo Web site (www.fargodiocese.org) or the North Dakota Catholic Conference Web site (www.ndcatholic.org) to view the comprehensive legal analysis by the USCCB legal staff of the abortion funding provided in this law.

On March 23rd, Cardinal Francis George, the Archbishop of Chicago and President of the United States Conference of Catholic Bishops, wrote that, “We as Catholic bishops have opposed its passage because there is compelling evidence that it would expand the role of the federal government in funding and facilitating abortion and plans to cover abortion.” As Catholics, we cannot support something which helps some people while, at the same time, allows and funds, in part, the destruction of the most innocent among us, the unborn, and does not provide adequate conscience protection for those who are pro-life.

It is truly tragic that some groups who call themselves “Catholic” have come out in support of the Patient Protection and Affordable Care Act. The Catholic Health Association, Catholics United and some small groups of religious orders have supported the Act. In recent days, most sadly of all, these groups have received gratitude from pro-abortion forces. The influence of the groups was seen in a particular way in our state. Congressman Earl Pomeroy cited the encouragement of “Catholic nuns” in defending his vote for the legislation (The Forum, March 22, 2010, “Pomeroy: Legislation ‘a lifesaver’”).

These so called “Catholic” groups acted in direct contradiction to the bishops as guardians of the authoritative and definitive teaching of Jesus Christ and his Church on the sacredness of human life, which is so clearly expressed in Pope John Paul II’s encyclical, *Evangelium Vitae*. The actions of these groups have betrayed the common good, undermined the teaching authority of the Church, and have disregarded the courageous

witness by the bishops and the many millions of faithful Catholics to the gift and dignity of human life. We now face the reality of severe damage to the common good by the expansion of abortion throughout our land because of the counter-witness of these groups. By undermining the legitimate authority of the Bishops, these groups, together with some of our Catholic legislators and laity, have weakened the bonds of communion within the Church and diluted her witness to justice for all, from the moment of conception until natural death.

The unfortunate reality for the past several years is that some Catholics on both sides of the aisle are more faithful to their political parties and ideological beliefs than to the teachings of Jesus Christ and his Church. Rather than being a leaven in their respective party and in society for the good, they pave the way for secularism and a culture of death by ignoring the primacy of the truths of our Catholic faith

The Catholic Bishops of the United States of America have continually and faithfully called for greater access to health care. This is a noble goal which must be pursued; however, the defects of this new law are just too great to overlook. In the face of this new law, we must remain steadfast in our witness to the human dignity of the most vulnerable and innocent—the unborn child. We must remain steadfast in our witness to conscience protection for those doctors, health care workers, Catholic institutions and the faithful laity who hold with science, reason and faith that human life begins at the moment of conception and always is to be protected.

I close with the words of Cardinal Francis George, “As bishops of the Catholic Church, we speak in the name of the Church and for the Catholic faith itself. The Catholic faith is not a partisan agenda, and we take this opportunity to recommit ourselves to working for health care which truly and fully safeguards the life, dignity, conscience and health of all, from the child in the womb to those in their last days on earth.” ✠



Meeting between Bishops and Fellowship Officers

by Rev. Joseph W. Koterski, S.J.

A number of the Officers of the Fellowship met again this spring with the U.S.C.C.B. Doctrine Committee, including Archbishop Donald Wuerl, Archbishop Daniel Buchlein, Bishop Arthur Serratelli, Sr. Sarah Butler, and Fr. Thomas Weinandy.

Among the topics discussed in the course of the dinner meeting were the following: the theology of the Church as *communio* and the loyalty that Catholics (individually and as groups of various kinds) owe to the Church; the need for better adult catechesis, faith formation, and apologetics; and questions of episcopal authority, in general and specifically in light of the recent health care debate.

Since a significant part of the Fellowship's purpose is to provide scholarly support for the Church's mission

to teach, govern and sanctify, we would like to encourage members of the Fellowship to write articles on the aforementioned topics and on others that emerge in the current debates. The founders of the Fellowship looked forward to the day when its scholars could receive a respectful hearing for their thoughts, and so we are delighted with this new possibility. Let the opportunity inspire us all to keep publishing the requisite scholarship in our *Quarterly* and elsewhere for the good of the Church. By thinking with the Church and engaging contemporary thought in the mode of Pope Benedict XVI, we can provide a valuable service for bishops, priests and the lay faithful.

Toward the end of this issue you will find a tentative schedule of topics to be addressed over the next few years. It is tentative because the success of the plan for the *Quarterly* depends on your contributions. ✠

IN MEMORIAM

Tributes to Ralph McInerny

by Joseph W. Koterski, S.J.

President, Fellowship of Catholic Scholars

Ralph M. McInerny was one of the great Thomistic philosophers of our life time. He served the Fellowship of Catholic Scholars not only as one of our heroic presidents but also as long-time editor of our *Quarterly*. His writing always manifested good sense, quick wit, and great charity.

In his own scholarly work Professor McInerny has been exceeded by no one in making the thought of not only Thomas Aquinas but also such modern neo-Thomists as Jacques Maritain and Yves Simon well known and attractive today. The author of more than 150 articles, some twenty books in philosophy, and over fifty novels (some of which have been filmed for television), he has inspired countless people by his popular lectures as well as by his long years of teaching at the University of Notre Dame. After the death of Prof. Joseph Evans, McInerny was for long years the Direc-

tor of the Jacques Maritain Center at Notre Dame and he has overseen the publication of Maritain's Collected Works.

Philosophically, McInerny was a Thomistic scholar in the tradition of Charles DeKoninck of Laval University in Quebec. He has emphasized the Aristotelian dimensions of the synthesis achieved by Thomas Aquinas, with stress on the importance of Aristotelian logic and physics for the understanding of Thomistic metaphysics. Convinced of the philosophical distinctiveness of Aquinas in drawing attention to the analogical nature of the term "being," McInerny explored crucial works by Aquinas such as his commentary on the *De Trinitate* of Boethius. Among his earliest books were *The Logic of Analogy* (1961) and *Studies in Analogy* (1968). Later works such as his pair of 1982 volumes, *St. Thomas Aquinas* and *Ethica Thomistica*, not to mention his delightful *First Glance at Thomas Aquinas: Handbook for Peeping Thomists* (1989) have been extremely reliable guides for those seeking an introduction to the thought of Aquinas.

More recently McInerny has also penned a number

of insightful studies on Aquinas of a highly technical nature. Like his 1986 *Being and Predication*, his 1990 *Boethius and Aquinas* advances further arguments for the approach to Aquinas that he has been proposing since his early studies on analogy. His volume *Aquinas on Human Action* (1992) both contributes to the contemporary debates on action theory and develops in a more technical vein the approach to Thomistic ethics McNerny laid out in *Ethica Thomistica*. His 1993 *Aquinas Against the Averroists* explores the quarrel between Thomas Aquinas and figures like Siger of Brabant over the proper interpretation of the Aristotelian doctrine of the agent intellect. The issue is crucial for the explanation of how human beings are able to know what they know, and McNerny's discussion bears not just on the historical controversy but on lively issues in the philosophy of mind today. In 2006 he published *Praeambula fidei*, a monograph on natural theology that evokes in its title one of the foundational ideas of Thomism, namely, the notion that some of the truths about God can be demonstrated by natural reason in a way that promotes the credibility of so many other truths about God that need to be handed down by the tradition of faith and revelation. In the course of this book one finds a superb discussion of many of the great controversies within Thomism since *Aeterni patris*.

We will miss Ralph McNerny dearly. Our only comfort is our confidence that he joins with so many others who have been called to God in the past year, there to intercede with him for the battles that lie ahead of the Church Militant here on earth. ✠



by James V. Schall, S.J.
Georgetown University

Ralph McNerny died in South Bend on January 29. Several of his children were with him. Many friends knew he was dying. He was the best of men. He lived with a light heart and a careful eye.

McNerny introduced many of us to Aquinas. Not that we had not read him before, but that McNerny gave us the greater view. I still recall the sudden realization that I had, on reading something in McNerny, of how philosophy and revelation are related. There were things in revelation that could also be known by reason, a fact that suggested that the sources of reason and revelation knew each other.

One wonders if Notre Dame can be Notre Dame without McNerny. He taught so many students there. Indeed, McNerny saw the world and the church through the lens of Notre Dame, but the place seemed to be drifting. He always thought the idea of a “research” institution was rather silly. Why would one want to know the little things without first having the big picture?

If he could help it, McNerny never missed a football game. If he was at a conference in some distant city on Saturday during the Fall, he would never be there during the hours of the game. The recent years, with their losses and second-ratedness, were agonizing for the true fan he was.

McNerny was behind so many good things. Almost single-handedly he enabled Catholic intellectual things to be both intellectual and Catholic. He was behind the old *Crisis*, the Fellowship of Catholic Scholars, and the Maritain Center and its many works at Notre Dame. If an institution was not doing what it should, he founded something that did.

McNerny was a happy, witty man. He had a lovely wife who preceded him to Paradise. He had children and grandchildren. He was always a pillar of sanity for us all. His autobiography, *I Alone Am Left to Tell You*, is most amusing, but its very title reveals turns in the society, in the university, and yes in the Church that never should have been taken.

McNerny gave the famous Gifford Lectures in Scotland several years ago. This is an honor of high rank which he deserved for his philosophical work.

We have the impression that when God called him, he was ready. He had lived a full life and knew it. What, we might wonder, is his legacy to us? It is that of intellectual courage, I think. He was not fooled by the temptation of prestige, of placing the criteria of the world over that of truth. Because of him, I think, many of us were able to rely on his voice and his courage.

McNerny was born in Minneapolis, of which he had many fond memories. He tried the seminary. He gave it a good shot, but it was not for him. But once he settled into Notre Dame, he found his place. And yet, this “place” was not always identical with the place where a man of letters and insight needed to be. The pursuit of truth can be a lonely task even in the midst of glittering things.

His death assures us that a living voice and a wisdom we relied on is not there except in memory. Yet, we can read him as long as we wish. He lives on in his words and yes in his children and students.

McInerny was a happy man in a happy marriage. He did not need to count his blessings. They were simply there before him. McInerny pursued the truth all his life. He was a true professor who knew his priorities. He was a generous man who gave to us all most precious gifts: a love of truth, an appreciation of wit, and a delight in our search for *what is*. ✠

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The Seven Cardinal Virtues of Ralph McInerny

by Jude P. Dougherty

The Catholic University of America

When I agreed to say something about what's-his-name, I didn't expect an audience of this magnitude. I expected to be with the family and a few friends. I should have known better. Ralph did not have a *few* friends. I have known Ralph McInerny all my academic career, so I know whereof I speak.

Ralph McInerny was a good man. On that we agree, and yet I like to think of him under another aspect of his character, namely, one of Plato's cardinal virtues, the virtue of justice. We know that piety is a species of justice, the payment of a debt where debt is due. Ralph McInerny was pious, pious toward the source of his being, toward his ancestry, and especially toward his deceased parents. Allow me to illustrate. The first time I came to St. Paul at his invitation, he met me at the airport and we immediately went to the grave site of his parents and his two year old son. We then toured his old neighborhoods, passed the homes he lived in, the school he attended, and then to the far side of town where his piety led him to consider the priesthood, the beautiful seminary where he studied briefly.

A second virtue to which I call attention is his patriotism. He loved the Ireland of his ancestry, and he loved the land to which his family had migrated, his own country. His becoming a marine is only one way he exemplified that love. And we know that once a marine, always a marine.

The virtue of philosophy he exemplified to the fullest. He loved Plato, Aristotle, the Stoics, Aquinas, and above all Dante. Why he even had a good word for Scotus. He read with appreciation and commented on their modern representatives, Chesterton, Belloc, T.S. Eliot, Christopher Dawson, and Dorothy Sayers.

His virtue as a professor was well established. As a teacher he used every means at his disposal to perpetuate the tradition that nourished him, the classroom to be sure, his professional studies, the lecture hall, his novels and what Graham Greene called, "entertainments." With Michael Novak he founded *Crisis*, he subsequently created *Dossier* and became the editor of *The Fellowship of Catholic Scholars Quarterly*.

Entertaining was a virtue unto itself. My son, Paul, who accompanied me here, has known "Ralphy," as he was called in my family, all his life and was entertained by smoke rings and other things as a child, long before he could appreciate the Father Dowling mystery series and other entertainments.

A sixth virtue that characterized his demeanor was his humility. Ralph McInerny was one of the most learned men I have known, but he never flaunted that learning, indulged in petty criticism or nit-picking the work of others. Why, he even accepted me as a peer.

And finally, he was kind. He would hold the step ladder for Connie whenever she decided to wallpaper, and he even bought her a ride-on mower to make her job of cutting the grass easier.

But I must tell you, he did have his flaws. Sometimes I thought he lacked an aesthetic sense. There we were, off St. Mark's Square, watching the sun set over the west bank of the Canale della Giudecca, buildings slotted against a spectacular sky, and all he wanted to do was to drag me back to that dusty bookstore where he had previously spotted a coveted volume. The sun set without us, and in the bookstore we were punished. We did not have between us the equivalent of seven hundred dollars to buy the book. A personal check? Forget it. Plastic? The dealer was not into that. The book, if memory serves me, was an autographed Cajetan commentary on Aquinas. In the year of his death, or certainly in the year before, Ralph was still lamenting the loss of the volume.

We never encountered a bookstore we did not enter. Ralph had another habit, I can't say a fault, of succumbing to some glossy window display where we stopped to buy a trinket for Connie, as if he had something to atone for. Having traveled on four continents with him, I can assure you, he had nothing to atone for. If he didn't have St. Thomas on his mind, he had Connie on his mind. ✠



The Great Man Departed

William L. Saunders, Jr.

Senior Vice-President and Senior Counsel
at Americans United for Life

One of the great privileges of my life is to serve on the board of the Fellowship of Catholic Scholars. FCS is, of course, an organization based upon fealty to the teaching Magisterium of the Church, whose members believe faith and reason, far from contradicting one another, actually are mutually enriching. The Fellowship is built chiefly upon Christ and his Church, but it has purely human pillars too, the men and women who founded it and who have often served as its president or upon its board. One of those, one whom I hope no one would hesitate to call “a great man,” was Ralph McInerny.

I met him through serving on the board with him, and our friendship grew over the years. Has there ever been a better combination of wit and grit than Ralph? Ever charming, ever smiling, never retreating. Never wishing ill will to the opponents of the Faith, but never giving them an inch either. This is, in my judgment, the right combination of traits for a Catholic intellectual, one, I think, to which all members of the Fellowship aspire.

One of my fondest memories of Ralph centers around one of those FCS board meetings. We were discussing possible topics for a future convention, and found we had two on the table. Though I don't recall the specifics, one topic was less “confrontational” than the other; one was mild, one had more bite. As we discussed which to choose, Ralph, with the characteristic twinkle in his eye and smile on his lips, urged us to choose the latter. “After all,” he said, “I am ready for one more good fight.”

This may be odd (but one hopes not scandalous) coming from a member of the FCS, but I became more familiar with Ralph's popular writings, than with his scholarly output. I have become an aficionado of mysteries over the past 15 years, a taste I seem to share with great numbers of Americans.

I, of course, eventually came upon Ralph's Father Dowling series, and liked it a great deal. Once after a lecture, I asked Ralph if he thought his books particularly Catholic; he didn't. However, I found them to contain a very Catholic sensibility—one attuned to the right (solving the crime), but not so much focused on the judgment. There's no shirking from the judgment,

but the priest is concerned with the salvation of the man's soul. (Much as was Father Brown.) All of which is explored within a very strong sense of community, another very Catholic element.

Anyway, I liked his mysteries and spoke with him about them. I was surprised (and quite pleased) when he told me he was working on not one but *four* mystery series! It has been a pleasure to discover them (as I hope you will if you are aware only of Father Dowling). Here's a secret: when I asked him which he thought was “the best” (a foolish question, I admit), he tapped *The Noonday Devil*, featuring not Father Dowling but the brotherly duo of Phil and Roger Knight. These brothers were later re-situated to Notre Dame itself, where they continued to solve mysteries.

Perhaps the greatest mystery at Notre Dame is, of course, how it slipped from orthodoxy, giving up its distinctive Catholic identity for the blandishments of Obama. It is a mystery that Ralph never solved, though he tried hard to do so...Or maybe he did. Maybe the mystery is that evil will triumph, as Burke said, when good men do nothing. The Fellowship was formed to fight the good fight against it, and Ralph was at the center of it.

Now the Great Man is departed. But he is not forgotten. He lives on not only in the Fellowship, but in the printed page. As long as Father Dowling and the Knight brothers and the others are there, in new editions and second hand book stores, to bring their Catholic sensibilities and their orthodox convictions to those millions of Americans who love a good mystery, Ralph is continuing to fight the good fight.

I'm going to begin re-reading my copy, the one Ralph gave me, of *The Noonday Devil* tonight. ❖



by Helen Hull Hitchcock

Founding director of *Women for Faith & Family* and editor of its quarterly journal, *Voices*. She is also editor of the *Adoremus Bulletin*.

On a superb spring day in Washington DC, as I was walking along Constitution Avenue with several thousand others, Ralph McInerny suddenly appeared at my side. It was April 18, 2008. We were on our way to the White House Lawn where Pope Benedict was to appear with President George Bush and other dignitaries. We fell into step and into an animated conversation that lasted

through the long wait—behind bunting-draped barricades—for the ceremonies to begin. We snapped each other’s pictures, smiling amidst the crowd. Neither of us had any idea, as we parted so cheerfully on that eventful day, that it would be our last meeting.

A couple of days later, I e-mailed him the photos we’d taken, and got this reply (all lowercase, as always):

helen
brn that photo of me...i attach my schall
lecture given at georgetown, thinking
you and jim might like it...once schall,
jim and i were gathered by your former
archbishop [May] under the rubric nutcases
ralph

To which I responded:

Ralph, I intend to keep that silly photo
of you with your blue eyes shut - for
possible blackmail purposes.
I managed to more or less translate your
article on Schall from your antique word-
processing program into Word - albeit with
some of the words unprocessable. It was
very enjoyable - even with missing words.
I much liked the play on “schall”.
Our present archbishop [Burke] does not
think you and Schall and Jim are nutcases.
One can see that some things improve, if
one lives long enough!
Yrs,
Helen

In the days following Ralph’s death it was consoling to his friends to read the many reminiscences that appeared on web sites and blogs. We have nearly exhausted all superlatives in trying to describe the man and his many works. He entertained us with his wit, in person and in his novels. He enlightened us with his scholarly writings and related activities (e.g., the Fellowship of Catholic Scholars, his “Basics of Catholicism” summer institutes at Notre Dame, his International Catholic University). He charmed us with his unfailing graciousness, He edified us with his example of diligence and steadfast commitment to truth — to Christ and His Church. Truly, he was a gentleman and a scholar. His works will long praise him in the gates. ☩



by James Hitchcock
Professor of History, Saint Louis University

For reasons I cannot recall (perhaps he was merely too busy), Ralph McInerny was not one of the founders of the Fellowship of Catholic Scholars.

I first met him at Catholic University of America during the papal visit to the United States in 1979. As the assembled scholars were removing their robes after the address, someone remarked, not unkindly, that the speech had been a disappointment. “Nothing the pope does disappoints me” were the first words I ever heard Ralph McInerny utter.

Not being a philosopher, I was not well acquainted with Ralph’s scholarly works and, like everyone else, I was amazed when I learned of the sheer volume of his activity—the almost literally countless number of books and articles of all kinds, his activity on various Vatican commissions, the Catholic Distance University he started and kept going, and his various summer institutes. When I asked the inevitable question how he could do so much, he replied that he always carried a laptop and simply took advantage of a free half hour here and there.

Ralph dedicated one of his detective novels to my wife and me, and in another book a character claimed that before he was elected pope Cardinal Wojtyla had traveled semi-incognito in the United States, “staying with people like the Hitchcocks.” (When asked if this was true, I always replied, “I’m not allowed to talk about it.”) I made a cameo appearance in another of his novels, setting Garry Wills straight (herculean task indeed!) while chatting at a wake. Finally I told Ralph I had a standard fee for appearing in a novel.

If it is a cliché to say, when someone dies, that it marks the passing of an era, in Ralph’s case it is poignantly true. Nine years younger than Ralph, I am now one of the more senior members of the Fellowship. But I began teaching at the very end of the Second Vatican Council, when the crisis of Catholic higher education (indeed of all higher education) had already begun.

Ralph, however, started at Notre Dame a decade earlier, and he personally experienced the whole transition (if that is the word). Although he accepted life with a serene joyfulness, that experience was a bitter and melancholy one for a man who had a deep devotion to Notre Dame.

Many of us in Catholic higher education can look back at certain crossroads where we think (perhaps delusively) that it might have been possible to deflect

the seemingly inevitable drift towards secularization. Ralph told me that he had once been put in charge of the search for a new chairman of the theology department at Notre Dame and, seeing a golden opportunity, worked hard to find suitable candidates, only to have a senior administrator tell him, almost casually, "Oh, don't worry, Ralph. We've found the man we want."

As far as I could tell, Ralph's love of Notre Dame was almost total, and there is indeed a certain, sad appropriateness that he should pass from the scene just

after what would have been his last commencement ceremony, one that, for reasons all the world knows, he refused to attend.

It is merely the latest in a long series of ironies in Catholic higher education that, whereas institutions like Notre Dame transformed themselves under the mantra of "excellence," when Ralph's end came it could not be acknowledged, unequivocally, that he was precisely one of the most distinguished embodiments of that excellence. ✠



ARTICLES

Pope's Anglican Initiative Neither "Poaching" nor "Sheep Stealing" but a "Generous Response"

by Kenneth D. Whitehead

I.

The announcement on October 29, 2009, that Pope Benedict XVI had approved a special structure within the Catholic Church to allow Anglicans seeking full communion with the Church to enter while preserving aspects of their Anglican spiritual and liturgical heritage provoked a perhaps surprising number of negative reactions, many of which were also remarkably ill-informed and even tendentious. Although the pope's action represented a long awaited—and only too typically rather long delayed—Roman response to requests from Anglicans in various parts of the world wishing to achieve full communion with the Catholic Church without abandoning

distinctive and beloved Anglican practices, typical press reports on the papal action too often resembled the *Washington Post's* "gotcha" headline, "Vatican Fishing for Disgruntled Anglicans."

A *Wall Street Journal* headline similarly spoke of the "Pope's Wooing of Anglicans," while a *New York Times* story was headed, "Why the Vatican Wants Anglicans." Another *Times* story characterized the papal initiative as the "luring" of Anglican "conservatives" and "capitalizing" on their situation. A *Boston Globe* story characterized the whole affair as "a pre-emptive exploitation of Anglican distress." The pejorative terms "proselytizing," "poaching," and even "sheep stealing" appeared in a number of stories, and these terms sometimes even figured among the milder characterizations of the pope's action. A BBC website trumpeted, "Rome Goes Fishing in Anglican Pond," while Anglican Bishop Butler of

Southwark thought that the whole affair had cleverly managed to place “the cat among the pigeons.”

A *Los Angeles Times* editorial opined that “Church leaders, including popes, have changed their thinking over the years about everything from usury to the culpability of the Jews for the Crucifixion,” and concluded from this that “you don’t have to be Catholic (or Anglican) to realize that society as a whole would be better off if the Church’s views of women and gays underwent a similar evolution.” Thus did the papal initiative provide both the pretext and the occasion for airing anew various current resentments against the Catholic Church.

Dissident Swiss theologian Father Hans Küng, for example, formally declared back in 1979 by the (pre-Ratzinger) Congregation for the Doctrine of the Faith to be no longer a Catholic theologian, voiced the fairly common opinion that Rome was “fishing” for the most “conservative” Christians. “Benedict XVI wants to flesh out the thinning ranks of Roman Catholics with like-minded Anglicans,” Father Küng wrote in the Italian daily *La Repubblica*. (However, the president of the Pontifical Council for Promoting Christian Unity, Cardinal Walter Kasper, specifically denied that the Catholic Church was “fishing in the Anglican lake.”)

It turned out that behind many of these critical comments lurked a very pronounced *parti pris* in the current on-going culture wars: some of the critics were objecting as much to the Catholic Church’s positions on such issues as clerical celibacy, female ordination, or same-sex “marriage” as they were to the pope’s Anglican initiative. This was made quite explicit by the Episcopal bishop of Long Island, Lawrence C. Provenzano, who was quoted in the *New York Times* as frankly stating that “at the heart of all this is the reality that the Roman Catholic Church is willing to welcome angry, reactionary, misogynistic, homophobic people.” Besides registering a rather uncharitable judgment on some of his fellow Episcopalians, the Long Island bishop was surely also articulating a common contemporary viewpoint, namely, that Christians today ought to be non-committal and non-judgmental, liberal and pro-feminist, and, especially, tolerant of what is euphemistically called “diversity” today, regardless of the moral code that all branches of Christianity until very recently affirmed and enjoined upon their faithful—until some contemporary Christians found it possible to lay that traditional moral code aside.

Given such biased judgments—and, especially, in view of some of the exaggerated and even fevered

reporting of them—it was not always easy to discern exactly what it was that the pope was doing. According to the announcement made at an October 29 press conference by Cardinal William J. Levada, prefect of the Congregation for the Doctrine of the Faith, the pope was “responding to the many requests that have been submitted to the Holy See from Anglican clergy and faithful in different parts of the world who wish to enter into full communion.” That’s “many requests,” from “different parts of the world.”

And, later on, in November, when the Apostolic Constitution *Anglicanorum Coetibus* authorizing the action was finally issued, it was noted in its text that in recent years “the Holy Spirit has moved groups of Anglicans to petition *repeatedly* and *insistently* to be received into full Catholic communion individually as well as corporately” (emphasis added).

It had become increasingly clear in recent years, in fact, that the disputes, disaffections, and even splits within the Anglican communion over issues such as the ordination of women as priests and later as bishops, the ordination of an American Episcopalian bishop living openly in a homosexual relationship, and the approval of “blessings” for homosexual unions in Canada were in no way diminishing but rather were intensifying and spreading. Numerous congregations and even dioceses were breaking with the larger communion. Some of them were affiliating with Anglican bishops in Africa. Others were forming groups and blocs, “continuing Anglican Churches,” in opposition to the current Anglican and American Episcopalian ecclesiastical “establishments.” Such groups “in transition” included the British Forward in Faith (FIF) and the Australian Traditional Anglican Communion (TAC).

This writer can claim no special knowledge of all this fissiparous activity beyond what can be gathered from scattered press reports and conversations with Episcopalian friends disenchanted with the way their faith was being treated, but apparently this splintering has been widespread and has been going on for some time.

Probably inevitably, some of the groups splitting off had long been pressing Rome for some kind of acceptable accommodation of their wish to affiliate with a communion maintaining the apostolic tradition. As they saw things, the Anglican communion was allowing to go by the board elements of faith stemming from both Scripture and ecclesiastical tradition, and their wish was to be in communion with a Church willing and able to uphold these elements. The papacy had come to be

seen by them no longer as the abuser but the upholder of legitimate Church teaching and authority.

It should be emphasized that allowing breakaway groups from other Christian communions to enter the Church in a corporate manner was not part of the original Catholic plan for ecumenism that emerged from Vatican Council II. At and after the Council, the new ecumenism that was launched envisaged possible corporate reunion *tout court* with non-Catholic communions separated from the Catholic Church, not just with breakaway elements from them. In this perspective, Vatican II's Decree on Ecumenism, *Unitatis Redintegratio*, even specially mentioned that "the Anglican communion occupies a special place" (UR 13) among those communions with which reunion was believed to be possible. This may not have been very realistic, viewed in retrospect, but careful students of the period will verify that it was a sincere hope in those euphoric times.

Some writers on the era of the Council have even pointed out how Pope Paul VI personally nourished hopes for reunion between the Anglican communion and the Catholic Church. He was accordingly all the more disillusioned by the approval of female ordination in the Anglican communion in 1976—and so he promptly issued one of his typical Montini-style "anguished" warnings about the new obstacle to reunion that had been created.

In spite of this—and in spite of the later approval in some Anglican provinces of female episcopal ordination as well—fruitful and significant ecumenical dialogue has been carried on between Anglicans and Catholics throughout all this same period, especially that under the auspices of the Anglican-Roman Catholic International Commission of Theologians (ARCIC-I and ARCIC-II), and has continued virtually up to the present day, with an agreed statement on Mary issued as recently as May, 2005. Similarly, the popes and the archbishops of Canterbury have from the time of the Council on continued to hold a series of cordial joint meetings, again up to the present day. Dialogue and good will have never been lacking. However, when Archbishop of Canterbury Rowan Williams visited Pope Benedict XVI in Rome in November, 2006, both prelates expressly recognized by then in a joint statement that—although the female ordination issue as well as the homosexuality issue were not expressly mentioned—nevertheless various factors had come to present "serious obstacles to our ecumenical progress."

Undoubtedly the frank recognition of this was

one of the factors that helped Rome to decide that the time had come to respond to the petitions and requests coming from various Anglican sources for a way to enter into communion with the Catholic Church without abandoning cherished ecclesial and liturgical traditions and practices. According to the now retired Catholic archbishop of Westminster, Cardinal Cormac Murphy-O'Connor, a similar invitation to allow Anglicans and Anglican groups to enter the Catholic Church was considered and discussed in the early 1990s, but was set aside at that time. For one thing, as the cardinal noted in a speech at Worth Abbey on October 29 last year, the discussions in 1993 and 1994 were focused on the Church of England alone, not on the entire Anglican communion; and, at that time, the cardinal and his associates, in agreement with Pope John Paul II and Cardinal Joseph Ratzinger, did not think the time was yet ripe. The Church might have been seen, he remarked, "as if wanting to put out the net as far as one could." As we have now seen, this certainly turned out to be the reaction in certain quarters today!

In his Worth Abbey speech, however, Cardinal Murphy-O'Connor remarked, and was so quoted in the *Daily Telegraph*, that "matters have moved on since then." He described the current Anglican initiative of Pope Benedict XVI as "a generous response to people who have been knocking at the door for a long time."

II.

So what is it, then, that Pope Benedict XVI has decided—if it is *not* just a bid to draw disaffected Anglicans into the Roman orbit? The Apostolic Constitution *Anglicanorum Coetibus* providing for personal ordinariates for Anglicans entering into full communion with the Catholic Church was issued by the Congregation for the Doctrine of the Faith (CDF) on November 4, 2009. It allows for entry into the Catholic Church not just of individual converts but of organized bodies of Anglicans—in traditional Catholic parlance, of entire parishes, dioceses, pious societies, religious orders, etc.—which may now be admitted into the Church in what the document terms "a corporate manner."

It accomplishes this by authorizing the CDF to erect what the document calls "personal ordinariates" within the territorial boundaries of existing national conferences of Catholic bishops (and always in strict consultation with these same bishops' conferences). These ordinariates will constitute the formal structures

into which the Anglican ecclesial bodies will enter. The new ordinariate structure will thus not be the same as, for example, the personal prelature of Opus Dei, since the latter cannot receive and incorporate organized bodies of the faithful such as Anglican Institutes of Consecrated Life or Societies of Apostolic Life. It has been noted, rather, that this structure resembles the military ordinariate, where bishops and pastors have non-territorial authority and responsibility for the religious practice of Catholic members of the armed services. How many ordinariates will be set up, and where, will depend upon the Anglican groups that elect to come into the Church.

Each ordinariate is to be headed by an “ordinary,” to whom will be entrusted the pastoral care of the faithful. This ordinary is to be appointed by the Roman pontiff; he will be directly subject to the CDF; and he will exercise his authority in the name of the Roman pontiff, but always—so the document specifies—“jointly with that of the local diocesan bishop.” In a number of places, the apostolic constitution makes a point of emphasizing the necessity of close cooperation between the new ordinariates and the existing Catholic Church structures of dioceses and parishes, especially between the clergy of each.

A set of Complimentary Norms published along with *Anglicanorum Coetibus* provides that each ordinary will become a member of the local episcopal conference and will abide by its directives where applicable. Though various provisions imply that the ordinary will normally be a bishop, it is clearly stated that he may be either a bishop or a priest. Former Anglican bishops will be eligible to be ordinaries. Like bishops, ordinaries—presumably whether actually bishops or not—will be obliged every five years to make an *ad limina* visit to Rome to report on the status of the ordinariate. In governing the ordinariate, the ordinary will be obliged to work closely not only with the local Catholic diocese, but also with a special ordinariate governing council of clergy which must be set up, and which will have more than merely advisory responsibility, as spelled out in several provisions in the document—for example, the governing council must consent to the admission of candidates for the sacrament of Holy Orders.

These are the bare bones, then, of the structures being set up to receive Anglican groups desiring full communion with the Catholic Church. Except for the special provisions set forth here for admitting them, the new Catholics involved, like all Catholics, will be governed by the existing Code of Canon Law and other

rules and regulations of the Church. No new category or type of “Catholic” is being established by this Anglican initiative; the new structures simply represent a very practical way of allowing the entry into the Church of those Anglicans who today desire to make this move under the conditions that have now been concretely laid out.

Both the Apostolic Constitution and the Complementary Norms spell out a few other special requirements, but what is probably of greatest interest today are the questions of the status as Catholics of those Anglicans who decide to come into the Church through this papal initiative, and, especially, the whole question of clerical celibacy.

In addressing these questions, it is important for us to take note, first of all, of the fact that the pope’s Anglican initiative quite clearly envisages that, while total adherence to the full teaching and discipline of the Catholic Church is required, continued Anglican-type liturgy and other practices will be the norm for these new ordinariates to the extent possible. On the evidence, Rome has tried hard not only to establish a structure that will allow former Anglicans to worship according to their accustomed modes; it will also provide for the continuation of those same traditional modes, at least to some extent, although the document is less clear about this.

Still, the Catholic Church has always been large enough to provide for a variety of modes of worship. This has traditionally been the case, for example, with the Eastern Catholic Churches with their various practices. It should nevertheless be kept clearly in mind, however, that the pope’s intention in this Anglican initiative is decidedly *not* to establish a new “rite”—or what used to be styled a “uniate”—type “Church.” The Anglican entities concerned possess no traditional liturgy or sacramental practice going back to apostolic times, as do some of the Eastern Catholic Churches. The intention here is to accommodate people entering the Western Church along with some of their—very Western—usages.

At the same time, though, Rome has consciously placed limits on the range of the new ordinariates to insure that the normal laws and practices in the Roman rite of the Catholic Church will not be affected—in particular, by any erosion in the normal rule of clerical celibacy.

As regards the status of those Anglicans who become Catholics, they must make a profession of faith; all are obliged to subscribe to the doctrines set forth in

the *Catechism of the Catholic Church*. It is described here as “the authoritative expression of the Catholic faith.” Reception of the sacraments of initiation, where necessary, must take into account Canon 845 of the regular Code of Canon Law which specifies that, where valid, “the sacraments of baptism, confirmation, and orders cannot be repeated since they imprint a character”—though sacraments may be administered “conditionally.” This has always been the case in the Catholic Church, of course.

Baptized Catholics not belonging to an ordinariate as ex-Anglicans are *not* eligible to join one “unless they are member of a family belonging to the ordinariate.” In other words, it is *not* envisaged that Catholics, say, attracted by the beauty and solemnity of the Anglican-style liturgy could join themselves to the new ordinariates for their regular worship and practice. No: the ordinariates are established strictly for Anglicans “coming over,” their families (and presumably their progeny). It thus seems likely that at least some of the ordinariates will be quite small in the numbers of their membership—which is perhaps one of the reasons why not just bishops but sometimes priests can be appointed ordinaries.

Still, the ordinariates themselves will allow for the continuation of the Anglican usage by those who do belong to them, as follows:

Without excluding liturgical celebrations according to the Roman Rite, the Ordinariate has the faculty to celebrate the Holy Eucharist and the other Sacraments, the Liturgy of the Hours, and other liturgical celebrations according to the liturgical books proper to the Anglican tradition, which have been approved by the Holy See, so as to maintain the liturgical, spiritual, and pastoral traditions of the Anglican Communion within the Catholic Church, as a precious gift nourishing the faith of the members of the Ordinariate and as a treasure to be shared.

Within this same structure, “those who ministered as Anglican deacons, priests, or bishops, and who fulfill the requisites of canon law, and are not impeded by irregularities or other impediments, may be accepted by the Ordinary as candidates for Holy Orders in the Catholic Church.” Here we come to the much ballyhooed question of a married clergy, which so much has been made of, as if this were the most important feature of Pope Benedict’s Anglican initiative. It is not.

It must be stressed, rather, that *Anglicanorum Coetibus* treats the whole issue as just one more practical question that has to be settled if groups of Anglicans are truly to be brought into the Catholic Church. However,

far from considering the married clergy issue to be a wholly novel element alien to Catholic tradition and practice—and perhaps essentially subversive of it, as some have speculated—the document instead provides that the “norms” pertaining to “married ministers” are essentially those already well and long established in the Catholic Church, principally the norms set forth in Pope Paul VI’s 1967 encyclical *Sacerdotalis Coelibatus* on the Celibacy of the Priest. In this encyclical, itself reflecting earlier Church norms and practice, it is stated that:

In virtue of the fundamental norms of the government of the Catholic Church...while on the one hand, the law requiring a freely chosen and perpetual celibacy of those who are admitted to Holy Orders remains unchanged, on the other hand, a study may be allowed of particular circumstances of married sacred ministers of other Churches or other Christian communities separated from the Catholic communion, and of the possibility of admitting to priestly functions those who desire to adhere to the fullness of this communion and to continue to exercise the sacred ministry. The circumstances must be such, however, as not to prejudice the existing discipline regarding celibacy (SC 42).

In other words, there was already a policy and procedure in place in the Catholic Church that could respond to the Anglican requests and petitions seeking the fullness of communion. These were *not* strange and unprecedented requests going radically against the Church’s norms. Rather, the Church already had in place a procedure as well as norms to deal, precisely, with these particular petitions and requests. In his 1967 encyclical just quoted, Pope Paul VI added that “the authority of the Church does not hesitate to exercise her power in this matter. [This] can be seen from the recent Ecumenical Council [Vatican II], which foresaw the possibility of conferring the holy diaconate on men of mature age who are already married” (*Ibid.*).

Thus, in the case of the pope’s Anglican initiative, the whole question of married clergy is treated in strict accordance with policies and practices already long established in the Church: married ministers of non-Catholic communions who feel called to continue their ministry following their conversion to the fullness of Christ’s faith in the Catholic Church may be seriously considered for this role and may indeed in many cases after proper formation be ordained to the sacred Catholic priesthood.

Furthermore, although ordinaries under the new dispensation may petition the Holy Father for permission to

ordain additional married men “on a case by case” basis, normally the ordinary, according to the document, “will admit only celibate men...in full observance of the discipline of the celibate clergy in the Latin Church.” Thus, while the possibility seems to remain of some married men within an ordinariate being called to ordination in an “Anglican” fashion, this would seem to constitute, as the document currently reads, a very rare occurrence. Moreover, it seems to be wholly excluded that Catholic men believing themselves called to sacred ordination, but also attracted to the married state, could ever aspire to a married priesthood within the new ordinariates—for the simple reason that they cannot join themselves to these ordinariates. Thus, on the balance, it seems that as time goes by married clergy will *not* continue to be the norm within the new ordinariates.

Each ordinariate is required to have its own program of priestly formation. Generally “candidates for priestly ordination will receive their theological formations with other seminarians at a seminary or theological faculty in conformity with an agreement” between the ordinary and the diocesan bishop. The whole point of the whole exercise, after all, we should continually remind ourselves, is to bring Anglicans desiring the fullness of communion with the Catholic Church effectively *into* the Church, and that, essentially, is what the Apostolic Constitution and its accompanying Complementary Norms provide for. Pope Benedict XVI has attempted to respond in a positive manner to petitions and requests coming to him from Anglicans around the world, and responding in this way seems to be the true and real motive of the Holy Father.

Moreover, nothing in the new norms and rules established for Anglicans coming into the Church is really strange or alien to long established Catholic un-

derstanding and practice. In many of the around twenty Eastern Catholic Churches in communion with the bishop of Rome, for example, married priests—though not married bishops—have been recognized for centuries. Similarly, in his “Anglican-use” initiative dating from the early 1980s, Pope John Paul II had already regularized in the “Anglican-use” parishes that were approved a policy and structure on a smaller scale that has now been regularized and extended to become a rule of the universal Church by *Anglicanorum Coetibus*. And it is, of course, also true that the new ordinariates are not self-governing communions like the Eastern Catholic Churches; rather, they are directly subject to the Holy See, and thus they will constitute an integral part of the Western Church. As such, they will enrich and add to the vitality and diversity of the universal Church. But no new “Anglican rite” has been established by the pope’s action.

The pope’s Anglican initiative should thus in no way be seen as an instance of “poaching” on non-Catholic Christian territory, nor as any kind of “sheep stealing.” These are mistaken characterizations. We do not know, of course, which or how many Anglicans will respond to the Pope’s Anglican initiative. Nevertheless, the initiative itself should truly be seen as a charitable response to the expressed wishes of sincere Christians to be united to the communion which they have come to recognize as continuing to uphold *their* faith in the teachings and sacraments of Jesus Christ. ✠

Kenneth D. Whitehead’s most recent book is The Renewed Church: The Second Vatican Council’s Enduring Teaching about the Church (Sapientia Press of Ave Maria University, 2009).



Mothers in the Line of Fire

Women in Combat is a Pro-Life Subject for Moral Theology

by Andrew A. Sicree

The state of Arizona renamed a mountain and a highway for her. The US Army awarded her the Purple Heart and promoted her posthumously. But what became of the children of Lori Ann Piestewa?

On March 23, 2003, Army Pfc. Piestewa of the 507th Maintenance Company, out of Fort Bliss, Texas, was traveling in a military convoy that got lost and wandered into an ambush near Nasiriyah, Iraq. Piestewa, injured in the attack and captured, died in captivity shortly thereafter. The first female American soldier to die in the war, she, as a Hopi, was also the first Native American woman to die in combat while serving in the US military. The drama surrounding the capture and rescue of her fellow soldier, Jessica Lynch, overshadowed Piestewa's capture and death. Forgotten is the fact that Piestewa left behind a 4-year-old son and 3-year-old daughter.

Women in the Line of Fire

In the past two decades, a revolution in American military affairs has taken place. With little debate in Congress and little notice by the electorate, the placement of women in combat roles within our armed forces has progressed steadily. Already, women in the Air Force fly combat missions. But for every female pilot, there are hundreds of women who stand watch, disarm bombs, or drive Humvees in Army convoys. Although not classified as "combat" positions by the military, these tasks place women in the line of fire. The moral question of placing women in combat applies to all women who serve in positions that make them legitimate military targets, even if they are not technically engaged in actual combat.

Between September 11, 2001, and November 2009, more than one hundred women died while serving in the US armed forces in Iraq and Afghanistan. One female soldier died in the arms of her husband. Staff Sgt. Kimberley Voelz, mortally wounded by the explosion of an improvised explosive device (IED) she was disarming, died as she was held by her husband, who was also

a soldier stationed nearby.

One-third of the deaths of female soldiers were attributed to non-hostile causes: accidents or illnesses. Two-thirds were the result of enemy actions. At least twelve of these women soldiers were mothers of one or more children age 18 or younger.

A few organizations, such as the Center for Military Readiness (CMR), question the wisdom of policies that place women in or near combat areas. The CMR points out that policy changes putting women in harm's way have been made without Congressional debate or authorization.

But while political debate has been minimal, there has been even less discussion of the *morality* of allowing or requiring women to fight. I propose that it can be reasonably demonstrated, using arguments derived from Catholic doctrines, that it is immoral not only to conscript women of child-bearing age, but also immoral to permit them to volunteer to serve in combat positions, except in strictly defensive situations such as might be found in "home front" scenarios wherein there is no longer any safe place to retreat.

In spite of the best efforts of modern America to make it otherwise, there remain deep, fundamental differences between men and women. Rooted in biology, these differences cannot really be removed. They can be minimized, denigrated, distorted, or ignored, but the fact remains that it is not men but women who carry pre-born children within their wombs.

Concern for Children

Concern for children is at the root of all objections to women in combat. Clearly, it is a disaster when a young mother dies, but it is an even greater tragedy when a young mother is killed in a combat zone that she did not have to be in. She leaves behind one or more young motherless children. But however disastrous her death may be to her children, these children are not the primary point of moral concern, for they still have fathers and other family members who can care for them. It is, rather, the uniqueness of women as bearers of *pre-born children* that creates a unique moral problem for women

in combat. Catholic teachings on sexuality, marriage, and family life all impinge on the morality of placing women in close combat positions.

American women soldiers, sailors, and marines are recruited during their most fertile years. Thus, almost any woman in the military could become pregnant, willingly or unwillingly. As we know from the biological sciences, each individual human life begins at conception. Once pregnant, a woman carries within her womb an innocent non-combatant. If a pregnant woman willingly goes into combat, she is willingly endangering her child. If she is ordered into combat, her commander is endangering her pre-born baby, too. Even if neither knows of the pregnancy, the child is still endangered. Just-war theory (and common sense) holds that waging war on non-combatants is immoral. If it is immoral to bring war to non-combatants, surely it is likewise immoral to take an innocent non-combatant into a combat zone?

The Catechism's Teaching

The *Catechism of the Catholic Church* teaches that the “moral law prohibits exposing someone to mortal danger without grave reason” and that “one is not exonerated from grave offense if, without proportionate reasons, he has acted in a way that brings about someone’s death, even without the intention to do so.” (CCC, No. 2269). A war that is a grave necessity for a society is not necessarily one in which it is a grave necessity for the women in that society to actively fight. It might be moral for the men to fight in defense of their homeland but still be wrong for a pregnant woman to voluntarily do so, especially if it is possible for her to avoid combat and still be protected.

While an individual woman may have only two options (“fight” or “surrender”) when she is personally threatened with mortal force, her options are greater (“fight,” “surrender,” or “avoid fighting”) when it is a society’s existence rather than her own life that is threatened. A key point is whether the woman is already in physical danger when she takes up arms, or whether she first takes up arms and then deliberately goes into physical danger.

Married Women in Combat

A married woman in the military might become pregnant and not know it for a time, thus potentially carrying her child into danger, especially if she is called into combat on short notice. Catholic Church teaching, of course, prohibits the use of artificial contraception or sterilization. One cannot get out of a moral quandary by doing something immoral. Abstinence might be acceptable, but is the desire to serve in combat an adequate justification for abstinence? Does it fulfill *Humanae Vitae*’s requirement of a serious reason? What about the husband’s marriage rights? Can the state supplant these?

When a man serves in the military, the state might require that he serve time away from his wife for years. But if he should return home on leave, he and his wife may engage in marital relations, knowing that if a child is conceived, both mother and child are, presumably, safely out of the combat zone.

But there is no symmetry in the case of a female soldier. If she and her husband have relations at any time during her service, she may conceive and then, if called into action at short notice, carry her child, an innocent non-combatant, into a war zone. If, unknowingly, the woman goes into combat while pregnant, it is a tragedy. If she does this willingly, one could say that she is making a grave error fraught with moral implications.

Because any fertile woman could be or become pregnant, it is demonstrably wrong for women to volunteer for combat service, and it would be doubly wrong for a government to draft them into such service. Certainly this applies to married women, but what of unmarried ones?

The Problem of Rape

On the surface, it may seem that there can be no objection to having single women serve in combat. But a single woman who is sexually active faces the same problem as a married woman with respect to the possibility of carrying a baby into combat with her. Leaving aside for the moment the immorality of extra-marital sexual activity and the use of artificial contraception, the fact is that no contraceptive is 100 percent effective. Not even personal chastity will keep an unmarried woman soldier safe from the chance of getting pregnant—because of the possibility of rape upon capture.

The question of rape is touchy. Some would like to

deny that it exists in modern warfare. After all, if both warring nations are signatories to the Geneva Conventions, then surely they will respect women prisoners? This is nonsense. As has been proven in war time and again, abuse of prisoners occurs even in spite of the official statements of a nation's leadership and a nation's participation in the Geneva Conventions. Furthermore, being sent into combat against non-signatory nations or groups is always possible, even likely, in our age.

The first Gulf War offers a case in point. It is a little-known fact that the Iraqis captured two American women soldiers during this war. It is even less well known that at least one of these women, Army Major Rhonda Cornum, was sexually assaulted. During testimony on the treatment of prisoners of war before a Congressional committee, Cornum said that she was "treated no differently than a male soldier would have been," and it was only when asked explicitly that she admitted to having been sexually assaulted. In the current Iraq war, Pfc. Jessica Lynch, wounded and captured in the same ambush that took Lori Ann Piestewa's life, was also apparently sexually assaulted.

It is understandable that women soldiers would be unwilling to draw attention to this sexual abuse. That America's leadership has downplayed these episodes is less understandable.

The contention that female POWs are treated the same as male POWs is false. From the Vietnam War through the present day, there have been no substantiated reports of sexual abuse of male American POWs, although hundreds of male American POWs in Vietnam were tortured. None of the more than 5,000 American servicewomen in Vietnam was captured. But America's brief experience with female POWs during the first Gulf War should have served as a warning of the sexual abuse female prisoners would face in future conflicts.

Major Rhonda Cornum stated that rape is "an occupational hazard of going to war, and you make the decision whether or not you are going to take that risk when you join the military." Do women really agree to take the risk of rape when they enlist?

The Rojas Case

Recall also that during the civil war in the former Yugoslavia, civilian Muslim women were often raped by soldiers with the deliberate intention of impregnating them and thus "disgracing" them. If *civilian* women are treated that badly, how much more likely is it that a woman

soldier would be raped—particularly if the soldiers who capture her believe she has killed their comrades or dropped bombs on their homes? As C. S. Lewis noted in *The Lion, the Witch, and the Wardrobe*, "Battles are ugly when women fight."

A recent case, that of the kidnapping of Columbian vice-presidential candidate Clara Rojas, is also relevant to this discussion. Rojas was seized by FARC guerrillas and held for nearly six years. During this period, she was impregnated by one of the guerrillas. Her son, named Emmanuel, was born in captivity and later taken away from her by the guerrillas, who placed the child in foster care under a fake name. Fortunately, upon her release in 2008, Rojas was reunited with her son.

Although Rojas refuses to talk about the father of her child, it is clear that at no point in her captivity was she able to give truly free consent. (Some commentators have pointed to the well-known "Stockholm" syndrome—a psychological condition in which captives attempt to protect themselves by befriendings or even offering sexual favors to their captors.) Her case is clearly one of a baby being conceived by rape of a prisoner (even if not forcible rape) in a war zone. Although Rojas was not in the military, it is clear that a female soldier held as a prisoner-of-war could face a similar scenario.

A woman who is captured and raped faces the possibility of conceiving and carrying a child in a war zone. A prisoner-of-war camp is part of the war zone and, by its very nature, a dangerous place. (The camp in which FARC guerrillas held Rojas was bombed by the Colombian military about ten days after Rojas's son was born.)

Perhaps in such cases, the woman would be repatriated, but that cannot be guaranteed. It may indeed be unlikely, because the capturing nation or insurgent group would want to avoid the bad publicity surrounding the return of an obviously raped woman soldier. Perhaps her pre-born child would be forcibly aborted, or perhaps she'd be held captive until she gave birth and then have the child taken away from her. She might even be murdered in an attempt to cover up the crimes of her captors.

Fundamental Principles

Finally, neither a married nor an unmarried woman can argue that she would simply remove herself from combat-readiness should she become pregnant. This argument is inadequate because there is typically a period

of several weeks between the time a woman becomes pregnant and the time she first suspects she is pregnant. In the modern world, a soldier can be thrown into action in a matter of days or even, in the case of pilots, only a few hours. Also, the problem of rape persists.

It is theoretically possible that a woman who knows herself to be permanently infertile (e.g., a woman who has had a hysterectomy, or one who is post-menopausal) might be able to morally choose to serve in combat because she cannot possibly conceive a child. In reality, such women are usually not young, and in any case they do not make up a sizable percentage of those being considered for combat positions. Of course, the Church cannot condone, nor should the government encourage, deliberate sterilization for this purpose.

The moral argument against women in combat service applies not only to Catholic women but also to all women, because it is based on fundamental principles and not simply matters of Church discipline. A woman still might morally volunteer to serve in the military in a non-combatant position where she is unlikely to face attack (e.g., as a nurse in a military hospital). One would not say that a woman must avoid *all* possibility of danger to herself and her child, but choosing to go into combat involves the deliberate choice to enter into severe mortal danger. This question is not about a woman facing the possibility of her own death but rather about the morality of a woman deliberately choosing to place an innocent child in danger.

Questions to Be Considered

Several ancillary questions arise from this discussion: May a government ever require (draft) or even allow a woman to serve in a position where she might be raped? May a government interfere with marriage by requiring military service of women, or does not the duty of a mother supersede any rights of the state in military matters? May both parents serve in the military at the same time, knowing that an emergency could result in their children being left parentless, temporarily if not permanently?

Precisely because of its implications and timeliness, the issue of the immorality of women serving in combat needs to be discussed and examined in much greater detail than it has been to date.

Lori Ann Piestewa's children, Brandon and Carla Lynn, are being raised by their maternal grandparents in a house built for them by the TV show *Extreme Makeover: Home Edition*. To provide for their future, a trust fund has been established as well. But as Deron Marquez, chairman of the San Manuel Band of Mission Indians, noted, "These gorgeous children will never have the opportunity to hold their mother's hand and look into their mother's smiles. . . ."

Quo vadis, America? ❧

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Andrew A. Sicree is a Ph.D. geochemist who teaches university classes in geology as an adjunct professor. He is a freelance writer of popular science articles, and also serves as director of the African Book Project. He and his wife, Rebecca, are Roman Catholics, have ten children (five of whom are girls), and live in Boalsburg, Pennsylvania.

Exceptional Joan

Joan of Arc is sometimes cited as an example of the Church approving of women in combat. But a closer examination of her story reveals that it really undermines the case for women in combat. First, St. Joan was given a unique and special mission to lead the armies of France by saintly "voices" that spoke to her from Heaven. Second, accounts of her life

indicate that she never personally killed anyone in battle, although her own wounding definitely shows that she was in mortal danger. Third, she was unmarried, and she knew she was a virgin and thus could not be carrying an innocent baby into battle.

But even more importantly, St. Joan was somehow protected from rape while she was imprisoned. Accounts of her life suggest that several attempts were

made to rape her while she was in prison but that these attempts failed. Why they failed we do not know. But it is reasonable to suppose that God, because He had called her to a special mission, also gave her special protections against rape. Thus, St. Joan cannot be cited in support of women in combat precisely because of the uniqueness of her calling and her story. ❧

— Andrew Sicree

Pope John Paul II's Theology of the Body, Anthropology, Morality, and Holiness¹

William E. May

Michael J. McGivney Professor of Moral Theology
Pontifical John Paul II Institute for Studies on Marriage and
Family at The Catholic University of America
and Senior Fellow, Culture-of-Life.org.

After summarizing the overall purpose of Pope John Paul II's "Theology of the Body" (hereafter TOB),² I will show how in TOB and elsewhere John Paul II defended the reality of the human body as integral to the *being* of the human person against the dualistic anthropology rooted in the Baconian-Cartesian anthropology which is at the heart of the contemporary culture of death. I will then focus on the intimate link between anthropology and morality, defending the proposition that a sound morality must be grounded in a sound anthropology. Finally, I will consider how the incarnation of the Son of God immeasurably deepens our understanding of anthropology, morality, and the theology of the body.

I. The Overall Purpose of TOB

In the wonderfully helpful "Introduction" to his new translation of John Paul II's TOB Michael Waldstein correctly points out that there is a two-fold purpose of TOB: (1) to defend the reality of the human body, and (2) to defend Paul VI's Encyclical *Humanae vitae*. He begins Part 6 of his Introduction ("The Purpose of TOB") by posing the question "Why Theology 'of the Body' in Particular?" In answering this question Waldstein says that TOB gathers up the dominant concerns of Wojtyla/John Paul II's earlier philosophical and theological work, grouping these concerns in three phases, the *beginning*, the *challenge*, and the *response*. According to Waldstein, its *beginning* consists in Wojtyla's rooting of his personalism in that of St. John of the Cross and his development of this personalism during his experience of Vatican II and in working out TOB. The *challenge* is posed by the new understanding of human subjectivity and "personalism" based on Bacon and Descartes, elaborated by Kant, and—in Wald-

stein's judgment—central to the essentialist phenomenology of Scheler (as described in detail in Parts 3 and 4 of his Introduction). This new "personalism," closely connected with the mechanization of the natural world, regards the human body as mere matter. On this understanding the human body is part of the subpersonal world over which the "subject/person" has dominion and as such is itself not personal.³

It is necessary here, however, to note that Waldstein's interpretation of Scheler and his influence on Karol Wojtyla/John Paul II is challenged by some.

Thus Peter Colosi, in a paper given at the First Gaming International Symposium on John Paul II's Theology of the Body, maintains that Waldstein's Introduction "gives the distinct impression that there is *no* Schelerian influence precisely on the *personalism* of John Paul II, but that any such influence comes *exclusively* from St. John of the Cross."

Appealing to passages from *The Acting Person*, Colosi argues that Wojtyla himself fully acknowledged his debt to Scheler's understanding of the person.⁴ Since I am not an authority on the writings of Scheler I cannot offer an opinion regarding the Waldstein-Colosi debate over his influence on John Paul II, but I thought it necessary to draw attention to it. It is not central, in my opinion, to the thesis developed by Waldstein in his Introduction since it is certainly true that a major purpose of TOB, as Waldstein affirms, was to respond to the dualistic anthropology rooted in Bacon and Descartes that sharply divides the "person" from his/her own body, treating the latter as a privileged instrument of the human person, not integral to his *being*.

The *response* to this challenge is a defense of the teaching of Paul VI in *Humanae vitae* in particular. As Waldstein shows, our late Holy Father made this purpose of TOB quite clear.

In the very last catechesis (TOB 133), John Paul II points to the encyclical *Humanae Vitae* as the true focus of TOB as a whole. Although he explicitly discusses *Humanae Vitae* only at the very end, in the last fifteen catecheses, *Humanae Vitae* sets the agenda from the beginning. "It follows that this final part [that is, the explicit discussion of *Humanae Vitae*] is not artificially

added to the whole but is organically and homogeneously united with it. In some sense, that part, which in overall disposition is located at the end, is at the same time found at the beginning of that whole. This is important from the point of view of structure and method” (TOB 133:4). John Paul II calls TOB as a whole a “rereading of *Humanae Vitae*” (TOB 119:5).⁵

In TOB John Paul II was at pains to show that the anthropology underlying the defense of contraception mounted by the authors of the celebrated “Majority Papers” of the Papal Commission on the regulation of birth (released to the press in 1967) is the same as the dualistic anthropology at the heart of the Cartesian-Kantian-Schelerian divorce of the “person” from his/her body.⁶

Waldstein brings this part of his Introduction to a close with the following summarizing passage:

To conclude, the purpose of *The Theology of the Body* is to defend the body against its alienation from the person in Cartesian rationalism. Put positively, the purpose is to show the divine plan for human spousal love, to show the goodness and beauty of the whole sexual sphere against its cheapening in the “objective, scientific” way of looking at nature. God’s plan and its renewal by Christ, the redeemer, is imprinted deeply within the bodily nature of the person as a pre-given language of self-giving and fruitfulness. For the person to live sexuality in an authentic manner is to speak spousal love in conformity with this truth of the language of the body. True human fulfillment in the sexual sphere can be found only by following this divine plan for human love. This is why the defense of *Humanae Vitae* is so important, important for the good of the human person. “*The fundamental problem* the encyclical [*Humanae Vitae*] presents is the viewpoint of the *authentic development* of the human person; such development should be measured, as a matter of principle, with the measure of ethics and not only of ‘technology’” (TOB 133:3).⁷

2. John Paul II’s Defense of the Reality of the Human Body as Integral to the Being of the Human Person

A. In the *Theology of the Body*

As we have already seen, a major purpose of TOB was to defend the reality of the body as integral to the *being* of the human person. Here I will refer to some of the more striking and important texts.

Early in his Addresses on TOB John Paul II says that The analysis of the Yahwist text will allow us, further, to link man’s original solitude with the awareness of the body, through which man distinguishes himself from all the *animalia* and “separates himself” from them, and *through which* he is a *person*. One can affirm with certainty that that man thus formed has at the same time the awareness and consciousness of the meaning of his own body. Moreover [he has] this based on the experience of original solitude (6.3).

In short, man’s awareness of his body as different from the bodies of other animals enables him to grasp that alone among visible creatures he is a *person*, gifted with self-consciousness and self-determination. Man is a subject not only by his self-consciousness and by self-determination but also based on his own body. *The structure of the body is such that it permits him to be the author of genuinely human activity*. In this activity the body expresses the person. It is thus, in all its materiality (“he formed man with dust of the ground”), penetrable and transparent, as it were, in such a way as to make it clear who man is (and who he ought to be) thanks to the structure of his consciousness and his self-determination (7.2).

The pope most dramatically perhaps shows that the human body reveals the person in his analysis of the Yahwist text describing in poetic terms the “creation” of woman.

... God Yahweh says: “it is not good that the man should be alone; I want to make him a help similar to himself” (Gen 2:18)...”So the Lord God caused torpor [or state of unconsciousness] to fall upon the man, who fell asleep; then he took one of his ribs and closed the flesh again in its place. With that rib that the Lord God had taken from the man he formed a woman” (Gen 2:21–22)...one can conclude that man (adam) falls into that “torpor” in order to wake up as “male” (ish) and “female” (issah). In fact, it is here in Genesis 2:23 that we come across the distinction between ish and issah for the first time. Perhaps, therefore, the *analogy of sleep* indicates here not so much a passing from consciousness to subconsciousness, but a specific return to non-being (sleep has within itself a component of the annihilation of man’s conscious existence), or to the moment before creation, *in order that the solitary “man” may by God’s creative initiative reemerge from that moment* in his double unity as male and female” (8.3).

The pope’s major point is that this narrative shows us that the woman is a person like man, and that

despite the diversity in constitution tied to the sexual difference, *somatic homogeneity*... is so evident that the man, on waking up from genetic sleep, expresses it immediately when he says, “This time she is flesh of my flesh and bone of my bones. She will be called woman [*isshah*] because from man [*ish*] has she been taken” (Gen 2:23). In this way for the first time the man (male) shows the first time joy and even exaltation, for which he had no reason before, due to the lack of a being similar to himself. Joy for the other human being, for the second “I,” dominates in the words spoken by the man (male) speaks on seeing the woman (female) (8.4).

As the pope says later in 14.4, “When the first man exclaims at the sight of the woman: ‘she is flesh of my flesh and bone from my bones’ (Gen 2:23), he simply affirms the human identity of both. By exclaiming this, he seems to say: ‘*Look, a body that expresses the person.*’”

The truth that the body is integral to the being of the person is of course central to John Paul II’s understanding of the “spousal” (or “nuptial”) meaning of the body. Reflecting once again on the first man’s cry of joy, “she is flesh from my flesh and bone from my bones” (Gen 2:23), the pope declares: “these words in some way express the subjectively beatifying beginning of man’s existence in the world” (14. 3). “This beatifying ‘beginning’ of man’s being and existing as male and female,” John Paul II continues, is connected with the revelation and the discovery of the meaning of the body that is rightly called “spousal.”... We have already observed that after the words expressing the first joy of man’s coming into existence as “male and female” (Gen 2:23), there follows the verse that establishes their conjugal unity (Gen :.24), and then by the one that attests the nakedness of both without reciprocal shame (Gen 2:25). That these verses face each other in such a significant way allows us to speak of *revelation together with the discovery of the “spousal” meaning of the body in the mystery of creation* (14.5).

In short, the male person’s body is a sign of the gift of the male person to the female person and vice versa.

To put this another way, because of the spousal meaning of the body man, male and female, realizes that he can fulfill himself as a person only by giving himself to another in love, in the sincere gift of self. He realizes that his vocation is to love. In a memorable passage, in which he links the original spousal meaning of the body to the absence of shame in the state of original innocence prior to the “fall” (see Gen 2:25), John Paul then says:

Happiness is being rooted in Love. Original hap-

piness speaks to us about the “beginning” of man, who emerged from love and initiated love. And this happened irrevocably, despite the subsequent sin and death. In his time, Christ was to be a witness to this irreversible love of the Creator and Father, which had already expressed itself in the mystery of creation and in the grace of original innocence. For this reason, also the common “beginning” of man and woman, that is, the original truth of their body in masculinity and femininity, to which Genesis 2.25 turns our attention, does not know shame. One can define this “beginning” also as the original and beatifying immunity from shame as the result of love (16.2).

This immunity from shame directs us to the mystery of man’s original innocence, which is the mystery of his existence prior to the knowledge of good and evil and almost “outside” it. The fact that man exists in this way, before the breaking of the first covenant with his Creator, belongs to the fullness of the mystery of creation. Why is this so? John Paul II explains as follows: If...creation is a gift given to man...then *its fullness* and deepest dimension is *determined by grace*, that is, by participation in the inner life of God himself, in his holiness. In man, this holiness is also the inner foundation and source of his original innocence. With this concept—and more precisely with that of “original justice”—theology defines the state of man before original sin (16.3).

Of crucial importance is the fact that it is “the very awareness of the body—or, rather, awareness of the meaning of the body [its “spousal meaning]” that “reveals the peculiarity of original innocence” (16.3). In fact,

The body itself of each is, in a way, a witness of this characteristic, in some way an “eyewitness.” It is significant that the statement contained in Genesis 2:25—about reciprocal nakedness free from shame—is a statement unique in its kind in the whole Bible, so much so that it was never to be repeated. On the contrary, we can quote many texts in which nakedness is linked with shame or even, in a still stronger sense, with “defilement” (16.3). [In footnote 1 John Paul II refers to Hosea 1.2 and Ezekiel 23.26, 29 as texts to illustrate this].

But, and this is most important, in his 4th Address John Paul II insists that the “beginning” to which Christ referred indicated not only man’s creation but must be seen within the perspective of the “redemption of the body.” In a remarkable text he writes,

...already in the context of the same Yahwist text of Genesis 2 and 3, we witness the moment in which man, male and female, after having broken the original covenant with

his Creator, receives the first promise of redemption in the words of the so-called Protoevangelium...and begins to live *in the theological perspective of redemption*...historical man...participates not only *in the history of human sinfulness*...but also *in the history of salvation*...He is...open to the mystery of redemption realized in and through Christ. Paul...expresses this perspective of redemption, in which “historical man” lives, when he writes: “We ourselves, who have the first fruits of the Spirit, grown inwardly while we wait for...*the redemption of our bodies*” (Rom 8:23)...If that “beginning” indicated only the creation of man as “male and female,” if...Christ only led his interlocutors across the boundary of man’s state of sin to original innocence and did not open at the same time the perspective of a “redemption of the body,” his answer would not at all be understood adequately. Precisely *this perspective of the redemption of the body guarantees the continuity and unity* between man’s hereditary state of sin and his original innocence, although within history this innocence has been irremediably lost by him (4.3).

B. In Veritatis Splendor

In this encyclical John Paul II defends the reality of the body in taking head-on the claim made by some theologians that the teaching of the Magisterium, in particular in the area of sexual and conjugal ethics, is “biologistic or physicalistic.” They assert that the Magisterium’s view fails to take “adequately into account both man’s character as a free and rational agent and the cultural conditioning of all moral norms” (no. 47).

“Faced with this theory,” John Paul II goes on to say, ...one has to consider carefully the correct relationship existing between freedom and human nature, and in particular *the place of the human body in questions of natural law*...This moral theory does not correspond to the truth about man and his freedom. It contradicts the *Church’s teachings on the unity of the human person*, whose rational soul is *per se et essentialiter* the form of his body. The spiritual and immortal soul is the principle of unity of the human being, whereby it exists as a whole—*corpore et anima unus*—as a person. These definitions not only point out that the body, which has been promised the resurrection, will also share in glory. They also remind us that reason and free will are linked with all the bodily and sense faculties. *The person, including the body, is completely entrusted to himself, and it is in the unity of body and soul that the person is the subject of his own moral acts.* The person, by the light of reason and the support

of virtue, discovers in the body the anticipatory signs, the expression and the promise of the gift of self, in conformity with the wise plan of the Creator. It is in the light of the dignity of the human person—a dignity which must be affirmed for its own sake—that reason grasps the specific moral value of certain goods towards which the person is naturally inclined. And since the human person cannot be reduced to a freedom which is self-designing, but entails a particular spiritual and bodily structure, the primordial moral requirement of loving and respecting the person as an end and never as a mere means also implies, by its very nature, respect for certain fundamental goods, without which one would fall into relativism and arbitrariness (no. 48).

He then declares: “*a doctrine which dissociates the moral act from the bodily dimensions of its exercise is contrary to the teaching of Scripture and Tradition.* Such a doctrine revives, in new forms, certain ancient errors [e.g., Manichaeism] which have always been opposed by the Church, inasmuch as they reduce the human person to a ‘spiritual’ and purely formal freedom....body and soul are inseparable: in the person, in the willing agent and in the deliberate act, they stand or fall together (no. 49).

2. The Bond Between Anthropology and Morality

In a remarkable passage in his apostolic exhortation on the Role of the Christian Family in the Modern World (*Familiaris consortio*) John Paul II wrote: “*the difference, both anthropological and moral, between contraception and recourse to the rhythm of the cycle... is a difference which is much wider and deeper than is usually thought, one which involves in the final analysis two irreconcilable concepts of the human person and of human sexuality*” (no. 32,6).

Almost a decade prior to *Familiaris Consortio* Germain Grisez delivered a paper, “Dualism and the New Morality,” at the International Congress celebrating the seventh centenary of the death of St. Thomas Aquinas. In it he showed clearly the dualistic understanding of the human person found in such champions of the “new morality” as Joseph Fletcher, an ardent champion of contraception, abortion, euthanasia, and others. He also clearly uncovered the dualistic understanding of the human person central to the defense of contraception mounted by the so-called “Majority” theologians of the Papal Commission on Population, the Family and Natality.

A dualistic anthropology regards the “person” as the consciously experiencing subject whose body is not a good intrinsic to the person but rather a merely instrumental good. On this view not all living human beings are persons; only those with incipient cognitive abilities can be regarded as persons.⁸ For dualists our power to generate human life is of itself subpersonal or subhuman; *human* or *personal* sexuality, as some champions of this dualistic understanding express matters, “is preeminently...the mode whereby an isolated subjectivity [=person or self] reaches out to communion with another subject...in order to banish loneliness and to experience the fullness of being-with-another in the human project.”⁹

Precisely because of this anthropology, dualists easily justify killing innocent people. “If the person,” as Grisez noted, “really is not his body, then the destruction of the life of the body is not directly and in itself an attack on a value intrinsic to the human person,”¹⁰ and thus abortion, infanticide, and euthanasia can be morally good.

The dualistic anthropology of the “new morality” can be seen clearly in passages from authors such as Joseph Fletcher, who was at one time an Episcopal priest but in later life abandoned Christianity, and Daniel Maguire, a “Catholic” theologian teaching at Marquette University.

In his book *Morals and Medicine*, first published in 1960 and reprinted many times, Fletcher wrote:

Physical nature—our bodies and its members, our organs and their functions—all of these *things* are part of “what is over against us,” and if we live by the rules and conditions set in physiology or another *it* we are not *thou*... Freedom, knowledge, choice, responsibility, all of these things of personal and moral nature are in us, not *out there*. Physical nature is what is over against us, *out there*. It represents the world of *its*.¹¹

Maguire speaks the same language. Emphasizing the right of man, i.e., the consciously experiencing subject, to subject physical nature to his mastery and in this world of physical nature Maguire includes human bodily life or what he calls “biochemical and organic factors.” Like Fletcher he compares euthanasia to birth control, both of which he approves. Thus he writes that just as birth control “was impeded by a physicalistic morality that left moral man at the mercy of his biology” until he learned that he “was morally free to obtain birth control by choice,” that same physicalistic ethic has condemned him to “await the good pleasure

of physicalistic and organic factors and allow these to determine the time and manner of his demise.” But now, he says, moral, technological man can “intervene creatively” and exercise his moral right “to terminate life either through positive action or calculated benign neglect rather than await in awe the dispositions of organic tissues.”¹²

From this we see the truth that Grisez so eloquently expressed when he said:

Christian moral thought must remain grounded in a sound anthropology which maintains the bodiliness of the person. Such moral thought sees personal biological, not merely generically animal biological, meaning and value in human sexuality. The bodies which become one flesh in sexual intercourse are persons; their unity in a certain sense forms a single person, the potential procreator from whom the personal, bodily reality of a new human individual flows in material, bodily, personal continuity. An attack on this biological process is an attack on the personal value of life, not always, indeed, on an existing individual’s life, but on human life in its moment of tradition.¹³

It is critically important to emphasize that dualists, as Grisez clearly shows, hold that “sexuality in and of itself is a physiological process belonging to the physical world; the body in and of itself is not the person; the goods of the body are altogether subordinate to ‘personal’ values”¹⁴ He contrasts this dualistic view with an important paragraph from *Humanae vitae*: “In relation to the biological processes, responsible parenthood means the knowledge and respect of their functions; human intellect discovers in the power of giving life biological laws which are part of the human person” (no. 10), a text that ends with a reference to *Summa theologiae*, 1-2, q. 94, a. 2. As Grisez says, “This paragraph of *Humanae vitae*, which is based on the insight that the human person is a body, that the biological laws of human sexuality are intrinsic to the person, and that these laws indicate moral norms to reason in virtue of the personal character of human biological teleology...has drawn widespread attacks [from dualist theologians] for its purported ‘biologism.’ ...[but] in truth the really dualistic view is that sexual organs are tools and that sexual performances are mere biological functions which persons can use for diverse purposes.”¹⁵

I want now to show the great significance for the reality of the bodiliness of human persons of the text of St. Thomas in *Summa theologiae*, 1-2, 94, 2, to which Paul VI explicitly draws attention in footnote 9 appended to *Humanae vitae*, 10.2. It is the famous passage in which Thomas affirms that there are several *first* principles of

natural law. The root and foundational principle or precept, based on the concept of the good, is "good is to be done and pursued, and evil is to be avoided" (*bonum est faciendum et prosequendum, et malum vitandum*). He then goes on to say: "Since good has the meaning of end and evil the meaning of its contrary, it follows that reason naturally [i.e., immediately, without reasoning] apprehends as goods and therefore to be pursued in action, and their contraries as evils to be avoided, all those things to which man is naturally inclined" (*Quia vero bonum habet rationem finis, malum autem rationem contrarii, inde est quod omnia illa ad quae homo habet naturalem inclinationem ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda*). He then lists some natural inclinations, among them one that inclines us to preserve our being (which for us is *life itself, including bodily life*) and another that inclines us (as it does other animals) to the "union of male and female and the education of children" (*coniunctio maris et feminae et educatio liberorum*). Thomas's point is that reason apprehends life itself and the union of male and female and the education of children as fundamental goods of the human person, which when grasped by practical reason serve as *first or primary principles of practical reason or of the natural law*.

Moreover, as John Finnis has shown, several texts of Aquinas make it clear that by referring to the "*coniunctio maris et feminae et educatio liberorum*" for human animals Thomas is referring to the great human good of marriage and the procreation/education of children. Thus in commenting on *Summa Theologiae* 1-2, 94, 2 Finnis writes: "Although there is sense in which goods like 'life' and 'mating' are 'shared' with other animals, it is important to note that only rational beings, capable (at least radically) of participating in these goods by understanding, deliberation, and free choice, can in the focal sense have goods and so by sharing them live in *societate* and friendship [two other goods to which Thomas says we are naturally inclined] with one another."¹⁶ He cites texts from IV *Sent.* d. 26, q. 1, a. 1c (= *Supp.* 41, q. 1, aa. 1 and 2) to support his identifying the good named *coniunctio maris et feminae* in 1-2, 94, 2, with the good of marriage, for in one of the texts from IV *Sent.* (the one found in *Supp.* 41, q. 1, a. 2c) Thomas speaks of the *inclinatio naturae ad matrimonium*.¹⁷

All this, in my opinion, is of crucial importance in understanding how human bodiliness and bodily life itself are integral to the *being of the human person*, to an "adequate anthropology," and to grasping the bond between anthropology and morality

3. The Incarnation, Anthropology, Morality, Holiness, and the Theology of the Body

John Paul II frequently cited the passage in *Gaudium et spes*, 22, where we read: "Christ, the final Adam, by the revelation of the mystery of the Father and His love, fully reveals man to man himself and makes his supreme calling clear." He regarded it as perhaps the most significant text in this great document of Vatican II, along with No. 24 where the Council Fathers declared: "man, who is the only creature on earth which God willed for itself, cannot fully find himself except through a sincere gift of himself," showing us that our vocation—made clear by Christ—is to love even as we have been and are loved by God in Christ.

Earlier I focused attention on the remarkable passage in one of the earliest addresses in John Paul II's TOB, the fourth (4.3), in which he insisted that the reality of man's body as integral to his being cannot be adequately understood unless it is viewed *under the perspective of the redemption of the body* through Jesus' saving act. Indeed, as Paul reminds us in 1 Colossians 24, we are to make up *in our flesh, our bodies*, "what is lacking in the afflictions of Christ on behalf of his body, the Church."

By virtue of our baptism—a sacrament in which the *body* is central—we are regenerated as God's very own children, truly the brothers and sisters of his only-begotten Son who became and is *flesh, a body*, so that we can be one with him and like, him, be persons whose only will is to do the will of his Father, to do what is pleasing to the Father, and in this way act as his co-redeemers, and to act in this way precisely as *bodily beings*. Thus Christ's incarnation immeasurably deepens the bond between anthropology and morality, and helps us understand more fully the "theology of the body."

Free choice, baptism, and our union with Jesus, the Incarnate Word

In *Veritatis splendor* John Paul II emphasized that we make ourselves *to be* the persons we are in and through the free choices that we make every day of our lives. This is perhaps most strikingly expressed in a citation John Paul takes from St. Gregory of Nyssa. All things subject to change and to becoming never remain constant, but continually pass from one state

to another, for better or worse....Now, human life is always subject to change; it needs to be born ever anew....But here birth does not come about by a foreign intervention, as is the case with bodily beings...; *it is the result of free choice. We are in a certain way our own parents, creating ourselves as we will, by our decisions.*¹⁸

Moreover, as John Paul II wrote, “Emphasis has rightly been placed on the importance of certain choices which ‘shape’ a person’s entire moral life, and which serve as bounds within which other particular everyday choices can be situated and allowed to develop.”¹⁹ We can call such choices “commitments.” And John Paul II, while repudiating “fundamental option” theories which relocate self-determination from the free choices that we make every day of our lives to an alleged “fundamental option” different from a free choice whereby we opt for or against God,²⁰ emphasized the importance of a fundamental choice.

There is no doubt that Christian moral teaching, even in its Biblical roots, acknowledges the specific importance of a fundamental choice which qualifies the moral life and engages freedom at a radical level before God. It is a question of the decision of faith, of the *obedience of faith* (cf. Rom 16:26) “by which man makes a total and free self commitment to God, offering the ‘full submission of intellect and will to God as he reveals.’” [In a note here the Holy Father refers this citation to the Second Vatican Council’s Dogmatic Constitution on Divine Revelation, *Dei Verbum*, 5 and refers to the First Vatican Council’s Dogmatic Constitution on the Catholic Faith, *Dei Filius*, Chap 3: DS 3008]. This faith, which works through love (cf. Gal 5:6) comes from the core of man, from his “heart” (cf Rom 10:10) whence it is called to bear fruit in works (cf. Mt 12:33-35; Lk 6:43-45; Rom 8:5-10; Gal 5:22).²¹

This act of living faith, whereby we accept God’s revelation and offer of reconciliation, is a human choice made possible by God’s grace, the sort of choice rightly called a commitment. This act is in fact our *baptismal commitment*, through which we really unite ourselves immediately with Jesus, enter into the covenant community, the Church, which he established and in which he is personally present. It is the act in and through which we literally become children of God, adopted brothers and sisters of Jesus, able to call his Father *our* Father, *Abba*, “Daddy.” In and through this act we come to share his divine nature, even as he shared our human nature.

Jesus is true man and true God and as such unites in his fulfillment the uncreated perfection of God and

God’s created glory. As God, Jesus unites his fellow humans with the Father (Jn 17.22-23). Insofar as he is God, Jesus communicates to us a share in his divinity so that we in truth become truly members of the divine family, children of God, begotten anew. As man, Jesus fulfills himself by living a perfect human life that manifests God’s goodness in a unique way (cf. Jn 17.3). Jesus’ fullness is communicated to those who are one with him and, through them, to the entire created universe (cf. 1 Co 3.21, 23, 15.28; Rom 8.19). Creatures will find their proper place in Jesus’ fullness. Moreover, insofar as he is man, Jesus is completed by creation united under his headship, particularly by human persons united under him who bring to completion the work begun in him.

Christian Love, the Principle of Our Life in Christ

Jesus gives us a *new commandment*, to love *even as he loves us*, with a redeeming, healing love. Jesus embodies perfect love, and the Christian life is a sharing in the fullness of love made manifest in Jesus’ life. Jesus’ love is unique because it is a love that perfectly mediates his Father’s love to fallen humankind, healing them of the evil of sin and bringing them to eternal, divine life. Not only does Jesus command us to love as he does, but his love abides in us and we are to “abide” in it. It is to be the principle of our lives as adopted children of God, as Jesus’ brothers and sisters, as persons led by his Spirit. It is likewise the principle of unity in the Church inasmuch as one loves as Jesus loves only by being united through baptism with his redemptive act, experiencing this unity in the Eucharist, and living it out in one’s daily life.

According to St. Thomas, what is “most powerful in the law of the new covenant, and in which its whole power consists, is the grace of the Holy Spirit, which is given to us through faith...the new law is first and foremost the very grace of the Holy Spirit, which is given to Christ’s faithful” (ST, 1-2, 106, 1). This law not only gives us *knowledge* of what we are to do if we are to be fully the beings God wills us to be but also inwardly enables us *to do* everything necessary to live fully as God wills us to.

Indeed for Christians our Lord’s Sermon on the Mount with its Beatitudes is in fact the *magna carta* of the moral life, specifying the requirements of Christian love. Augustine, Aquinas and the magisterium (e.g., Paul VI in his *The Credo of the People of God* and John Paul II in *Veritatis splendor*) all recognize this. John Paul says that the Beatitudes of the Sermon on the Mount “speak

of basic attitudes and dispositions in life and therefore they *do not coincide exactly with the commandments*. On the other hand, *there is no separation or opposition between the Beatitudes and the Commandments: both refer to the good of eternal life.*²² They are above all “promises, from which there also indirectly flow *normative indications for the moral life*...they are a sort of *self-portrait of Christ*...*invitations to discipleship and to communion of life with Christ.*”²³

German Grisez in his challenging presentation of Jesus’ Sermon on the Mount and on the Beatitudes, which he regards as “Christian modes of response” to God’s call to be holy, stresses that “The Beatitudes of the Sermon on the Mount express principles of Christian moral life as blessings. This is so because these modes of Christian response transform the modes of responsibility set forth in the natural law. The latter limit the inclinations of one’s flesh; the former rejoice in the inclinations of a mind led by the Spirit...The latter forbid what does not conform to a will toward the ideal of integral human fulfillment; the former commend what is characteristic of a will, enlivened by charity, hoping confidently for the reality of the fulfillment of all things in Jesus.”²⁴

Our union with Jesus unites us to him by enabling us to share his divine life through the infusion of sanctifying grace. It is eminently a union *bodily in nature*. He is the bridegroom, and we, his brothers and sisters, are living member of his Bride, the Church. Our union with the incarnate Word, the Word made flesh, is in short a *nuptial mystery*, and thus helps deepen our appreciation and understanding of the “theology of body” whose message is that the *human body* reveals the *human person*, who, in his femininity and masculinity, is an icon of the Triune God, whose body is a sign that the human person’s vocation is to love even as God loves, and to love by the sincere *gift of himself as male and female*.

Conclusion: Contemporary Dualism and Re-Evangelization

As we have seen, modern dualists separate the “person” from his or her body, regarding the latter as merely an instrumental good of the person, not a good intrinsic to the being of the person. This position is not only philosophically indefensible,²⁵ it is utterly incompatible, as the theology of the body helps us understand, with divine revelation. “Let us make man in our image, after our likeness?... God created man in his image, in the divine image he created him, male and female he created them” (Gen

1.26, 27). This text from Genesis shows us that when God created human persons, he did not create a conscious subject aware of itself as a self to which he then gave a body as an afterthought. Rather human persons were created as bodily, sexual beings, blessed with fertility and told to “be fertile and multiply” (Gen 1.28). These human persons are animated by a spiritual soul. In the next chapter of Genesis we read that the “Lord God formed man out of the clay of the ground and blew into his nostrils the breath of life, and so man became a living being” (Gen 2.7). The being he thus created, a human person, was obviously bodily in nature an entity constituted by two principles, one low (“dust of the earth”), one high (“breath of life”). The human being first comes to sight as a formed and animated (or breathing) dust of the ground. Higher than the earth, yet still bound to it, the human being has a name, *adam* (from *adamah*, meaning “earth” or “ground”) which reminds him of his lowly terrestrial origin.²⁶

Moreover, when the eternal and uncreated Word of God, the Second Person of the Blessed Trinity, became man, to show us how deeply God loves us, he became *flesh* (*ho logos sarx egeneto*; John 1.14). I think we could say that at the incarnation—and note the significance of the term “incarnation,” i.e., “become flesh”—God’s “uncreated Word” became, like us, a “created word,” and this created word was and is a unitary being of body and soul.

Dualists, I maintain, cannot be consistent. They cannot with consistency deny that their bodies are other than themselves. For if a dualist breaks his arm or leg he certainly does not think that he has damaged his instrument but recognizes that he has hurt *himself*. How then can they think that their bodies are not integral to their being? The answer, I believe, lies in the *choices* they have made. An old scholastic adage is this: *quidquid recipitur ad modum recipientis recipitur* (“whatever is received is received according to the mode of the recipient”). We make ourselves *to be* the kind of “receivers” we are in and through the choices that we make, as we saw in reviewing John Paul II’s teaching in *Veritatis splendor*. There, as we have seen before, John Paul II emphasized that certain choices, which we can call “commitments,” “shape” a person’s entire moral life, and...serve as bounds within which other particular everyday choices can be situated and allowed to develop” (no. 65).

Many people in our culture have committed themselves to a *contraceptive way of life*. But contraception, as noted already, is rooted in a dualistic understanding of the human person, even if many people who

practice contraception may not be aware of this. But those who choose this way of life make themselves to be the kind of persons for whom the intrinsic goodness of bodily life is difficult to see. Because of their commitment to contraception as a way of life they have, as it were, closed their minds and hearts to the truth. It is even more difficult for those who have committed themselves to the justification of abortion, human embryonic stem cell research to “hear” the truth. As a result, although good *arguments* have been and are made against contraception, abortion, embryonic stem cell research, etc., those arguments fall on deaf ears if those hearing them are still committed to a way of life in which acts of this kind are regarded as morally justifiable and indeed necessary. My conclusion then is that what is needed is a *metanoia*, a change of heart, a new free choice repenting one’s choice to contracept, etc. What is most needed is a new evangelization or re-evangelization. ✠

ENDNOTES

- 1 An earlier version of this essay was given at a paper I presented at Gaming, Austria, May 20 2007 for the conference “Male and Female He Created Them: An International Symposium on John Paul II’s Theology of the Body,” May 18–20, sponsored by the Franciscan University of Stuebenville’s campus in Gaming and by the International Theological Institute, Gaming, Austria. I have reworked that version in light of constructive comments made by Professors Josef Seifert, Peter Colosi, Christopher West and others. I am also much indebted to the devastating critique of dualistic understandings of the human being developed by Robert George and Patrick Lee.
- 2 Pope John Paul II presented his “theology of the body” in a series of Wednesday general audiences from September 5, 1979 through November 28, 1984. These audiences have been newly translated by Michael Waldstein and are found in the volume, Pope John Paul II, *Male and Female He Created Them: A Theology of the Body*, Translation, Index, and Introduction by Michael Waldstein (Boston: Pauline Books and Media, 2006). In this paper I use the text as translated by Waldstein, giving the number of the audience and the number of the paragraph within that audience where the text cited or referred to is found (e.g., 6.3 refers to the General Audience of November 7, 1979, number 6 of the audiences, paragraph 3).
- 3 Michael Waldstein, “Introduction” to *Male and Female He Created Them: John Paul II’s Theology of the Body*, pp. 94–95.
- 4 Peter Colosi, “A Response to Waldstein: A Body That Expresses a Person: Max Scheler’s Impact on John Paul II’s Theology of the Body.” Here I cite from a paper that Colosi presented at the Gaming conference.
- 5 Waldstein, “Introduction,” pp. 99–100.
- 6 Ibid, pp. 100–103. On this issue see my “Contraception and the ‘Culture of Death,’” in *Marriage, the Common Good, and Public Policy: Proceedings of the 22nd Convention of the Fellowship of Catholic Scholars*, ed. Kenneth Whitehead. South Bend, IN: St. Augustine’s Press, 2006, pp. 171–203.
- 7 Waldstein, p. 105.
- 8 This is clearly the kind of dualism found in the following authors: Joseph Fletcher, *Morals and Medicine* (Boston: Beacon Press, 1952); Peter Singer, *Rethinking Life and Death* (New York: St. Martin’s Press, 1995); Michael Tooley, *Abortion and Infanticide* (New York: Oxford University Press, 1986). Robert George and Patrick Lee in 2008 published *Body-Self Dualism in Contemporary Ethics and Politics* (Cambridge and New York: Cambridge University Press), perhaps the most thorough and masterful philosophical critique of various forms of this dualism that separates the self from his/her body ever written. In the first two chapters George and Lee present cogent arguments to demonstrate first that human beings are animals and second that human beings are persons. In subsequent chapters they show the devastating impact of contemporary body–sex dualism in ethics and politics in such areas as hedonism, abortion, euthanasia, and sex.
- 9 Anthony Kosnik, et al., *Human Sexuality: New Directions in American Catholic Thought* (New York: Paulist, 1977), p. 83.
- 10 Germain Grisez, “Dualism and the New Morality,” in *Atti del Congresso Internazionale (Roma-Napoli, 12-17 aprile 1974): Tommaso d’Aquino nel suo Settimo Centenario*, Vol. 5, *L’Agire Morale*. Napoli: Edizioni Domenicane Italiane, 1975, pp. 325.
- 11 Joseph Fletcher, *Morals and Medicine* (Boston: Beacon Press, 1960), p. 211.
- 12 Daniel Maguire, “The Freedom to Die,” in *New Theology No. 10*, ed. Martin Marty and Dean Peerman (New York; Macmillan, 1973), p. 192.
- 13 Grisez, “Dualism and the New Morality,” p. 330.
- 14 Ibid., p. 328.
- 15 Ibid., p. 329.
- 16 John Finnis, *Aquinas: Moral, Legal, and Political Theory* (Oxford: Oxford University Press, 1998), p. 83, footnote 103.
- 17 Ibid., footnotes 101 and 102.
- 18 St. Gregory of Nyssa, *De Vita Moysis*, II, 2–3; PG 44, 327–328. Cited by John Paul II in *Veritatis splendor*, 71. Emphasis on material in underscored italics is mine; emphasis on material italicized only is that of John Paul II. In other texts of *Veritatis splendor*, e.g., no. 65, he writes: “freedom is not only the choice for one or another particular action. It is also, within that choice, a decision about oneself, and a setting of one’s own life for or against the Good, for or against the Truth, and ultimately for or against God” (italics in the original).
- 19 John Paul II, *Veritatis splendor*, 65.
- 20 Ibid.
- 21 Ibid.
- 22 Ibid., 16.
- 23 Ibid.
- 24 Germain Grisez, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), pp. 628–629.
- 25 The basic argument against dualism set forth by George and Lee in *Body-Self Dualism in Contemporary Ethics and Politics* can be summarized as follows: sensation is a bodily act of a living being; therefore the agent that senses is a bodily entity, an animal; but in humans, the agent who senses also reasons and has self-awareness; therefore the agent who reasons and has self-awareness is a bodily entity, not a spiritual entity making use of the body as an extrinsic instrument. But human beings are unique kinds of animals, radically different from other bodily beings insofar as they can do things that other bodily beings are not capable of doing, e.g., forming concepts, judging the truth or falsity of propositions, reasoning from premises to conclusions and that in order to do so one must infer that there is present in their entitative makeup a nonmaterial element utterly lacking in other bodily organisms.
- 26 Leon Kass, “Man and Woman: An Old Story,” *First Things: A Monthly Journal of Religion and Public Life*, no. 17. (November, 1991) 16.

Jacques Maritain and *Dignitatis Humanae*: Natural Law as the Common Language of Religious Freedom

by Brian Jones

The Thomist philosopher Jacques Maritain has been regarded by some (notably Professors Ralph McInerny and Jude P. Dougherty) as the greatest Catholic philosopher of the twentieth century. Maritain's achievement as a philosopher was rooted in his integration of Thomistic principles with the historical and cultural climates current in the modern world. Not only was he influential in his native France, but also gained enthusiastic acclaim in North America, where he held visiting professorships at Princeton and the University of Chicago, and lectured at Notre Dame, Yale, Harvard, and the University of Toronto. Pope Paul VI readily admitted the profound influence of Maritain's thought on his *Credo of the People of God* (1968), and at the close of the Second Vatican Council on December 8, 1965, the pope's "Address to Men of Thought and Science" was dedicated to his dear friend and mentor. Pope Paul even offered Maritain a cardinal's hat, but the philosopher declined it. These things indicate the immense influence that Maritain had in political, philosophical, and theological circles during the last century.

The Second Vatican Council's Declaration on Religious Freedom—*Dignitatis Humanae*—is still, though often neglected and misunderstood, a prophetic document. Here, I should like to reveal how, on a foundational level, Maritain's presentation on "rights" in his book *Man and the State* (1951) is an authentic articulation of the language of "rights" that *Dignitatis Humanae* employs. Although the book, and Maritain's involvement with the Universal Declaration of Human Rights in 1948, preceded *Dignitatis Humanae* by almost twenty years, Maritain's thought on the subject of "rights" is nevertheless significant and important here. His personal experience of the debilitating spiritual, moral, and cultural effects of the French Revolution and the two World Wars, as well as his acknowledged influence on the Universal Declaration of Rights,

indicate the likely merit of an analysis of his work in connexion with *Dignitatis Humanae*. A specific focus on Maritain is in no way an attempt to see his work in isolation as the only useful source in considering the conciliar document. Neither does this essay claim that everything written in the area of "rights" by Maritain is to be accepted without scrutiny or further examination. Rather, my point is to highlight the foundational principles of *Dignitatis Humanae*, as articulated in Maritain's thought, in order further to establish a common language in the context of the modern discussion of the right to religious freedom.

The opening paragraph of *Dignitatis Humanae* states that "a sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man". The Council declares that the human person has a right to religious freedom, and "this freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power." In his section of *Man and the State* concerning the "Rights of Man," Maritain states that there is no right of man "unless a certain order—which can be violated in fact—is inviolably required by *what things are* in their intelligible type or their essence, or by what the nature of man is, and is cut out for."¹ In other words, the discussion of "rights" only makes sense if the participants involved hold to a proper anthropology, one that contemplates what man is in his nature and what his destiny is. Maritain continues by saying that dialogue concerning the truths about man and his ends can only take place if we recognize that the foundation of these rights "exists in a separate Spirit, in an Absolute which is superior to the world, in what perennial philosophy calls the Eternal Law."²

Professor Mary Ann Glendon of the Harvard Law School has written that one of the greatest errors of modern culture, stemming from 18th-century Enlightenment philosophy, is its absolutizing of "rights"—as if "rights" were an autonomous licensed form of freedom

that rejects any form of responsibility or duty. This is exactly the interpretive key that helps to unlock the “rights” language of *Dignitatis Humanae*, where the document warns against those “who seem inclined to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience.”³ The Council affirms that the dignity of the human person rests on the truth that man is a being endowed with reason and free will, and this sacred reality is known through Divine Revelation and reason itself. This truth about man, that he has been created with intelligence and freedom, impels him to be an ardent seeker of truth, “especially religious truth.”⁴ Once this truth is known, man must assent to it, but only in a freedom that is removed from all forms of religious and/or civil coercion. The dignity of the human person reveals this: “the inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, in the course of which men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth.”⁵

The philosophical anthropology that we have received since the time of the Enlightenment has built no solid foundations for the rights of the human person. The true rights of man have been squandered because “it [the Enlightenment] led men to conceive of rights as divine in themselves, hence infinite, escaping every objective measure, denying every limitation imposed upon the claims of ego.”⁶ This has led to the complete independence of the human subject, with his imagined absolute right to develop his human potentialities and abilities at the expense of all other beings. Maritain believes that the best philosophy with which to refute this tendency is one that is rooted in a specific ontological structure, one which affirms that man possesses ends which necessarily correspond to his essential constitution and pertain to all. Since man is endowed with “intelligence and determines his own ends, it is up to him to put himself in tune with the ends necessarily demanded by his nature . . . this means that there is, by virtue of human nature, an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the essential and necessary ends of the human being.”⁷ This is none other than the Natural Law. The Natural Law is not only ontological, but also a social reality because it does not “exist separately, but in every human being, so that by the same token, natural law dwells as an ideal order in the very being of all existing men.”⁸ Here

Maritain is talking about the natural moral obligations or rights that exist in all men, and that have a specific social character, which *Dignitatis Humanae* affirms by stating that the right to religious freedom

. . . is exercised in human society: hence its exercise is subject to certain regulatory norms. In the use of all freedoms the moral principle of personal and social responsibility is to be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all. Men are to deal with their fellows in justice and civility.⁹

At this point, the question may be asked: what is the connexion between rights, natural law, and religious freedom? It is important to remember that up until the full development of Enlightenment thought in the eighteenth century, talk of rights was always connected with the Natural Law. A breakdown in the proper understanding of the Natural Law has led, and always will lead, to an intellectual disintegration concerning the origin of the rights of man. Even in the area of interreligious dialogue, one of the greatest difficulties stems from the fact that there is no common language spoken by all the participants. The right to religious freedom must be protected and guaranteed by all societies, constitutions, and religions because the essential dignity of the human person requires it. Again, as the Council and Maritain have affirmed, to reject religious freedom or to force another to believe something against his personal free choice is a grave violation of the rights of the individual, and will also harm the common good of a society.

In light of the continuing attacks on the dignity of the human person through abortion, euthanasia, and religious persecution, it is becoming all the more necessary to return to the text of *Dignitatis Humanae*. The work of Jacques Maritain is an engaging and remarkable guide to help put flesh on the principles which the document enunciates. This discussion of “rights” is part of the dominant language being spoken in our current socio-political environment, and cannot be avoided. *Dignitatis Humanae* calls not only Catholics, but also all those who hold to a religious tradition, to seek to ensure that as beings endowed with freedom and intelligence, men’s right to religious freedom be protected, publicly and not just privately, for the common good of all society. As Pope

Benedict XVI stated in 2007: “Human freedom is always a shared freedom. It is clear that the harmony of freedom can only be found in what is common to all: the truth of the human being, the fundamental message of being itself, exactly the *lex naturalis*.”¹⁰ It is worth quoting the Holy Father’s Address this year to the Pontifical Academy of the Social Sciences, wherein he states that the Church has always affirmed that

[Fundamental rights,] above and beyond the different ways in which they are formulated and the different degrees of importance they may have in various cultural contexts, are to be upheld and accorded universal recognition because they are inherent in the very nature of man, who is created in the image and likeness of God. If all human beings are created in the image and likeness of God, then they share a common nature that binds them together and calls for universal respect. The Church, assimilating the teaching of Christ, considers the person as “the worthiest of nature” (St. Thomas Aquinas, *De Potentia*, 9, 3) and has

taught that the ethical and political order that governs relationships between persons finds its origin in the very structure of man’s being.¹¹ ✠

Brian Jones teaches 7th grade at a charter school in Cleveland, Ohio and will be pursuing an STL in the Fall of 2011

ENDNOTES

1. Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951), p. 96.
2. *Ibid.*, p. 97.
3. *Dignitatis Humanae*, 8.
4. *Ibid.*, 2.
5. *Ibid.*, 3.
6. Maritain, *Man and the State*, p. 84.
7. *Ibid.*, p. 86.
8. *Ibid.*
9. *Dignitatis Humanae*, 7.
10. Benedict XVI, Pope, “Address to the International Congress on Natural Moral Law” (12 Feb., 2007).
11. Benedict XVI, Pope, “Address to the Participants in the Fifteenth Plenary Session of the Pontifical Academy of the Social Sciences” (4 May, 2009).

Avarice and the Health Care Crisis

by Eugene F. Diamond, M.D.
Chicago pediatrician

In his recently published and much anticipated third encyclical, *Caritas in Veritate*, Pope Benedict XVI lays out a brilliant conservative blueprint for addressing the crucial economic problems of our age. Contrary to expectations in some circles the pope does not call for big government intervention. He upholds free markets while addressing the moral and theological roots of the cultural crisis.

The pope correctly identifies the economic crisis as having its roots in rampant greed, irresponsible financial speculation and the failure of government regulation. Christian love and truth have been undermined by a crass materialism. He sees the crisis as an opportunity for discernment in view of shaping a new vision for the future. The economic crisis is, in reality, a moral crisis whose solution requires a restoration of Christian values.

Some of the American electorate has intuitively recognized that the new administration is aiming at sweeping reforms based on statist economics and heavy

handed attempts at social intervention and have been counter productive.

In an almost unprecedented protest at town meetings during the Congressional recess and “tea parties” across the country, the electorate has shown its dissatisfaction with proposals from Obamacare. At a recent tea party in Homer Township outside Chicago, 10,000 angry protesters congregated without very much promotion of the event. The most prevalent anxiety (which the Administration has called “orchestrated”) was that funds to cover the uninsured would be obtained from a reduction in medical care for the elderly under Medicare. An obsessive preoccupation with the “46 million without insurance” had dominated the debate. This estimate has been shown to be inaccurate by subtracting the number of illegal aliens, those economically able to buy insurance who have preferred to use the cost of the premiums as venture capital, those eligible for Medicare who have not applied for it and other risk takers who protest that they are healthy and immune from disease and injury.

Putting aside the issues of eligibility, an important and inadequately addressed issue relates to how the

expenses of Medicare are allotted. A much discussed but never really confronted expense is the multibillion dollar cost of defensive medicine. Tort reform can be expected to be a low priority issue given the symbiosis between the National Democratic part and the trial lawyers lobby. An almost universally recognized major cost of unnecessary expenditure relates to the practice of "defensive medicine." In-patient laboratory and radiology costs have been demonstrated to be reducible by state caps on non-economic damages in malpractice suits. Threats of litigation however are not solely responsible for the reliance on elaborate and repetitious inpatient work-ups.

A recent evaluation of inpatient input into diagnostic evaluation, through the time honored and highly productive contribution of careful history-taking and thorough physical examination, is alarming in this regard. Timed interviews by attending physicians of patients' complaints showed that the patient was allowed an average of *thirteen seconds* to describe his problem before the attending physician intervened with a question or a suggested technical response. Cutting short the patient's self-description of complaints is almost always an attempt to shorten physician-patient dialogue. Reimbursement of these kinds of cognitive interaction is much undervalued as compared with procedure-oriented diagnostic evaluation.

The brevity of rapport between the patients and the attending physicians was dictated by a real or perceived time constraint. As laboratory surveillance expanded and increased in accuracy and as radiological diagnosis went through several generations of exhaustive accuracy such as the C-T scans or MRIs, many diagnosticians decided to forego laborious patient centered evaluations like the historical narrative or the thorough physical examination in order to await the laboratory or imaging data.

There was an inevitable transition of the role of the physician from the physician humanist envisioned by the Hippocratic ideal to the physician scientist and finally the physician technocrat. The comprehensive education of the physician which was modernized after the Flexner report was narrowing down to the highly focused and micromanaged specialty education. The narrowing of focus was accompanied by an expansion of training time spent in Residency Programs, increased from three years to five or seven years often followed by a fellowship targeted to a single technique or super specialty. Medical educators expressed concerns that the profile of individuals being attracted to medical

education was the over achieving obsessive compulsive type of candidate who had to be systematically reminded that the patient was a human person rather than an experimental animal. Admissions committees who had become completely dependent on a set of numbers created by grade point averages and medical aptitude scores had to be reminded to include other talents such as empathy, humanism and people centered orientation.

Long periods of specialty training upset the balance between primary care providers and specialists. The specialist was expected to provide not only encyclopedic fact accumulation but, more and more, a unique technical skill. Even non-surgical specialties were centered on procedures so that the gastroenterologists claimed the territory of the colonoscopies and gastroscopies. The cardiologist became an interventionist aimed at catheterizations, bypasses, echocardiography, while the pulmonologist relied on bronchoscopy and ventilator surveillance and even the radiologist co-opted biopsies and scans done in his domain.

The many and prolonged training programs in university and tertiary care centers require more trainees than American schools were able to provide so that trainees from other countries came to the United States for post graduate education and almost invariably stayed here rather than return to their native land. This produced an unintended brain drain on many second and third world countries which could ill afford to give up medical practitioners. Those who had come here for training in highly equipped centers could be excused for not returning to countries where facilities were not available for using their new acquired skills. Many came from cultures where physicians failed to receive prestige and compensation comparable to the American profession. Their inclination was toward a business model for medical practice in which volume and cost effectiveness prevail. Having been called upon to serve the non-affluent part of the culture during their training, they might have felt that they had fulfilled their duty to this section of the population.

Even though salaries for physicians in training increased modestly, the length of training insured a longer period of limited income. Many American graduates had accumulated large amounts of debt, even before starting post graduate training. Young practitioners starting practices or joining groups as junior partners had been subjected to prolonged experience with penury and, with growing families and dependents, were anxious to make up for lost time and higher earnings.

Paradoxically the board certification requirements

for specialists and even primary care providers had largely guaranteed a pool of young practitioners whose competence had been greatly enhanced from the time when many entered practice after a one year internship. The standing of the medical community had not necessarily resulted in a greater regard for the profession as a result of improved ability. If anything, the status of doctors had diminished and polls revealed a prevailing attitude of “I like my doctor but I don’t like doctors as a group.” Very little medical care was rendered without compensation as the middle class patients were largely covered by insurance, while the poor and the aged were covered by Medicaid or Medicare respectively. The overall public perception of medical care was characterized by avarice instead of selflessness.

Many medical offices displayed “Payment is expected in advance” notices and patients in emergency rooms were stringently screened for ability to pay. In the area of hospital care the concentration on fee for service was a matter of economic survival, but the per-

ception, if not the reality, of private out-patient practice was that of an unhealthy preoccupation with money instead of service. Some office waiting rooms will compromise the reputation of the generous physician with a member of the staff who seems to project “pay or else.”

Idealistic students contemplating a career in medicine will have to realistically evaluate the prolonged period of preparation with attendant debt, the hostile medico-legal environment and the threat of suits, the ever expanding complexity of health care delivery and its demands for a lifetime of learning and the growing societal consensus that medical costs are a national crisis. If cost reduction shifts its emphasis from insurance companies and government bureaucracies to the provider and his perceived avarice, the future of a medical calling may be further tainted. Professional organizations like the AMA would do well to promote the image of the dedicated and selfless practitioner as a priority. ✕

The Roman Primacy

*Proposals for Its Common Acceptance by Fr. Theodore Pulcini and Dr. Paul Meyendorff:
A Response by Msgr. Daniel S. Hamilton*

*by Rev. Msgr. Daniel S. Hamilton, Ph.D.
Our Lady of Perpetual Help Church*

Fr. Theodore Pulcini and Dr. Paul Meyendorff, both members of the U.S. Orthodox-Catholic Consultation, presented papers at the Nov. 25-27, 2007 meeting of that consultation containing proposals for a common acceptance of the Roman primacy by Orthodox and Catholics. Subsequently published in *St. Vladimir’s Theological Quarterly*,¹ these papers deserve a considered and respectful response.

Although Orthodox hierarchs and theologians uniformly reject the Roman primacy as formulated by Vatican I and II, they show a considerable variety in their evaluation of its basis and what should be its nature. They generally admit that the Roman bishop has an unspecified “primacy of honor” within the world episcopate but they attribute the basis for this primacy to Rome’s ancient status as the imperial capital and a consequent concession of primacy to the Roman bishop by the other bishops of the ancient Church. They generally deny that such a primacy derives from

a unique leadership role given by the Lord Himself to Peter and intended by Him to be a permanent office within the Church community.²

But since the Orthodox Churches do not recognize as ecumenical any council held since 787 (II Nicaea), they do not have a fixed or defined teaching on the Roman primacy such as exists in the Catholic Church. The views of some Orthodox theologians today are changing or developing, at least to some degree.³ Such a development, properly understood, is also possible in Catholic teaching; but for the Catholic Church such development signifies new insights or understandings which enlarge, enhance or place in a broader framework the defined teaching, without in any way negating or compromising the clear meaning of what has once been defined.

A possible image for authentic development is, rather, that of a great painting seen first only in poor light and then seen in a more adequate light that permits all its details to be fully perceived. Or, taking an example from contemporary bioethics, one may point to the human embryo, which contains in itself all ge-

netic materials necessary to develop into the mature human being and, when situated continually in a proper environment, will do so.

I. Fr. Pulcini's Hypothesis: Primacy as *Principatus*

Fr. Pulcini suggests that a point of agreement between Catholics and Orthodox may be reached by considering the Bishop of Rome as exercising the *principatus*, the superior power exercised by the Roman Emperor in the Church from the time of Constantine I (313 A.D.) and extending in the West sometime beyond that Empire's fall in the late 5th century, but extending until the mid-15th century in the East. Fr. Pulcini states that the Church both in the East and in the West accepted this "imperial rule" or *principatus* exercised by the Emperor. Indeed he was considered at that time (a time different in part for the East and from the West) by his action and legislation to be a principal means of insuring the unity and good order of the Church. When the Western Empire collapsed, the Roman bishop began to assume, Fr. Pulcini holds, this *principatus* or imperial rule within the Church; and this became the real basis for the exercise of his universal jurisdiction. A power that had existed outside the episcopal order the Bishop of Rome thus assumed, internalized and exercised.

If, given that the Roman Empire has long since disappeared, the Orthodox Churches can accept this "imperial rule" or *principatus* as assumed by the Bishop of Rome, Fr. Pulcini argues, it will not only give them the unity and good order they lack but also permit them to accept the primacy of Rome and its coordinate authority without compromising the Orthodox theological position that all primacies in the Church designate only a first bishop among (equal) bishops, not a bishop superior in some way to the other bishops.

Fr. Pulcini describes this "jurisdiction" (he does not use this word) of the Roman bishop as a power to intervene in disputes, to be the guardian of universal unity and order. With his primacy so based, the universal primate, as the ancient Emperor, in Fr. Pulcini's view, coaxes, cajoles and by force of character exercises a unifying role. Fr. Pulcini advocates the re-reception of this concept of "imperial rule" in the Church by both Orthodox and Catholics so that they can come to an agreement on the Roman primacy and enable a united Church to give an effective witness to the world.

Fr. Pulcini has proposed an interesting and unusual

hypothesis. He derives the "imperial rule" or *principatus* concept from a factual reading (generally admitted) of what happened in the ancient Church for a shorter period in the West than in the East. He does not present textual evidence for his hypothetical conclusion that the Bishop of Rome, upon the demise of the Empire in the West, absorbed the concept into his own office. No textual evidence is offered, moreover, for that understanding on the part of the Roman bishops themselves. Abundant testimony, however, militates against it; namely, the testimony of Bishops of Rome themselves in the late 4th, then 5th and the 6th centuries that affirms, as do councils of that period, that the Petrine office is the basis for their authoritative presidency within the communion of all the local churches, East and West.⁴

Thus this theory of the Roman bishop's assumption of the (imperial) *principatus* within the Church lacks evidence and plausibility. The preeminent authority or *principatus* of the Roman bishop, as the multiple testimonies of the first five Christian centuries (and beyond) show, is held to derive from the office given to Peter.

In citing Catholic support for his theory, Fr. Pulcini refers to Canon 333 of the Code of Canon Law for the Latin Church (1983) and suggestions found in a Canon Law Society commentary on this canon.⁵ The canon uses the phrase *principatum potestatis ordinariae*, which the commentary translates as "primacy of ordinary power," in designating the power ascribed to the Bishop of Rome and states that this use of *principatum* has some ideological relationship, more than an etymological connection, with the imperial primacy exercised in the ancient Church by the Roman emperor (the *princeps*). (*Principatus* is also translated *preeminence* or *the first place* in the dictionaries.) The commentator, however, draws no further conclusions and gives no reasoning that bears on Fr. Pulcini's hypothetical conclusion.

Moreover, and most importantly from the (Catholic) point of view, Fr. Pulcini's solution sets aside (for the East, at least) the Catholic Church's defined teaching about the basis of the Roman primacy as the office of leadership given to Peter by the Lord Himself and His intent that it be a permanent office and that by His will in conferring it or by subsequent divine providence it be connected with the City and the See of Rome. Fr. Pulcini shifts the Roman bishop's universal primacy to an entirely different basis from that which the Catholic Church identifies definitively as its foundation. His thesis, therefore, regrettably, cannot serve as a foundation for reconciliation between the two communions. For

the Catholic Church the Roman primacy is inextricably linked to the office and responsibilities given by the Lord Himself to Peter. The *principatus* hypothesis is an interesting add-on for discussion but not a substitute for the Petrine foundation.

The Roman bishops' understanding and *exercise* of a decisive leadership role respecting doctrine and discipline in the Church, founded in the Petrine office, unquestionably developed through the early Christian centuries, just as did the Church's understanding of its Trinitarian, Christological and sacramental teachings, its metropolitan organization and its identification of and use of those writings finally recognized as the New Testament canon. The need and actuality of such development should be recognized for the one as for the others.⁶

The affirmation of the Petrine basis for this leadership is also found incrementally in testimonies both in the East and the West prior to the Constantinian period and in the period that followed to the end of the Western Empire and beyond. Not to cite and evaluate these testimonies would amount to an erasure of history.⁷

II. Dr. Meyendorff's Proposal, "Primacy in a United Church"

Supposing that theological agreement is reached, what should a united Church look like?" Dr. Meyendorff asks. We need a new ecumenical council, he states, to establish new structures. But before the council "we need a provisional agreement sufficient to restore unity so that we can go on *together* about our common work of defining structures and primacy for a new era."⁸

Dr. Meyendorff then recalls the Orthodox position that the primacy of the bishop of Rome rests on the fact of Rome's ancient status as capital of the Roman Empire.⁹ He then outlines a number of presidential and appellate functions which the Bishop of Rome would have exercised in the ancient Church as ones which the Orthodox should agree that he exercise again today. In this interim period those special qualities of the Roman primacy defined by the Western Church would be considered as binding or applying only to the Western or "Roman" Catholic Church. Through regional and global assemblies over decades, a provisional unity would be established that would finally make possible the holding of an ecumenical council of East and West.

Implicit in his proposal of substantial common steps is the idea that, after we have worked together for a period of time, the new ecumenical council would articu-

late new statutes for conciliar units and for the Roman primacy which will be acceptable to both the Orthodox and to the Catholic Churches. The author looks personally to the Eucharistic theology of Nicholas Afanassiev as a basis for elaborating these new structures.

Whereas consideration should be given to his recommended provisional steps for the two communions to work together, it would be folly to implement them before an agreement had been reached on the basis and nature of the Roman primacy. Otherwise the misunderstandings and conflicts generated would be catastrophic. A firm foundation for various types of cooperation already exists without need for any doctrinal adjustment on either side. Many such steps are suggested in the ecumenical directories issued by the Holy See.¹⁰ Marriage and family issues, respect for all human life, sexual morality, moral values in public law and policy, effective means of helping the world's poor, safeguarding the environment, and advancing the cause of justice and peace are a few examples. Many Orthodox authorities, however, seem hesitant to join in such cooperative activity.

In the meantime, we must continue a profound reflection on the level of the Catholic-Orthodox Joint International Theological Commission and on other national, regional and local levels—to the extent possible—on the subject of the Roman primacy and selected other doctrinal issues that divide the two communions.¹¹

Whereas the Catholic Church cannot put on the shelf its defined teaching on the basis and nature of the Roman bishop's primacy and authority, it is ready, as Pope John Paul II wrote in *Ut Unum Sint* (1995),¹² to engage in a sincere common reflection with Orthodox (and others) on the exercise of that primacy for the unity and effective mission of the Church today. Furthermore (see ahead, Section IV, 6) the defined teaching can be reformulated in a broader theological framework. The Church's conciliatory and cooperative attitude toward both the Byzantine and other Eastern Churches has abundantly been exemplified in the many (often common) statements, invitations, visits, return of artifacts, symposia and other gracious acts, often by the Bishop of Rome personally, not to mention the very teaching of Vatican II, over the last fifty years.

Catholics want to continue the dialogue of love, to enable the theological dialogue to flourish and to enlarge the areas of cooperation, understanding and common teaching. At the same time we do not wish to be perceived or understood as diluting defined teaching about the Roman primacy or other definitive Church

teachings. This does not preclude a common search for a deeper and fuller understanding of these teachings.

Both communions recognize the different status of their position on the primacy: For the Catholic Church it is a question of solemnly defined doctrine by an ecumenical council; for the Orthodox Churches it has the status of a very long-standing teaching by hierarchs and theologians, but not an issue decided in an ecumenical council.

IV. Resolution

How, then, is the issue of the truth about the Roman primacy—perceived differently by the two communions—to be mutually identified and agreed upon? The following steps should be continued or instituted:

1. Continue the theological dialogue on the Roman primacy in the Joint International Orthodox-Catholic Theological Commission. Catholic, Orthodox or mixed commissions and consultations must carefully examine and evaluate evidence for a Petrine office or primacy in the New Testament Scripture, which the ancient Church took as a given. They must also consider the abundant testimonies from the pre-Nicene and post-Nicene eras—all through the Age of the Fathers to the close of the first millennium—for the conclusion that this office continued in the Roman primacy. Only in the later medieval and modern periods does a significant division arise over the basis and nature of the primacy. Other secondary but important issues dividing Catholic and Orthodox—such as the indissolubility of sacramental, consummated marriage, the state of the departed, the proper understanding of original sin and its bearing on the doctrine of the sinlessness of Mary—should be cleared away.
2. Establish an agreed understanding of doctrinal development, which has taken place in the case of the Trinitarian, Christological, Eucharistic and other doctrines and determine its application, if any, to the doctrine of the Roman primacy.
3. Formulate an agreed theological understanding for the necessity of primacies—local, regional and universal—in the Church and move from that background to a discussion of universal primacy and its foundations.¹³
4. Formulate an agreed understanding on the permanent guidance of the Holy Spirit in the Church, a guidance promised by the Lord which cannot be

contradictory, and what applications this guidance may have on the issue of the Roman primacy.

5. Attend to the more recent dialogues (Catholic-Orthodox) on the Roman primacy-Petrine Office, such as the symposium on *The Petrine Office* held in Rome in 2003, the papers of which are published in English by the Newman-Paulist Press, Mahwah, New Jersey, 2004.
6. Identify practical steps toward productive association, consultation and cooperation between Orthodox and Catholic bishops, institutional units and even parishes that do not involve the setting aside of definitive teachings by either Communion.¹⁴
7. Explore and evaluate the Catholic conviction—a hermeneutical principle—that although definitions of ecumenical councils cannot be reversed, they can be reformulated, enhanced, enlarged, set in a broader context without falsifying their content. This is true of all doctrines, including that of the Roman primacy.

Even with all the above proposals duly implemented, the road to unity will be a long one. Both Catholics and Orthodox have to really want it. We must consider it an absolute necessity. We have to pray ardently and constantly in all our liturgies for the reconciliation of Catholics and Orthodox in Christ's One Holy Catholic Church.

ENDNOTES

1. SVTQ 52:2, 2008, "An Orthodox Papacy: Primacy As *Principatus*?" pp.213-221 (Fr. Pulcini); and Notes and Comments, "Primacy In a United Church," pp.223-29 (Dr. Meyendorff).
2. A survey of positions held by contemporary Orthodox theologians may be found in "Ravenna and Beyond: The Question of the Roman Papacy and the Orthodox Churches in the Literature 1962-2005," by Adam A. J. DeVille in *One in Christ*, Vol.42, No.1, Summer 2008, pp.75-98. In a previous essay ("Did the Ancient Fathers Give the Primacy to Rome?"—see *Ecumenical Trends*, Dec, 2009, Vol.38 No. 11, pp. 12-14), I endeavored to show that in pre-Nicene times the primacy of the Roman Church and its bishop was attributed uniquely to the ministry and martyrdom of Peter and Paul in that city. No extant evidence from that period leads to the conclusion that the Roman Church was "given" or "awarded" the primacy as, for example, by a council of bishops or that the primacy was a consequence merely of Rome's being the capital of the Empire.
3. See *The Petrine Ministry: Catholics and Orthodox in Dialogue*. Ed. By Cardinal Walter Kasper, The Newman Press, New York/Mahwah, N.J., 2006, *passim*.
4. See *Documents Illustrating Papal Authority, AD.96-454*, edited and introduced by E. Giles, London, SPCK, 1952. For Julius I, 337-352, p. 98; Council of Sardinia (342), pp. 100, 105; Damasus I, 366-384 and the Council of Rome, 382, pp. 130-1; Siricius, 384-89, pp. 142-23; Innocent I, 402-417, pp. 194ff.; Celestine and the Council of Ephesus, 422-32, pp.238-256; Leo I, pp. 279ff; and the Council of Chalcedon, 451, pp.297ff.
5. See *New Commentary on the Code of Canon Law* (for the Latin Church), edited by John P. Beal, James A. Coriden, and Thomas Joseph Green, Paulist Press, New York, Mahwah, N.J., 2000, pp. 439, 438-41.

6. The Anglo-Catholic divine, Darwell Stone (1859-1941), recognizing the factor of development in the whole of Christian doctrine, applies a theory of development (Newman's) to the Roman primacy as defined by Vatican I and concludes that, in his opinion, such a development as represented by the Vatican definition cannot be considered legitimate because it is an "addition" to the original deposit of faith, even considering the potentialities in the office as given to Peter, which potentiality he considers to be excluded by the Biblical and Historical evidence. See Stone, Darwell, *The Christian Church*, London, Rivington, 1905, Ch. XIV, esp., pp. 417-20. He admits that this negative judgment is a "matter of opinion." Giles, *Documents...* (see Note 4) in annotating Vincent of Lerins's (434), the father of "development" theory (*Commonitorium*) observes that ultimately Vincent cannot tell us how to decide whether a doctrine is new or a development of the old. In the end the decision lies with authority or private judgment.
7. See 4, above.
8. *SVTQ*, 52:2, 2008, p.225.
9. *Ibid.*, p.227. Testimonies from the Eastern Churches for the basis of the Roman primacy may be found in *The Eastern Churches and the Papacy*, S. Herbert Scott, London, Sheed and Ward, 1928, Parts I and II, pp. 1-311. Concluding his analysis of the first three centuries (the pre-Nicene period), Scott states: "The witnesses who have been adduced as to the position of Rome in these first three centuries are all members of the Eastern Churches. No one of them attributes the authority of the Bishop of Rome to the fact that Rome is the capital of the Empire. They speak of the Apostles Peter and Paul; of their martyrdom at Rome. Not one of them speaks of the presence of an emperor. The right which the Bishop of Rome claims and exercises are not grants of an emperor. That fantastic assertion which is so often made is seen to be manifestly baseless," *op. cit.*, p.70. See note 2.
10. Pontifical Council for Promoting Christian Unity, *Directory for the Application of Principles and Norms on Ecumenism*, (1993) Publications Office, United States Conference of Bishops, Washington, D.C. 1993. The United States Catholic-Orthodox Consultation should revisit the recommendations for the solemnization of Orthodox-Catholic marriages made by the (no longer existing) Metropolitan New York/New Jersey Orthodox-Catholic Dialogue in 1986. These recommendations which, in part, called for one solemnization—whether by the Orthodox or by the Catholic bishop or priest using his own rite—were accepted by the United States Conference of Catholic Bishops and by *SCOBA* but they somehow died in the process afterwards through (Orthodox) revision and ultimate submission to the Phanar.
11. See IV, #2.
12. Pope John Paul II, *Ut Unum Sint*, Publications Office, United States Conference of Catholic Bishops, Washington, D.C., 1995, p.107.
13. See Section IV, No.1. A suggestion made by Metropolitan John Zizioulas in *The Petrine Office*, pp.231-248. See note 6.
- Msgr. Daniel S. Hamilton is pastor emeritus of Our Lady of Perpetual Help Church, Lindenhurst, New York, a former editor (1975-85) of *The Long Island Catholic*, chairman (1968-88) of the Rockville Centre Diocesan Ecumenical Commission, and director (1968-85) of the diocesan Public Information Office. He is now consultant to The Pastoral Provision (for Episcopalians reconciling to the Catholic Church) and editor of its newsletter, *The Link*.

What's Wrong With Socialism?

by D. Q. McNerny
Professor of Philosophy
Our Lady of Guadalupe Seminary

I

In *Quadragesimo Anno*, the encyclical published in 1931 by Pope Pius XI to commemorate the fortieth anniversary of Leo XIII's *Rerum Novarum*, the pontiff wrote: "We pronounce as follows: whether Socialism be considered as a doctrine, or as a historical fact, or as a movement, if it really remains Socialism, it cannot be brought into harmony with the dogma of the Catholic Church, even after it has yielded to truth and justice in the points We have mentioned; the reason being that it conceives of human society in a way utterly alien to Christian truth."¹ And then, later in the document, he writes: " 'Religious Socialism,' or 'Christian Socialism' are expressions implying a contradiction in terms. No one can be at the same time a sincere Catholic and a true Socialist."² These are remarkably blunt and straightforward statements, and convey quite unambiguously the sense of urgency the pontiff obviously felt toward what he once described as "the great

enemy." In regarding socialism as a phenomenon which represented grave dangers not only for the Church but for the world at large, he was of course reflecting an attitude which had been expressed forty years earlier by Leo XIII in *Rerum Novarum*, but with a difference, for in *Quadragesimo Anno* he treats of a wider range of issues, and analyzes them more thoroughly.

There are two things which are particularly striking about *Rerum Novarum*: the great stress that Leo XIII gives to the importance of private property, which he identifies as a natural right which is "sacred" and "inviolable"; and his spirited advocacy of what we would call limited government. With regard to the latter, the general tenor of his argument is that civic order is seriously disrupted by any government which would usurp powers which do not properly belong to it; such a government intrudes upon and diminishes those freedoms which are proper to citizens, either as members of voluntary organizations or as individuals. His identifying private property as a natural right was simply his way of saying that it represents one of the principles which is constitutive of the natural law. Indeed, Leo XIII's most telling indictment of socialism is summed up in the fact that he saw it as a doctrine which was directly at odds

with the natural law.³

Much has changed in the world in the almost eighty years since the publication of *Quadragesimo Anno*, especially, we might be prepared to suppose, with respect to socialism. May we not say then that socialism has undergone the kind of transformation since the publication of these two landmark encyclicals, by so adjusting its modes of operation, and toning down its doctrine, that not only does it no longer pose a threat to Christianity, but it can even be said to be at bottom quite compatible with the faith? In other words, may we not say that, today, it is possible to be both a sincere Catholic and a true socialist? My short answer to that question is No. The essay which follows represents an attempt to provide some philosophic support for that answer. The plan I will be following in the essay is as follows: First, I will set forth a reliable working definition of socialism, then develop an argument in defense of the contention that private property is a principle of the natural law; thirdly, I will argue on behalf of the notion that private property is a right principally by reason of the fact that it is antecedently a need; and finally—this can be considered, besides the most abstract, the most tentative part of the essay—I will provide a defense of private property which is founded upon the essential ontological makeup of the human person.

II

Before launching into a discussion of socialism, it is important that we first have as clear an idea as possible of the subject of that discussion. What is socialism? Of course, any “-ism” can often be notoriously difficult to pin down with any kind of precision (one recalls the differing meanings attached to “existentialism” by those who called themselves existentialists), but in the case of socialism it is really not all that difficult to come up with a working definition of the term. In any event it is easy enough to identify the central tenet of this social theory, its fundamental principle, and that is the idea of the common ownership of property, “property” here being comprehensively considered as “the means of production”; the property is common in the sense that it is owned “by the community as a whole” and that it is administered “in the interests of all.”⁴ Closely allied to the central tenet of socialism, a natural corollary of it, is the disparagement of private property. Indeed, the most extreme forms of socialism look upon private property as a positive social evil, and explicitly call for its aboli-

tion. Another important feature of socialism, or, more precisely, of those societies which have been molded according to socialistic principles, a feature which is explained by the common ownership of property, is a large, powerful central government. A socialistic government, besides exercising its power in ways that tend to intrude upon the private lives of the citizenry, inevitably arrogates to itself an ever increasing amount of power, one significant result of which is that the principle of subsidiarity becomes practically inoperative in the society, whatever lip service it may continue to receive from official sources. Finally, and as the cumulative outcome of all of the above factors, individual freedom is sharply curtailed in socialistic societies, if not rendered effectively non-existent.

The common ownership of property and the accompanying disparagement of private property, the two principal features of socialism, are sufficiently clear and uncontroversial so as not to require further comment, but the other features need some explanation. The large, powerful central government that typically has dominion over socialistic societies is, as I suggested above, an inevitable outcome of the so-called common ownership of property. Why “so-called”? Because, truth to tell, there is no such thing as the common ownership of property, given what ownership, in any meaningful sense, necessarily entails, and given the common owners to be in this case a political community “as a whole.” What ownership necessarily entails is control, on the part of the owner, of that which is owned. If a person owns property X, that means that the person has the ability freely to control property X, that is, to administer it and to dispose of it as he sees fit. A socialistic society may make the edifying claim that “everything is owned by all,” but this is no more than public relations window dressing. The actual circumstances obtaining in the society roundly contradict such a claim. All property pertaining to that society is not, as a matter of fact, owned by all of the adult citizens, because ownership necessary implies control, and all the adult citizens do not control all the property pertaining to the society at large. Practical considerations prohibit this from ever being the case. What actually happens, therefore, in socialistic societies is that control of property devolves to a central government, for reasons which are as much practical as they are ideological, once private ownership has been ruled out of the picture. Now, because control and ownership are inseparable, it is the government which ends up being the only real owner of property in a socialistic society.

Because the government thus has control over all property pertaining to the society at large, it eventually gains influential control over all those areas of society which once enjoyed a certain degree of autonomy because of the then prevalence of private ownership. Central control replaces local control, or at least the possibility of local control, a possibility made real by private ownership. And this in how the principle of subsidiarity is rendered effectively nugatory, a most unfortunate state of affairs because it is this principle which provides a society with one of the most potent defenses against tyrannical government. What is the principle of subsidiarity? As applied to the political realm, it may be expressed in the following terms: a supreme governing body of a society, i.e., the central government, should not take upon itself tasks which can just as well be performed—and often more efficiently and humanely—by subordinate organizations within the society, public or private. So, for example, in the United States, the federal government should not attempt to do what a state government ought to be doing, nor should a state government attempt what could be better done by county or municipal governments, or—and this is a very important part of the picture—by private organizations. If the central government becomes in effect the sole owner of property, then it alone can exercise dominant controlling influence over the society it governs, an influence which, in more cases than not, is ideologically homogeneous. Subordinate organizations within the society, be they public or private, because real ownership is denied them—to imagine the worst case scenario—lack the control they need to be able effectively to influence the society to which they belong. To be specific, being without property, they cannot affect their society beneficially because they have nothing to administer and dispose of. What commonly happens in societies which have been long governed according to socialistic principles is that entities such as private charitable organizations, which once had a beneficial influence on a society, simply disappear from the scene. According to socialistic theory, the work which they once did is now done by the government, and more efficiently; in point of fact, however, that work is either not done at all, or, if taken on by the government, is reduced in scope, and often done ineptly.

Individual freedom, which is of course the *conditio sine qua non* of the virtuous life, is intimately bound up with the ability to exercise the right to own private property. Clearly, one must have a certain degree of freedom to be able to assume ownership of property in

the first place, but then, by dint of being an owner, the extent of one's freedom is expanded. If a person lives in a socialistic society, the right to own private property is either sharply limited or denied altogether, and with the diminishment or absence of ownership comes the diminishment or absence of control. The control in question here applies first and foremost, and rather prosaically, to property, to those material things which a person actually owns. But the capacity of control, which comes with ownership, has a larger application. An owner of property not only, and obviously, has control over the property which he owns, but that very ownership provides him with a greater control over his life in its entirety, a control which enables him to enrich himself in more than merely material ways. The man who owns twenty dollars can use that money to buy the complete works of Shakespeare, and by reading those works expand his mental and spiritual horizons. According to the natural order of things, if a person is prevented from owning private property, and thus deprived of having any control over things, he is also deprived of the kind of control he needs over his life as a whole, a control which enables him to fulfill his destiny as a rational creature.

III

As noted earlier, the most telling objection Leo XIII had to those who would deny the right to private property is the fact that this is a right that is guaranteed by the natural law. Because it may not be readily apparent how this is so, the matter warrants some explanation. Here I will be leaning heavily on the thought of St. Thomas Aquinas, focusing my attention, specifically, on that article in his *Summa Theologiae* where he discusses what he identifies as the foundational precepts of the natural law, those most basic of moral truths which guide us in the pursuit of the good. Because these are foundational truths, any number of subordinate truths are derived from them, through the exercise of reason. The natural law, being a moral law, *the* moral law in fact, has to do directly with the practical intellect, which, like the speculative intellect, rests upon a single first principle—St. Thomas here cites the principle of contradiction—from which all other principles flow. The first principle for the practical intellect, or for the natural law, is: Good is to be done and evil avoided. Like all first principles, it is (a) self-evident, and (b) very general. What, specifically, is the good to be done?

The most immediate good for any individual is his own existence, so the most elementary specific precept of the natural law takes the form in man of a deep-set and ineradicable inclination for self-preservation. What is at issue here is something considerably more than a mindless response to a raw instinct; it is rather a keen sense of moral obligation, on the part of a rational creature, to preserve the integrity of his own person, both physical and spiritual. After the obligation to preserve oneself, comes the obligation to preserve the race, to contribute to the building up of that full complement of human beings the precise number of which, we may imagine, is to be found in the eternal providential plan of God. And thus we have the second basic precept of the natural law. St. Thomas states the precept in the following terms: "Secondly, there is an inbuilt inclination in man to strive after the attainment of more specialized goods, following an aspect of his nature which he shares with other animals. That is to say, it belongs to the natural law—and this basic inclination is common to the nature of all animals—that man and woman should come together and marry, that they should have children, that they should raise and educate those children properly, and meet all the other obligations relative to the married state."⁵ The third basic principle or precept of the natural law has directly to do with man's signal status as a rational creature. As such he has a natural inclination, first of all, to know the truth about God, and he has a natural inclination to live in society. Along with the natural inclination to know the truth about God, St. Thomas argues, is the inclination to avoid every kind of ignorance; and along with the natural inclination to live in society is the inclination to avoid giving wilful offense to others, and to abide by all the other obligations which are associated with our nature as political animals.⁶

The natural right to private property is implicit in those basic precepts, as logically inferable from them. Let us consider first the precept regarding self-preservation. It would not be possible for a person to be properly obedient to this precept if, to put it in extreme terms, he were completely bereft of private property, that is, of certain material things over which he had controlling ownership, in the absence of which he would not be able to preserve his existence, such as, for example, and minimally, the wherewithal to provide himself with

sufficient food, clothing, and shelter. We call these the necessities of life because without them life cannot be sustained, and because a person has a solemn obligation of preserving his own life, he has the concomitant right to the possession of a sufficiency of such things to enable him to meet that obligation.

The necessity of private property in order to meet the demands of the second precept is even more evident. Parents could not properly raise and educate their children if they lacked the material means which would enable them to do so. When we speak of the education of children as the primary responsibility of parents, we need to keep in mind that the education in question is not any education, but rather that education which is in accordance with what the parents themselves, in conscience, judge to be best for their children. If parents have no private property at their disposal, then they are not fully free with respect to the education of their own children. Lacking that freedom, parents are effectively forced, in real world situations, to expose their children to an educational environment which they know to be both academically inferior and morally harmful.

As to the third basic precept, it might be argued that one could come to know the truth about God without owning private property. This is doubtless the case, but it cannot be denied that, in the natural order of things, the fulfillment of even this most noble of inclinations would be rendered appreciably less difficult if one had the kind of control over one's general circumstances which comes with the ownership of property. Clearly, however, a person could not fulfill the wide array of obligations which are naturally his as a member of a political community if he lacked private property. Specifically, he would not be able to meet the demands of commutative justice, say, by making good on his debts, nor would he be able to meet the demands of social justice, say, by paying his taxes, no insignificant contribution to the common good. On a lesser but not trivial level, a citizen deprived of private property to dispose of would not be able to practice the virtue of liberality, and here too he would be prevented from contributing to the common good. One cannot practice the virtue of giving alms if one has no alms to give.

IV

In the hope that a persuasive case has been made for the claim that man has a natural right to own private property, I would now like to argue, making explicit what I have already at least alluded to, that private property is a right because it is antecedently a need; the right is founded upon a need. In other words, and to state the case negatively, private property is not a luxury.

Ownership, once again, necessarily implies control. A person could not be reasonably said to own an object if he did not have the ability freely to administer and to dispose of that object as he wished. And that control, I have maintained, though directed in the first instance toward the material things which are the objects of ownership, extends beyond that level of control. The control that a person is able to exercise over the material things which he owns grants him access to a more comprehensive kind of control, a control over a variety of circumstances which contribute toward the shaping of the general context within which he lives his life. A person's ownership is rooted in the material, but the repercussions of that ownership need not be, and should not be, limited to the realm of the material. Man, precisely in his character as a material creature, needs a certain amount of control over matter, the control which comes with ownership, so that he might, on the most rudimentary level, simply preserve himself in being as a material creature. But because man is a spiritual creature as well as a material creature, what he does in his capacity as a material creature cannot help but have an affect on his capacity as a spiritual creature, and that affect is intended, in the natural order of things, to be beneficial to him precisely in his character as a spiritual creature.

The pivotal notion here is that the ownership of private property provides to a person the freedom he needs in order to fulfill his obligations, not only as a material being, but as a spiritual being as well, the first directly, the second indirectly. Is it possible that a person could exercise the freedom afforded him by ownership of private property for the purpose of fulfilling only his material needs, to the neglect of his spiritual needs? Certainly, but to cite how freedom can be abused in this respect is no argument against its stark necessity. Let us consider an extreme example: If a person should be so totally destitute that he lacks any property over which he can exercise control, then he is for that reason rendered helpless, being deprived of his rightful free-

dom to exercise dominion over his material well-being, and though this would not necessarily imply a concomitant loss of freedom to continue to exercise dominion over his spiritual well-being, *in the natural order of things* (I am not precluding the possibility of direct divine intervention through the operation of actual grace) this would be extremely difficult, if not practically impossible, for him to do.

Meeting our needs as material creatures and meeting our needs as spiritual creatures represent operations which are clearly distinct from one another, as well as in certain cases even separate from one another. We can imagine a circumstance in which a person would not be able to act freely in order to meet his material needs, yet still be able freely to meet his spiritual needs. But, granting as much, it is nonetheless the case, under normal circumstances, according to the way things are naturally ordered, that the meeting of material needs invariably impinges upon the success we have in meeting spiritual needs, and that is so on account of the elementary fact that we ourselves are, in essence, neither exclusively material creatures nor exclusively spiritual creatures, but both. When we pursue material goods which are real goods in that they are potentially genuinely perfective of us, we exercise our freedom rationally. Within that framework, in thus meeting certain material needs, we are doing more than just that; we are creating the circumstances which, though essentially material in nature, will enable us more effectively to meet our spiritual needs.

The most noble way rational creatures can exercise their freedom is by living a life of virtue. The freedom involved here is not simply the freedom of conscience, which is an entirely private matter, but the freedom to act out the dictates of conscience in the public arena. This latter type of freedom, which is essential to man if he is properly to function according to his essential identity as a political animal, if not absolutely dependent upon the ownership of property, is nonetheless very heavily dependent upon it. Grace builds on nature. Man does not exercise his freedom in the pursuit of spiritual goods in a realm which is completely detached from a realm in which he exercises his freedom to pursue material goods. The tragic error of materialism is that, in reducing everything to matter, it paradoxically misses the full reality of matter, for it fails to see its marvelous entanglements with the spiritual. One way to interpret man's natural right to private property is to say that he has the right to exercise his freedom for purposes that transcend the purely material.

V

Thus far I have been considering the right to own private property from mainly practical, common sense points of view, emphasizing the idea that the right to private property is founded upon a fundamental need for it, a need the fulfillment of which has ramifications which extend beyond the realm of the merely material. Now I want to take a more abstract approach to the subject, and tentatively broach an argument which contends that the right to own private property can be said to have its roots in the basic ontological status of man. The conclusion of the argument, which I will present right at the outset, is this: because man, by reason of the very nature of his being, his essential makeup, is a possessor, it is quite natural that he should be a possessor as he relates to being which is other than himself.

First, and to review some basic metaphysics, we remind ourselves that man, as is true of every created existent, is, in terms of the very foundation of his being, a composed creature, constituted as he is of essence and existence. There is a real distinction, in other words, between *what* a man is and *that* he is, between his nature and the fact that he actually exists. Another way of putting it is to say that it is not of the very essence of man to exist. There is only one being of whom it can be said that his nature is to exist, and that being is of course God, thus we can say that the very meaning of God is to be; God is that being who cannot not be. Thus we call Him a necessary being. There is the most radical kind of difference between that mode of being, i.e., God's existing necessarily, and man's mode of being, the fact that he exists contingently. A plain and unsophisticated way of describing man's contingent mode of existing is to say that he is a being who *can* not be, and of course the proof positive of that is the fact that once upon a time he indeed was not. We may say that God simply *is* being, the Supreme Being. In contrast to that, the most accurate way we can speak of man is as one who *has* being. Being, existence, is something which man possesses; it is something which was given to him, as pure gift, and the event which constituted the giving of that gift of being is called creation. In sum, then, man, at the deepest ontological level, is a possessor, a possessor of his very own being.

When we consider the principal faculties of man which identify him as a rational creature, i.e., intellect and will, we are dealing with powers which, though entirely immaterial in themselves, are the means by which

we make the most significant kind of contact with the material. In reflecting on them, we discover two additional and telling ways in which man reveals himself as a creature who is essentially a possessor. In analyzing the phenomenon of knowledge we take note of the basic triad constituted by the knower, the object which is known, and the act of knowing. When a person comes to know something, say object X, he takes possession of it, and in the most intimate of manners, for the thing known becomes a part of the knower himself. The form of the thing which is known is appropriated by, becomes the property of, the form which is the human mind. To sum up, man as a rational creature who is capable of knowledge is, by reason of his knowledge, a possessor.

The human intellect is naturally attracted to being insofar as it is true; the human will, in turn, is naturally attracted to being insofar as it is good. It is the intellect which, so to speak, informs the will of the good, then the will, once apprised of the good, invariably loves it, for the good, by definition, is that which we love. To love something is to desire to possess it, and the whole purpose of the activity of the will is to come into possession of the loved and the desired good. Unlike the knowledge which is the possession of the intellect, which is purely immaterial, the will can effect possession of both immaterial and material goods. A person can will simply to possess comprehensive knowledge of a Mercedes Benz, or he can will to possess the automobile itself, and then follow through on what he has willed by going out and buying a Mercedes Benz, if, that is, he has sufficient private property to do so. We can see, then, and in a more obvious way than is the case with intellectual possession, how it is that man, as a creature who wills, is by nature a possessor.

The purpose of that analysis was to provide grounds for the contention that man, in possessing private property, is acting altogether naturally, in that he is but obeying the dictates of his proper nature. Man is a creature who is a possessor at the deepest level of his being, for he possesses his existence, as something given to him; he is a possessor as a knowing creature, for knowledge is a form of possession; he is a possessor as a willing creature, for the whole purpose of will is to come into possession of that which is willed. Man can thus be said to have an ontological justification for owning private property, for, by doing so, he is simply being true to himself. Man is one who owns, rather than one who is.

And now, by way of conclusion, to answer the

question that serves as the title for this essay: What's wrong with socialism? Actually, there are many things wrong with socialism, as the encyclicals of Leo XIII and Pius XI make abundantly clear, but I chose to focus on one, socialism's opposition to private property. This is wrong because it represents the adoption of an unsupported position—contesting something which is integral to the very nature of man. ❧

ENDNOTES

1. Pope Pius XI. *Reconstructing the Social Order (Quadragesimo Anno, 1931)*. New York: The Paulist Press, 1939, 1957, p. 157, sect. 117.
2. *Quadragesimo Anno*, p. 158, sect. 120.
3. It is evident that from the very beginning of his pontificate—he was elected in 1878—Leo XIII felt under special obligation to give immediate attention to what he regarded as pressing social issues, among the chief of which was the looming presence of socialism. The English title given to his very first encyclical, *Quod Apostolici Muneris*, published just months after he became pope, was “On Socialism.”
4. The quotations are from the definition of socialism provided by the *Oxford English Dictionary*. I chose to use it because it is a definition that would be found acceptable, I believe, by both the friends and the foes of socialism. In its entirety it reads as follows: “A theory or policy of social organization which advocates the ownership and control of the means of production, capital, land, property, etc. by the community as a whole, and their administration or distribution in the interests of all.” *The Shorter Oxford English Dictionary on Historical Principles, Volume II*. Oxford: Clarendon Press, 1980, p. 2040.
5. *Summa Theologiae*, I-II, q. 94, a. 2. My translation of St. Thomas's Latin, though rather free, is nonetheless faithful to his thought. The original reads as follows: “Secundo inest homini inclinatio ad aliqua magis specialia secundum naturam, in qua communicat cum ceteris animalibus. Et secundum hoc, dicuntur ea esse de lege naturali quae natura omnia animalia docuit, ut est conjunctio maris et feminae, et educatio liberorum, et similia.”
6. Here is how St. Thomas states what he offers as the third basic precept of the natural law: “Tertio modo inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria: sicut homo habet naturam inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad hujusmodi inclinationem spectant: utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera hujusmodi quae ad hoc spectant.” (ibid.)

BOOK REVIEWS

The Future Church: How Ten Trends Are Revolutionizing the Catholic Church. John L. Allen, Jr. New York: Doubleday. viii + 469 pages. HB. \$28.00

Reviewed by Kenneth D. Whitehead

John L. Allen, Jr., Vatican correspondent for the leftist *National Catholic Reporter* and Vatican analyst for both CNN and National Public Radio, also writes an Internet column, and is widely considered today to be the best English-language reporter on Catholic Church affairs writing primarily from Rome. He has also authored well-received recent books such as *All the Pope's Men* (2004) and *The Rise of Benedict XVI* (2005). There is no doubt that Allen is a talented journalist, who has learned much and quickly in his years reporting on the popes and the Roman Curia, and accompanying the popes on some of their travels.

The Future Church is a venture in futurology which probably few other commentators on the Church today could have managed as well as Allen

does, precisely because he regularly reports firsthand on Church affairs from Rome itself, and is up on most of the important developments from the perspective of the Holy See. It is not that his projections of the probable developments in the Church's life which make up this book are always indisputably right on target or immune from possible criticism, but on the whole he does cover a great deal of territory both plausibly and creditably for the most part.

He has identified ten current “trends” in the life of the Church today which he thinks will continue, and which he also thinks are “revolutionizing” the Church. This characterization is something of an exaggeration, of course, since after nearly two thousand years, the Catholic Church has never been “revolutionized” by any of the many vicissitudes through which she has passed in the course of her long history, but rather has retained and retains the basic hierarchical, sacerdotal, and sacramental features with which she was originally endowed at her founding by Jesus Christ himself—features which have been handed on

essentially unchanged by generations of “successors of the apostles,” the Catholic bishops in union with the bishop of Rome, the pope.

For the most remarkable conclusion that can be drawn from an honest contemplation of the long history of the Catholic Church is not that she has been or is ever likely to be “revolutionized”; but rather it lies in how she has sometimes amazingly succeeded—over centuries—in maintaining her essential character in the face of all kinds of sometimes revolutionary developments through which she has lived. Viewed in this perspective, the future of the Church over the next century is almost certainly going to exhibit this same kind of staying power in continuing to be what she is and was intended to be, even while the world around her changes, sometimes drastically, obliging her to adapt in response to these changes.

Thus, the ten “trends” identified by John Allen are more precisely trends in society and in the world at large to which the Church will indeed be responding and adapting and developing in ways not dissimilar to how she

has operated down through her history. Generally speaking, these trends do represent good and knowledgeable estimates of how the Church's life will be unfolding and developing over the next century and perhaps longer. The author's method is to take prominent elements that are already salient in the Church's life today and project them into the future in ways he thinks they are most likely to develop based on the sometimes considerable contemporary data and evidence that he has accumulated about them. These elements, or trends, include, first of all, the continued existence and flourishing of what he styles a "World Church"—but then the Catholic Church has always been that. What is different today is that with the "Globalization"—which is another one of trends the author treats—the Church is almost literally present today to some degree in the *whole* world.

The author's other trends are labeled as follows in successive chapters: Evangelical Catholicism, Islam, the New Demography, Expanding Lay Roles, the Biotech Revolution, Ecology, Multipolarism, and Pentecostalism. What the author has to say on all of these topics is usually quite sensible and also greatly benefits from what he has been reporting on firsthand from Rome on how the pope and the Curia are acting and reacting in the case of such elements or trends today. Allen's travels seem to have similarly provided him with knowledge and perspectives on his chosen trends which would have been much harder to come by for a commentator on Catholic affairs working merely from written and published sources alone.

In addition, it must be said that he does his homework quite diligently and thus he regularly cites a plethora of the research and studies that he has consulted. Also, he is quite evidently interested in and taken up with his subject matter, and so he usually manages to convey this interest of his successfully in brisk and sometimes even breathless prose. Perhaps inevitably he is better on some subjects than on others. He is very good on demography and globalization, for example, but is less so on the biotech revolution or on the real significance of lay roles in the Church. He is a keen observer of the current Roman scene, however, and

for the most part a perceptive one. He knows who the main Curia figures are as well as who the main archbishops and bishops around the world are who figure in his narrative.

Thus, it must be granted that this book is well worth reading for anyone interested in what is happening in the Catholic Church today and in where the Church is going. The author has done a good deal of the reading and thinking about the Church which few others would be able to get around to in the same degree. However, a note of caution is nevertheless called for in his case. In an earlier book, this author identified himself as a product of the Post-Vatican-II Church (that is, in the way Vatican II has been popularly understood). It shows. He is not nearly as perceptive on the history and traditions of the Church, for example, as he tries to be on her future; nor is he always really aware of the nature and implications of the Church's teaching and how they are bound to affect her future. He devotes an entire chapter, for example, to a "trend" that he calls "Evangelical Catholicism." Yet what it turns out that he means by this term is simply the Catholicism of those who understand and accept what the Church teaches—who do not exhibit any of today's fashionable "dissent" from Catholic teaching and practice.

That he should imagine that those Catholics who understand and accept what the Church teaches somehow constitute a special class or category within the Church, which he dubs "Evangelical Catholicism," is indicative of an ecclesiology which is certainly not that of the Church herself. While it may not be immediately evident in an era in which dissent from Church teaching is rife, and still also largely goes uncorrected, the fact is that the Church nevertheless does expect *all* Catholics to understand and accept what she teaches, not just a particular class of strict loyalists called here "Evangelical Catholics." This expectation of the Church's is certainly quite plain and unmistakable in her official teaching documents—if one is disposed to take seriously what they say. To believe and practice what the Church teaches is not just one of the ways of being Catholic; it is of the essence of being Catholic.

It should be added, however, that while John Allen does not always seem to take Catholic doctrinal teaching very seriously, he does seem to have noticed, and therefore does take seriously, the fact that the pope and his principal collaborators themselves really *do* believe and practice what the Church officially promulgates and teaches. He is not one of those journalistic observers or commentators whose accounts sometimes suggest the difficulty they themselves have in imagining how any intelligent and enlightened person today could really believe or credit everything that the Catholic Church teaches. John Allen does understand, apparently from his experience covering them, that the pope and his collaborators really are serious in their belief and practice. It is apparently on this basis that he thus does not see much of a future for today's liberal Catholicism, for example: he can plainly see that those in charge of the Church are not buying liberal Catholicism, and so its future is thus necessarily limited, as far as he is concerned, at least for the moment. Those liberal Catholics who may have thought that a liberal pope might somehow eventually ratify liberal Catholicism's belief that good Pope John XXIII and Vatican Council II had effectively launched a "new Church" have not seen their hopes and expectations borne out in the pontificates of Pope John Paul II and Pope Benedict XVI, and John Allen clearly sees this.

But he does not appear to perceive, however, that liberal Catholicism itself is necessarily incompatible with authentic Catholicism. For him the liberal Catholics seem to be just another class or category within the Church, like his category of "Evangelical Catholics." At the same time, he is able to cite, as presumably equally "Catholic," the views of such open dissenters from Catholic teaching as Lisa Sowle Cahill or Rosemary Radford Ruether; their versions of the faith, like the versions of other dissenting Catholics, are seemingly on a par with what the Church officially teaches; but they have just not caught on, nor have their votaries succeeded in convincing the Church's leadership of their positions for the moment. For Allen there does not seem to be any kind of permanently normative Catholicism (such as what is taught by the Church's

magisterium, for example!); it all seems to be just a matter of where Catholicism stands at the moment and happens to be headed today with the leadership it currently has.

For John Allen does think that his “Evangelical Catholics” represent where the Church is going today—in response, one gathers, to the kind of leadership provided in recent years by Pope John Paul II and Pope Benedict XVI. He is actually able to opine, unusual for a *National Catholic Reporter* writer, that “there is no serious reason to believe that within the arc of time under consideration in this book, meaning the rest of the twenty-first century, the Church will ordain women, abandon its hierarchical structures in favor of something more inclusive, or significantly relax its teachings on sexual ethics.”

Why just “the arc of time under consideration in this book”? Or why just “the rest of the twenty-first century”? Does this reporter on Vatican affairs really not understand that the Catholic Church will not change any of these things because she *cannot* change them? She cannot change what she teaches about ordination, sexual morality, or her own hierarchical structure because what she teaches about them happens to be the *truth*. The Catholic Church, Vatican Council II taught, is “the teacher of truth” (*Dignitatis Humanae*, 14). To imagine that any of these firm and established teachings could be changed is to misconceive the nature of the Church as the Church presents herself in her own teachings about herself.

Regarding ordination, for example, in his 1994 *Ordinatio Sacerdotalis*, Pope John Paul II declared that the Church’s inability to ordain women constituted what he called a “definitive” teaching to be firmly held by all of the faithful. And the Congregation for the Doctrine of the Faith under the future Pope Benedict XVI actually went on to characterize this same teaching as, in fact, an “infallible” teaching. It therefore *cannot* be changed, given the magisterial level at which it has been promulgated by the supreme teaching authority of the Church.

However, this is the kind of point that it would apparently not occur to a John Allen to try to make. That he apparently does not understand this about

the nature of the Church’s teaching office, or magisterium, constitutes a serious deficiency in his understanding of his own chosen subject matter. It is not that he himself, or any reporter, has to accept and believe what the Church teaches, including what she teaches about herself. However, he does have to understand what it is that the Church really does teach, including about herself, if he is to report with complete accuracy about Vatican affairs. Unfortunately, however, it cannot be affirmed that this is always the case with this Vatican reporter. Like his predecessor, the later Peter Hebblethwaite, what he writes is almost always interesting and informative, but again like the work of his predecessor, it is regrettably not always accurately “Catholic.”

Kenneth D. Whitehead’s most recent book is: The Renewed Church: The Second Vatican Council’s Enduring Teaching about the Church (Sapientia Press of Ave Maria University, 2009).

The Realm: An Unfashionable Essay on the Conversion of England, Aidan Nichols, O.P., *Family Publications, Oxford, 160 pages 8.95£*
Reviewed by Ryan N.S. Topping, St. Thomas More College, Saskatoon, Canada

Are you hoping for a Catholic country? If not, you should begin. That is the message of Fr. Aidan Nichols’s most recent work of cultural apologetics, which he subtitled, *An Unfashionable Essay on the Conversion of England*. *The Realm* is thus an application of the model of reform set out in his 1999 book *Christendom Awake*; but more than this, Nichols’ outline for evangelization has something to say to Catholics everywhere who have pondered what the conversion of their own nation might entail, and how the Church could set about to make it happen. Nichols’s key concept is “integral evangelization.” By this he signifies a plan of action for the “metaphorical baptism of culture as well as the literal baptism of the individuals who inhabit it.” Drawing upon a range of 20th century English Catholics such as Christopher Dawson and G.K.

Chesterton, but also S.T. Coleridge, T.S. Eliot and the American R. Hittinger, Nichols’s thesis runs thus: “Catholic Christianity was not only essential to the making of England but provides the best foundation—intellectual, moral and social—for the culture of an England re-made”.

The book’s apologetic, then, ambitiously faces two fronts. One is the field of English ethnography. Here Nichols argues that for the peoples of the Island Catholicism provided the first glue strong enough to bind them together. For this he relies upon recent revisionary historiography of (among others) Cambridge’s Eamond Duffy who, in his own acclaimed study of the English Reformation, *The Stripping of the Altars*, argued that traditional religion at the time of Henry VIII, far from tottering at the edge of collapse, had about it no particular marks of decay. Nichols also cleverly draws upon the Anglo-Saxon *Lindisfarne Illuminated Gospel* manuscript. In the author’s narrative this multi-textured visual treasure, with its blend of local and foreign artistic traditions, is an icon of how the Christian faith served to form the nation. And for those with eyes to see Nichols points out how even today living custom in England is replete with Christian symbols, from St. George’s flag, to the Queen’s coronation ceremony, to the common law’s “reasonable man.” The point of the history lesson is simple: seeing what Christendom achieved in the past should embolden us to dare imagine what Christendom could achieve in the future.

What the Church lacks at present, the author laments, is a coordinated effort of advance. Toward this end *The Realm* has something to say about every aspect of modern life: culture, history, ethics, art, politics, and economics; all find their place in his vision of an England remade by the Catholic faith. But obvious to North American readers, even among Nichols’s sympathetic admirers, will be the question of how a return to Christendom would furnish a quantitative advance for either Church or State over a Catholicism which works within democratic structures neutral to religious creeds. I return to this in a moment.

Before we start picturing witch-hunts, crusades, and conquistadors, it

is worth tracing for a moment what Nichols sets his polemic against. Obviously he has no patience for the Eutopia secularists. But neither should Christians concede to a religiously neutral polity. Here Nichols takes aim at the optimistic “Integral Humanism” of Jacques Maritain, particularly in his capacity as Catholic representative of European post-War politics. That politics, we are aware, modeled itself on America insofar as it set out to construct a non-sacral European democratic order. And in the author’s view, hope in the justice of pluralistic politics—even if infused with Christian values viz., according to the upright consciences of voting individuals—is, frankly, naive. On contemporary Britain, he writes: “Maritain’s situation in the France and North America of the years immediately before and after World War Two excuses, up to a point, his blindness to the drawbacks of pluralism. Today in England, the emergence at one end of the spectrum of a scientific elite careless of ethics (compare the proposed licensing in the United Kingdom... of hybridised human and non-human animals, at least to the age of fourteen days) and at the other end the existence of a radically alienated minority among Muslims seeking the establishment in the United Kingdom of the Sharia law, tends to make one rather more aware of what is involved”.

Despite the excesses and deficiencies of Christian Europe’s Medieval past, Nichols aims to convince that the religion of the Incarnation cannot have its full effect apart from a self-consciously Christian polity. Thus, in the England of the future the liturgy would once again impact on civil society through public sacral times and spaces. Pilgrimages, feast-days, processions, but also law, architecture, and economics, would all be exploited as means to elevate the Christian imagination. Indeed such public and sensuous signs are necessary if Christian mysticism is to be given the wings required to travel “across the boundary between the inner and the outer world.” Authentic Christianity and Islam have at least this in common: the view that private religion is bogus religion. What the Church needs most in our time is to recover its confidence in her capacity to shape culture. After all, what if our

preaching worked? In Nichols’s vision, Catholicism is simply more beautiful than her religious rivals and better equipped than her secular competitors to furnish a nation with the mythopoetic symbolism it needs to support a common culture without closing it in to xenophobia. For, in England as in any other country, Christendom revived is nothing other than “Catholic Christianity in its fullest manifestation in culture.”

What about America? This is the one Western democracy that has remained incorrigibly Christian and even, unlike the UK, has a birth rate with a future. Though Nichols admits the United States offers a partially encouraging counterexample, ultimately, a religiously neutral polity is antithetical to the Gospel. As he surmises: “The likely consequences of prolonged habituation to an order where devotion to the publicly celebrated, legally enforced and socially respectable democratic faith is obligatory, while devotion to the publicly neglected, legally ignored and socially eschewed religious faith is voluntary, are—the grace of God aside—obvious”.

That British legislation Nichols alludes to (*Human Fertilization and Embryology Bill*) passed over a year ago; but whether it is inevitable that America too will tumble down a similarly schizophrenic path is a live question for debate. In any case the philosophical center of Nichols’s claim is in answer to the question of whether or not society, and along with it politics (and art, and everything else that comprises culture), can in the Catholic view legitimately prescind from its ultimate end. The factor which complicates democratic faith in America, however, is that it has never been entirely separate from Christian faith. Some of the Founding Fathers and many Americans since then have kept in living memory the connection between Christian dignity and the freedom of religion (which writers like John Locke, as for instance in his *Letter on Toleration*, did much to publicize). What is even more complicating for Nichols’s thesis is the theological weight which the Catholic Church put behind this idea through its Declaration on Religious Liberty, *Dignitatis Humanae*. Near its opening that document affirms that the human

person has a right to religious freedom, by which it means “that all men are to be immune from coercion on the part of individuals or of social groups and of any human power”. So far so good. Run down a few more lines and you find this: “This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.” Since Vatican II many in the Church have taken such texts to mean that a confessional state is no longer a Catholic option. If that is the case, what appears very much like the American take on freedom of religion, at least insofar as it concerns the functions of government, lost its status as simply an American idea.

So, would a return to Christendom be desirable? In *The Realm* Nichols weaves what is at times an enchanting tale, both attractive and instructive. It deserves to be read as an exercise in contextual theology alongside his *Christendom Awake*. What is frustrating about Nichols’s essay, however, is its lack of engagement with potential critics. I grant that the author directs this book primarily to believers. (After all, who else would be interested in the conversion of England?) But he expects far too much indulgence from them. Nichols knows—as everyone else knows—that the reinvigoration of a Catholic State is on nobody’s agenda. Where he might have looked for support from traditional minded Catholics he offers virtually no discussion as to how his defense of Christendom remains faithful to recent Church teaching. Is Nichols suggesting a new development? Then he should say so. Is Nichols offering a better interpretation than John Courtney Murray did? Then he should admit this. With some one hundred and twenty speeches, 600 written interventions, and over 2000 suggested corrections delivered before the text was finally approved, *Dignitatis Humanae* was arguably the most controversial of the council documents. Great debate surrounded its promulgation; but that does not mean its success can be ignored. What is more, *The Realm* leaves the reader with a long list of unanswered questions. For instance: under the sacred canopy of a Christian state would we still find propertied

Moslems and Jews? Presumably so. But then, what about their right to public office? The author's silence is a disservice.

Nichols writes at a time when many young people within the Church are eager to recapture traditions and practices that they were never exposed to. Many within this generation of young Catholics are keen to discover the old Mass, the old rosary, and the old view of marriage and sex. It is inevitable that faced with the rising political options of our day (a barren multiculturalism, an insipid secularism, a violent Islam) these same Catholics sooner or later will begin to wonder whether the Church's older political ideas too might not need resuscitation. Those versed in contemporary Christian political thought will in this regard no doubt think of Oliver O'Donovan's work (e.g. *The Desire of the Nations*, *The Ways of Judgment*, etc.), which, written by an Anglican, earns the benefit and the liability of not needing to deal with recent Catholic teaching. Fr. Aidan has no such opportunity, so he owes us yet another book.

Ryan Topping serves as Postdoctoral Fellow in Catholic Studies at St. Thomas More College, at the University of Saskatchewan, Canada. He holds a doctorate in moral theology from the University of Oxford, and has published and forthcoming articles in journals such as the International Philosophical Quarterly, New Blackfriars, and Pastoral and Homiletic Review. He is the author of St. Augustine, a major study on St. Augustine's educational philosophy forthcoming this summer with Continuum Press. Presently he is completing a manuscript on the Catechism and the renewal of Catholic culture.

The Italian Inquisition, Christopher F. Black, Yale University Press, 2009, pp.xv+330, \$55.00.

Reviewed by Jude Dougherty, the Catholic University of America

Black opens the Preface to this volume with the observation, "The topic of the Italian Inquisition. . . might seem dark and unattractive, but it is not as gruesome as myth and prejudices might suggest."

First, he makes a distinction between the Spanish Inquisition, essentially a state institution responsible to the King of Spain, and the Italian Inquisition, responsible to the pope. Strictly speaking there was no single Italian Inquisition; there were many inquisitions. Black's interest is primarily the Roman Inquisition for there were also inquisitions centered in Florence, Venice, and Lucca.

New studies have been possible as a result of the opening to scholars in 1998 of the central archive of the Roman Inquisition or, to be more accurate, of the several inquisition systems that prevailed during the period under consideration. Black presents his book as an overview of the current knowledge produced by dozens of international scholars and as the result of his own excursions into a few of the many archival resources extant in some 20 Italian cities and towns. "I have emphasized," he writes, "the details of some of my own forays into archives in Bologna, Florence, Rome, and Venice."

The main institution is what is generally called the Roman Inquisition, more properly called, the Holy Office, a permanent institution established in 1542 under Pope Paul III (Alessandro Farnese). Italy, it is to be remembered, was not politically united until the late nineteenth century. In the sixteenth and seventeenth centuries, distinctions between Italy and Spain, Italians and Spaniards, could be fuzzy. The Islands of Sicily and Sardinia were part of the Spanish Kingdom of Aragon. Then, too, there was the Kingdom of Naples, subject to Spain.

The book covers the "early modern period" defined as that existing from the early sixteenth century to the late eighteenth. The book is concerned mainly with legal procedures and the sorts of beliefs and practices considered heretical by the inquisitors, and incidentally with the evolution of central bureaucracies created as a result. The focus is always on how theological heresies, with their many different strands, were confronted and overcome within Italy, although comparisons with the Spanish Inquisition are inevitable.

Black finds that "The much publicized condemnation and death of a leading heretic in 1567 marks to some extent the watershed." From then on the Roman Inquisition became more

educational and less punitive. Individuals summoned before the inquisitors did not appear just as a result of the inquisitors' fixations and mind-sets but because of the concerns of the wider society. Given that the investigations were not typically a top-down inquiry, Black thinks that the archival records of many investigations can be used by historians in wider studies of a social and cultural nature.

In his own work, Black acknowledges the influence of John Tedeschi, whom he says has done much to correct the "Black Legend" attacks on the Roman Inquisition. In his own studies, Tedeschi has insisted that the Roman Inquisition was not a drumhead court, a chamber of horrors, or a judicial labyrinth from which no escape was possible. To the contrary, in his judgment, it offered the best criminal justice available in early modern Europe. But Black cautions, "The best does not mean that illegality, brutality, corruption and other failings were absent." Nor does Black endorse the moral view that deviations from religious norms or the use of prohibited books should have been sanctioned, let alone severely punished.

It was the growing threat of Protestant heresies within Italy and substantial calls for reform within the Church itself that led Paul III to create the Holy Office of Inquisition. It is to be remembered that the Latin word *inquisitio* simply means "enquiry" and refers only to the legal process carried out by duly appointed magistrates. Like our own legal process of "discovery," it could be non-confrontational, leading to a fair trial, to arbitration, or to some other decision-making process. Never to be forgotten is the fact that medieval churchmen considered heresy to be more than a peccadillo.

The inquisition of 1542 did not emerge in a vacuum but developed out of prior ecclesiastical responses to the northern Reformers and internal conflict. The episcopacy thought of itself as fulfilling its protective role of the faith and its obligation not only to control heresy seeping in from northern Europe but also to protect the faith from homegrown, hybrid evangelical inspiration. In its early stages the inquisition was messy and controversial, characterized by power struggles among cardi-

nals in Rome, between hardliners and moderates, and between hardliners and some “softer” popes, such as Paul III and Pius IV.

Black’s research into the operation of tribunals and the methods employed by the inquisitors shows that they generally followed fairly clear rules and guidelines without becoming dictatorial. Consultants could be brought in locally or from Rome. Guidelines dictated who could be questioned and when, and, in addition, they established the permissible lines of questioning. Inquisitors were seldom pro-active. Investigations were not top-down inquiries but were more often called in response to charges that had been brought and in their resolution were seldom punitive. Inquisitors could be open-minded on some issues, uncertain of how to proceed on others, and show sympathy for erroneous beliefs derived from ignorance. Death sentences were not numerous under the Roman Inquisition.

No brief review can do this volume justice. Although critical of those who rush to judgment, it is not a work of apologetics, given the Anglican background of the author, but it should give pause to anyone who has not done a comparable amount of research and is tempted to denigrate the Catholic Church.

Thine Own Self: Individuality in Edith Stein’s Later Writings, Sarah Borden Sharkey. Washington, DC: The Catholic University of America Press, 2010. pp. xxxi + 254. \$39.95 (Paper).

Reviewed by Jude Dougherty, The Catholic University of America.

Sharkey’s primary focus is Edith Stein’s theory of individuality. She traces Stein’s philosophical development from her early interest in phenomenology to her later studies of Thomas Aquinas and Duns Scotus. But Stein’s intellectual journey cannot be separated from her personal experience within a Nazi Germany that eventually put her to death.

Stein’s philosophical formation began at Göttingen where, under the tutelage of Edmund Husserl, she studied phenomenology with fellow students,

including Adolf Reinach, Theodore Conrad, Hedwig Conrad-Martius, Max Scheler, and Roman Ingarden. She followed Husserl when he moved to Freiburg in 1916, finishing her doctoral dissertation there. For eighteen months she served as Husserl’s private assistant while completing a second dissertation, her habilitationschrift, *Potenz und Akt*. Unable to secure a university appointment she accepted a position in a Dominican secondary school in Speyer. Attracted to Catholicism she was baptized in 1922 and taught for the Dominicans until 1932 when she was appointed a lecturer in pedagogy at Münster, a position she was almost immediately forced to resign, even though she was a Catholic, as a result of anti-Jewish legislation. In 1933 she entered the Carmelite Convent in Köln. She was aided by that community in preparing for publication what became her major work, *Finite and Eternal Being* (completed in 1936 but not actually printed until 1950). It was there, too, that she completed *The Science of the Cross*, her study of the Spanish mystic, John de Yepes, better known as John of the Cross. Fearing for her safety the Köln community moved her to a convent in Echt, Netherlands, where she remained until 1942. On July 20 of that year, the Dutch bishops published a document condemning Nazi racism. Retaliation came swiftly, for on July 26 the Nazis ordered the arrest of all Jewish converts to Christianity who had previously been spared. Stein, evidence suggests, was executed less than two weeks later.

Under favorable circumstance she may have had a distinguished career. Her early professional activity included essays written for Husserl’s *Jarbuch*, a translation of Aquinas’s *De Veritate*, and the translation of a volume of papers by John Henry Newman. Her doctoral dissertation, *On the Problem of Empathy*, seems to have influenced some of her later work. Certain insights first explored there reappear in *Finite and Eternal Being*. Empathy is defined as a concern for the value of each and every individual. As Sharkey explicates the notion, “A person is not reducible to her human nature. She is not simply like all others with the human form. A person has a level of unrepeatability and dignity that the classic Aristotelian position did not adequately empha-

size.” This insight leads Stein into an extended discussion of the principle of individuation. Her position may be described as uniquely her own, neither that of Aquinas nor that of Scotus. She speaks of “a common human form” whereas Aquinas would speak of “a common human nature.” Clearly Stein can not be called a strict Thomist given her different metaphysical conception of being and essence. As Sharkey explains, Stein wants to give an account of how there can be many instances of the same type which differ not only numerically but also qualitatively. She does this by positing a form in addition to the common human form, not exactly Scotus’s formal principle of individuation, i.e., the principle of *haecceitas*, but closer to Scotus than Aquinas. “Stein’s primary concern in positing individual forms,” Sharkey writes, “is not individuation (as in the case of Scotus’s *haecceitas*), the paradigm for being a universal, or identity, but rather uniqueness.” One might add, the development of an insight broached in her doctoral dissertation.

Sarah Borden Sharkey’s excellent study of *Finite and Eternal Being*, given its depth, leads her at one point to suggest that Stein may have worked her way out of some of her difficulty with the problem of individuation if she had relied more on Husserl. Sharkey writes, “In investigation III of *Logical Investigations* Husserl presents a theory of parts and wholes that can be applied to Stein’s theory in order to gain an understanding of the relation of individual and universal forms. Further, Husserl’s theory mapped onto Stein’s theory of individual forms, fits well with a large number of Stein’s claims and creates a fairly consistent picture of the concepts she uses.”

Au coeur de la philosophie de saint Thomas d’Aquin, Léon J. Elders, S.V. D. Traduction française de Véronique Pommeret. Paris: éditions Parole et Silence, Presses universitaires de l’IPC, 2009. (Paroleetsilence@omedia.ch). Pp. 357.

Reviewed by Anne Barbeau Gardiner

Father Leo Elders' new book, *At the Heart of the Philosophy of St. Thomas Aquinas*, consists of seventeen essays ranging in topic from Platonism to globalization. In this review I can only give a glimpse of the riches contained in these pages characterized by profound learning and unswerving orthodoxy.

In "St. Thomas and Platonism," Fr Elders examines about a thousand passages in the works of Aquinas that mention Plato and about five hundred that refer to the Platonists. Since St. Thomas had few of the dialogues, he used a large array of ancient sources to understand Plato, whose doctrine of participation he much appreciated. Several times he underlined that Platonism can lead to error, but he still held in high regard the Platonic affirmations of the priority of the spiritual, of the immateriality of the human soul, and of the existence of a first principle. Even more important, he used certain metaphysical principles in the line of formal causality and integrated them into his own metaphysics.

In a chapter on St. Albert and St. Thomas, master and disciple, Fr Elders explains that both went far beyond what Aristotle reached in metaphysics. St. Albert, the great promoter of the scientific study of metaphysics in the West, did not attain the definitive vision of St. Thomas due to his Platonism. Also, his method of commentary was deficient, because he collected various opinions without offering a real synthesis. And yet, St. Albert rightly saw metaphysics as the most certain, most ancient, and most worthy form of knowledge. With St. Thomas we enter a new universe: he shows that while metaphysics has "esse commune" and "ens commune" as its subject, it stretches equally to the study of common and universal causes of being. His rigorous and astonishingly rich commentaries on Aristotle, deepen the thought of the Stagirite and resolve its conflicts with Revelation. St. Thomas explains that we enter into metaphysics after having understood that there exists immaterial being, such as the human soul. Once we liberate being from its immersion in matter, our attention is no longer concentrated on the "quidditas rei materialis," but on the most universal being. We can then pen-

etrate into the nature of being, discover its limitation, contingency, and composition, and be led to the knowledge of the supreme and necessary Being who is the cause of the world. Metaphysics, Fr Elders observes, is at the heart of Christianity.

In the chapter "Analogy in the Philosophy and Theology of St. Thomas Aquinas," Fr Elders states that Thomists have disagreed for years about Aquinas's doctrine of analogy, which occupies a central place in his thought. In the 20th century, an important current of analytical philosophy regarded all affirmations about God as meaningless, but for St. Thomas, terms like "being" and "good" that include no defects in their definition and do not depend on matter in their being may be predicated by analogy of God and creatures. St. Thomas resolves the difficulty by his doctrine of participation. While emphasizing the divine transcendence, he makes it a priority to show that what is said of God and creatures expresses a certain ontological resemblance and affinity between the two, while leaving their diversity intact. Unlike Scotus, St. Thomas does not speak of analogical *names*, but of analogies in *judgments*. Fr Elders notes that the expression "analogia entis," which Karl Barth regarded as the invention of the Antichrist, was from Suarez, and the form that Barth attacked was from Przywara, not from Aquinas.

In "The Metaphysics and Theology of Beauty in St. Thomas Aquinas," we learn that St. Thomas was influenced by Pseudo-Dionysius's view of beauty as the kernel of the goodness that attracts all to God. Indeed, ancient Greeks combined "good" and "beautiful" into one word—"kalós-kagathós." For St. Thomas, the properties of beauty, in both material and spiritual things, are radiance, proportion, harmony, and unity, properties which are perceived by the work of our understanding. Also, the interior form of each thing is beautiful by its truth, knowability, and participation in the divine radiance proceeding from God, the first splendor. Since God is the very essence of beauty and cannot be seen without being loved, the culmination of the experience of beauty will be the beatific vision.

In the fifth chapter, "First Principles

in the Philosophy of St. Thomas Aquinas," Fr Elders shows how first principles play an irreplaceable role in St. Thomas, assuring the coherence of his doctrine. These principles are propositions immediately perceptible to all men because they express the structure of being and exist in our intellect as a result of the natural light given simultaneously with the soul's nature. Whatever we know with certitude is contemplated in these principles, and our moral virtues depend on them as well. This chapter provides thirty pages of these first principles drawn from St. Thomas's writings. Far from being purely logical formulas, they are the foundation of the dazzling intelligibility of the real in St. Thomas's works and the unequalled certitude of his conclusions. As Aquinas himself says, "non est falsitas in intellectu si recte fiat resolutio in prima principia."

In the sixth chapter, on "The Doctrine of Existence in St. Thomas Aquinas," Fr Elders notes that Gilson and Fabro tried to highlight the insufficiencies of the great Thomist tradition by claiming that the classic interpretation of St. Thomas's metaphysics was infected with the thought of Suarez, who had made the enormous error of putting the transcendent God under the study of common being. Since 1930, too, Gilson, Fabro, Maritain, Pieper and others have favored a more existentialist understanding of St. Thomas and have seemed at times to reduce the role of essence. In addition, after WW II, some authors began speaking of existence as if it were an activity. There is indeed an activity at the fundamental level of substance, but it is not the motor activity of change, but rather the permanent concentration of the reality of this being or that being, whose existence continues in a substantial identity. Existence gives permanence and stability to our world of becoming and possesses a greater perfection than essence.

Fr. Elders shows that for St. Thomas, the divine Being is not an actualization of a mode of being, but an unlimited ocean of reality. So the word "being" is used for God only in a super-analogical way. Creatures are a delimitation of being, for their existence is ordained each time to a different essence. When God gives existence he produces simultane-

ously the subject that receives it and to which it is ordained. Since the existence of things is limited and subject to change, we realize that it must have a cause, namely God, in whose Being creatures participate. St. Thomas's doctrine was new and he emphasized this when he wrote, "What I call 'esse' is what is most perfect in all things."

Is the soul to be identified with its powers? This question has been pondered from ancient to modern times. Fr Elders explains that in St. Thomas's works, the soul's powers correspond to actions that can truly be distinguished from the soul's substance. It is Aquinas's central doctrine that all substances exercise activities and that their acts, whether immanent or transitive, are distinguishable from them as subjects. If a substance were its operations, it would be totally in act, but this is impossible because its essence and existence are not a single reality but distinct, according to St. Thomas's doctrine of "real composition" in creatures. In God alone is the divine Being the same as His thought and will, and that is why we can say, God is Love. In no angel or man is the action the same as the essence. Among the powers, one moves the other, such as the intellect moving the will, but if these powers were the very essence of man's soul, this would be impossible since nothing moves itself. The spiritual soul of man, his unique substantial form, constitutes and expresses itself in the body, yet does not communicate all that it contains to the body. Rather the soul conserves its spiritual force for the operations of the intellect and will, powers that emanate immediately from itself alone.

On the theme of "The Unity of Man," Fr Elders explains that the ontological unity of man in St. Thomas is so great that his corporal reality is his soul itself. Yet even so, the identification is partial and does not concern the intellectual nature of the soul. There is no dualism in Aquinas: the same man experiences joy and sorrow, moves himself from place to place, and meditates on his life. The body is the expression of the self, and at the same time the soul surpasses the body in its profound being and can equally utilize it, possess it, and analyze it. What is immaterial need not exclude the mate-

rial, for superior beings can contain in a transcendent manner the perfections of beings of an inferior degree. God is spirit, yet all the world's riches are contained in Him in an eminent fashion. We should say, then, that the soul contains the body, which must serve the spirit. Despite the passage of years and physical change, a man remains the same individual because his soul is the same, but since he does not possess infused ideas, he must acquire knowledge from material things for the sake of his proper operation—thought. The body helps the soul to discover the truth and beauty of material things. In St. Thomas, the unity of man does not imply a confusion of the spiritual and material, because the soul and the body remain distinct even in the bosom of this unity.

In the ninth chapter, "The Ethics of St. Thomas Aquinas," Fr Elders speaks of St. Thomas's revolutionary teaching—that we cannot act against our conscience, even if it is erroneous. We perceive as good that towards which we have a natural inclination, and so our reason, which affirms it as good, is the criterion of morality. Yet our reason is not auto-sufficient; it depends on natural law, the foundation of which is given with our nature. St. Thomas was the first to declare the important principle that the divine law founded on the grace of God does not suppress the natural law formulated by our reason. Grisez, Finnis, and Boyle agree that man knows the precepts of natural law, but they deny that these precepts have their source in man's natural inclinations. Others claim that human nature is changeable and cannot be the foundation of natural law, but Fr Elders replies that despite changes in attitude, human nature remains unchanged.

A chief characteristic of modern man is the desire for a total liberty disconnected from the natural structure of things, but as St. Thomas shows, we already have a great liberty in that we formulate for ourselves the precepts of natural law, which are not imposed on us by force, but express clearly what we ourselves understand as the just way of acting. Some modern authors think man is free to use his body as a simple instrument, neglecting the givens of the human biological structure. They uphold an unlimited right to dispose of

the body in promiscuity and in homosexual unions, arguing that temperance is unnatural, because man is oriented to pleasure. Fr Elders replies that the substantial form of man is the rational soul, so his sexuality is a human sexuality subject to right reason.

In the "The Foundation of the Morality of our Actions," the tenth chapter, Fr Elders reveals how the theory of natural inclinations was affirmed with vigor by the Stoics, from whose teaching arose the doctrine of natural law. St. Thomas shows that we acquire virtue when our appetites are led by right reason, which judges according to the first principles of the moral order produced in our intellect. These interior principles do not arise from arguments, but are formed thanks to our inclinations toward what is good for us, in conformity with our nature. There is in man a natural inclination to act according to reason, and to act thus is in accord with virtue. If our nature were in the state of original integrity, right reason would always prevail, but even in our fallen state, if we act repeatedly according to reason, the moral virtues are formed in us and it becomes natural for us to live in conformity with reason.

In the next chapter, "Modern Theories of Liberty and the Doctrine of St. Thomas," we learn that the modern theory of autonomy may be traced to Ockham, who excluded from the process of free will the natural inclinations, passions, emotions, and virtues. For him, every decision was a solitary act, not the expression of an underlying order, or of what the Creator put in our nature. Ockham thought the basic precepts of the moral law were not founded on our nature, but were in tension with our liberty. This is the same tension that marks the moral theology of our era. Similarly, Sartre's theory of liberty, which influenced a whole generation, is about each decision being an isolated action on the spur of the moment, without any inhibitions. Those who follow this path may speak of conscience, but they redefine the word to mean their desires and opinions. Since they no longer believe in sin, they regard God's mercy and severity as equally oppressive. Ironically, this modern theory of autonomy (widely held in the humani-

ties) is opposed by scientific materialists, who argue that free will does not exist at all and that our life and thought are totally determined.

Regarding free will, St Thomas points out that when man chooses a particular good and the means to attain it, the intellect plays the role of formal extrinsic cause, evaluating different options. Thus the root of free will is in the intellect. Yet Fabro sets aside the role of the intellect in free will acts, and existentialists generally consider liberty to be the essence of man. For St Thomas, on the contrary, free will means letting our natural inclinations, which we have developed into virtues, form a spiritual spontaneity that directs us without coercion to the good.

Modern man claims that only sense perception leads to certitude. Since the structures on which the moral norms are based are imperceptible to the senses, little wonder that moral relativism prevails. This leads to an atomized humanity, the loss of a sense of the hierarchical order of things, and the “death of the father.” Also, since W W II, many contend that a purely objective evaluation of reality is impossible and that every opinion is of equal value. In “The Relations between Truth and Liberty in the Moral Life,” the twelfth chapter, Fr Elders points out what St. Thomas teaches about the judgment of conscience: in it, the intellect compares the action one has done or is about to do with the norms of natural law present in the conscience, and arrives at a decision.

In “The Doctrine of the Common Good according to St. Thomas,” Fr Elders notes that the term “common good” appears 370 times in the works of Aquinas. God is the common good of all creatures; Christ, the common good of the Church, offered in the Eucharist; the perfection and order of all creatures, the common good of the universe; and last, the well-being of all its members, the common good of society. In St. Thomas, man is marked by an ordination to the common good, which in turn contains his own proper good. Today, however, personalism is widespread among Thomists, and its central theme is that man, not society, comes first. Man is thought to belong to society as an individual, but to stand above it as a person. Jacques Maritain,

a personalist thinker, contends that as a person, man cannot be part of a society because he is the end of all community life and an autonomous subject with inalienable rights. The function of the state is supposed to consist in protecting persons. This is very different from St. Thomas, for whom man is not above the common good, but rather seeks his personal perfection within it. St. Thomas affirms that we cannot fully attain our personal perfection unless we ordain ourselves at the same time to the good of our family, our city, and our country. Yet St. Thomas also sees a dimension in man that is not subject to society—his personal relation with God and his life in the universal community of the Church. And so, while the common good is more important than the private, the supernatural good is of superior order.

In the fourteenth chapter, “St. Thomas Aquinas and Work,” Fr Elders notes that in antiquity manual labor was relegated to slaves, and the word for it was derived from the yoke of oxen. Christianity brought about a positive conception of manual labor. Christ and the apostles worked with their hands, and St. Benedict prescribed daily manual labor for his monks so they would produce what they needed to live, expiate their sins, and practice charity. With St. Thomas arose the principal elements of a true philosophy of work—that it is natural to man and that a division of labor is required, since no one can produce all he needs to live. Work liberates man from idleness (the origin of much evil) and through work he collaborates with God in his administration of the world. When St. Thomas defended the mendicant friars who were accused of sloth because they collected alms to support their studies, he upheld the dignity of spiritual and intellectual work, which he said few would choose because of the difficulty.

For many philosophers, history is nothing more than a march toward an unknown destiny, but for St. Thomas, as we learn in “The Meaning of History according to St. Thomas Aquinas,” history receives its shape and meaning from the Incarnation. God’s people were reduced first to a remnant and finally to the unique person of Christ, and then a contrary movement began

as salvation was offered to all men. Christ now stands forever at the heart of history, for His coming is greater than time. God ordained all of history for what is fitting to this mystery of the Incarnation. St. Thomas finds an explicit faith in Christ in all phases of history, of which the last and definitive phase is ours—that of Christ and his grace. But alas, the spiritual history of humanity is one of constant backsliding needing to be corrected again and again by divine intervention. The world’s sudden end, St. Thomas warns, will be accelerated by the indifference of Christians. There is a perennial hostility between truth and error, but since the saints are what is most noble in the entire universe, God turns whatever happens to them to the good.

In his penultimate chapter, “The Christian Humanism of St. Thomas Aquinas,” Fr Elders notes that Renaissance humanism tended to exalt the grandeur of man and belittle the order of grace. Later on, humanism became an ideology that regarded man as autosufficient. In the last century, the humanism of the existentialists placed the highest value on liberty and turned life into a series of isolated decisions. In St. Thomas, Christ is the perfect model of authentic humanism, and man is the most perfect being in the universe, the one that all nature collaborates to produce. Each person is an irreplaceable realization of our human nature, and the cosmos is ordered toward the multiplication of souls, which requires that of bodies as well. Man’s vocation, the kernel of his dignity, is to put himself on the road to God. At the basis of St. Thomas’s humanism may be found the doctrine of right reason: the extraordinary task confided to man is to organize all of his life by the light of reason, a reason that depends of the order of nature and establishes the principles of the moral order on the natural inclinations.

In his final essay, “St. Thomas Aquinas and Globalization,” Fr Elders mentions how, in St. Thomas, the death of individuals serves succeeding generations, earthquakes have their function in the geology of the planet, and temporal suffering promotes a deeper moral life. We are part of a great ensemble and have to accept that situation. To justify the suffering of the innocent,

we need to see human life as the first part of an existence that continues after death, thanks to the immortal soul. There is “mondialisation” in salvation history too. In the economy of salvation, the people of God are preponderant, not the individual. Christianity enlarges our horizon as we transcend life on earth and establish ourselves in God, in whom is found all Creation. In addition, in the Eucharist and the liturgy, faith transcends what we see on the altar and puts us in communion with the Church in Heaven, and in the doctrine of the mystical Body, the entire Church is considered to be one person, whose head is Christ.

There is far more learning and wisdom in this book than I have adumbrated here in this review. I can only hope that *Au coeur de la philosophie de saint Thomas d'Aquin* will be translated soon and find many more readers in the anglophone world.

Anne Barbeau Gardiner is Professor Emerita of English at John Jay College of the City University of New York.

Covenant and Communion: The Biblical Theology of Pope Benedict XVI. Scott Hahn. Grand Rapids, Michigan: Brazos Press, 2009. 208 pages. Hardcover, \$21.99.

Reviewed by David G. Bonagura, Jr., Graduate Student, Institute of Religious Studies, St. Joseph's Seminary, Yonkers, NY.

It is difficult to categorize the theological writings of Joseph Ratzinger/Benedict XVI because of their great breadth and the piecemeal fashion in which many of them were published. Ratzinger himself, reflecting on his own work, said that he never sought to create his own unique theological system; rather he aimed simply to think in communion with the faith of the Church and the great thinkers who came before him. In doing so he has continually drawn from the very source of the Church's life and faith: the revealed Word of God. Scott Hahn's *Covenant and Communion: The Biblical Theology of Pope Benedict XVI* makes an excellent contribution to the study of the pope's work by capturing how the

bible has shaped Benedict's entire approach to his theological enterprise.

Previous examinations of Benedict's thought, built upon differing themes, have tended to treat the different sub-areas of theology—ecclesiology, Christology, liturgy, Scripture, patristics—in isolation from one another. Hahn, by contrast, who describes Benedict's thought as “symphonic” rather than “systematic,” identifies the bible as the conductor of the pope's wide ranging theological “oeuvre.” Benedict himself has said that “the Word of God is the foundation of everything;” naturally, then, “exegesis was always very important” in his theology. By seamlessly weaving together numerous citations from the vast corpus of Benedict's major writings and pontifical addresses, Hahn shows how the Bible provides the *raison d'être* of Benedict's “polyphonic melody.”

Hahn defines Benedict's “biblical theology” by way of the latter's critique of modern biblical scholarship and its isolation of Scripture from the faith of the Church. Hahn begins by noting that Benedict, whose lifelong work “demonstrates a commanding grasp of New Testament exegesis,” has always appreciated the “historicity” of revelation, and, therefore, he both esteems and utilizes the tools of the historical-critical method for studying the Bible. To Benedict the disintegration of biblical studies was not caused by the method itself, but by, in Hahn's summary, “philosophical, epistemological, and historical assumptions biblical scholars uncritically inherited from the Enlightenment.” Benedict has identified three such assumptions, which Hahn explains in turn: the belief that biblical texts developed according to an “evolutionary” model; the “hermeneutic of suspicion” with which scholars approach the Bible “as a scientist would dissect a specimen in the lab;” and “an exaggerated separation between faith and reason.” In addition to these assumptions, the historical-critical method is also limited by its very nature to examining the sacred texts exclusively in their past context. By removing the Bible “from its natural ‘habitat’ in the Church” this method cannot help the Bible speak in the present day.

As a counter to the spiritual vacuity of the hermeneutics of suspicion,

Benedict proposes a “hermeneutic of faith,” which Hahn describes not as an “interpretive system” but as a “spiritual disposition” that is “best described as a kind of loving and reverent listening, a seeking after the living voice of God.” This is not a *sola fide* approach to reading Scripture; rather it “arises organically from the historical structure of revelation itself,” and it consists of “a dialogue in faith with the God who speaks to us from the living experience of his people, the Church.” For this reason Benedict's “hermeneutic of faith begins in the heart of the Church,” whose response to the Word of God shapes her interpretation of Scripture as well as her doctrine, sacraments, and liturgy. The hermeneutic of faith also trusts the historical reliability of both the Old and New Testaments; Hahn cites Benedict's warning that an a priori exclusion of faith from historical interpretation “is gnosticism.”

Benedict's hermeneutic of faith lies at the center of what Hahn calls the pope's “biblical theology,” which he defines as “a unified understanding of the saving truths of the inspired Scripture as they have been handed down in the tradition of the Church. This understanding is based on the unity of the Old and New Testaments, on Christ as the interpretive key of the Scriptures, and on the Church's divine liturgy as the fulfillment and actualization of Scripture's saving truths.” Because of the faith of the Church, Benedict's hermeneutic sees the seventy-three texts of Scripture as one Bible, with Jesus Christ as its center. The hermeneutic of faith, and Benedict's biblical theology, then, is above all Christological since it “views Christ as the hinge...and thus as the principle uniting and explaining the Old and New Testaments.” Benedict's Christological focus combines the literal and spiritual senses of Scripture through a typological reading, which Hahn terms “a reading that sees the unity of God's actions in history and understands the long unfolding of Israel's history as pointing toward and culminating in Jesus Christ.”

Benedict's emphasis on the unity of Scripture stems from his belief that the Bible tells a “coherent story” that has God's saving covenant as its purpose and narrative. Hahn points out that Benedict's understanding of “salvation

history” stems from the patristic view of the divine economy, which, Hahn adds, “is the content of Scripture.” The divine economy molds the Old and New Testaments “into a single history of salvation in Christ” that is expressed in the loving covenant that God makes with man. Interpreting Benedict, Hahn states that “the plan of the covenant... is the ultimate content and meaning of Scripture,” and the covenant “lies at the heart of Benedict’s Christology and ecclesiology.”

Hahn draws a straight line from Benedict’s understanding of revelation, which consists of a “dialogic dynamic” between “the Word of God and the People of God who receive this Word, interpret it, and hand it on,” to his biblical theology that identifies God’s plan of salvation in the covenant unveiled in the Bible and that places the “figures of Christ and the Church” at the heart of his approach. In the field of Christology Hahn states that Benedict’s “emphasis on the prayer of Jesus” is among his “most unique and important contributions to theology.” Regarding the Church, Hahn understands Benedict’s “narrative and liturgical ecclesiology” as the “culmination to the economy of salvation” since the Church continues Christ’s saving work throughout all time. The Church, the fulfillment and type of Israel, “was not an afterthought in the divine plan but the forethought, the very reason for salvation history.”

Hahn makes his greatest contribution to the study of Benedict’s thought by identifying the liturgy, which Benedict calls “the true living environment for the Bible,” as both the end and fulfillment of God’s revelation. In two chapters Hahn explicates this “pivotal” element in Benedict’s biblical theology by way of ecclesiology, for, in Hahn’s summary, “everything in the Church is ordered toward the liturgical gathering and purification of humankind and serves to prepare us for the consummation of history in the divine liturgy of the cosmos.” The very purpose of the Church is worship, and the liturgy is the fulfillment and renewal of the new covenant through the cross of Christ and the Eucharist. In fact, Hahn argues that the “crucifixion is presented in the Scriptures as a cosmic liturgy, an offering of prayer and sacrifice that unites heaven and earth,” and the Church’s

liturgy is the entrance to the cosmic liturgy. Thus “[f]or Benedict, the Church’s sacramental liturgy—the new covenant’s worship—is the goal and consummation of the biblical story and the history of salvation.”

In his opening chapter Hahn describes his book as an “essay” rather than a treatise or dissertation that intends to articulate “the foundations of [Benedict’s] project, which rest in his approach to and appropriation of sacred Scripture.” While more could have been said regarding Benedict’s biblical Christology, Hahn clearly explains Benedict’s theology of Scripture and he masterfully illuminates the heart and unity of Benedict’s covenant theology, ecclesiology, and liturgical theology. It is fitting, then, that Hahn concludes by elucidating a comment Benedict made about St. Paul: the mission of the biblical theologian, Hahn concludes, is “to become a true liturgist of Jesus Christ, to help prepare the world to become the cosmic liturgy it was meant to be in the beginning.” Hahn adds, “And this is the mission that Benedict has given himself.”

Fit for Eternal Life: A Christian Approach to Working Out, Eating Right, and Building the Virtues of Fitness in Your Soul, Kevin Vost, Psy.D. Manchester, NH: Sophia Institute Press, 2007, 227 pages, paperback.

Reviewed by Sr. Mary Jeremiah, OP, Monastery of the Infant Jesus, Lufkin, TX.

Fit for Eternal Life is a book packed with excellent advice for the ascetical life, that is, getting one’s body and soul into good shape. The book contains five parts. Each chapter begins with quotations from Scripture, St. Thomas Aquinas, and frequently, various popes, philosophers such as Aristotle and Epicetetus, and other authorities. Each chapter then concludes with something like a sidebar, or an “endbar,” entitled “Muscle Mastery Tips and Facts.”

Part I presents the need for total fitness for body, mind, and spirit, and an overview of what will follow. Vost’s primary topic is physical fitness, but the author points out very well how the physical is related to the spiritual. Thus,

he always gives the physical teaching a spiritual meaning and depth. The rest of the book is a consideration of the four cardinal virtues and three theological virtues as applied to fitness.

Part II, “The Strength of Fortitude,” features the principles for strength training: progressive, intensity, duration, frequency, rest, form, and order.

Part III, amplifies the virtue of Fortitude and moves from strength training to aerobic training to include the cardiovascular needs. Vost is convinced that attaining physical fitness has been needlessly overcomplicated and he sets out to simplify the process and set the record straight.

He recommends what is called HIT (high-intensity training) over other conventional methods of strength training which include many repetitions and numerous work-outs. In fact, the author claims that a work-out once a week for 20 minutes is sufficient to stimulate muscle growth. The key is quality/intensity, not quantity/repetitions. That sounds like good news in a world without enough time.

Part IV targets Temperance and transforming the “dietary dilemma” to self-mastery. In this part the author discusses “virtuous eating habits.” He joins many writers today who insist that weight control comes not from diets—but from realistic, moderate, healthy, mindful eating.

“No, when it comes to diet, the basics, the tried-and-true staples, should form the healthy foundation of our bodily temples, just as tried-and-true spiritual staples (such as prayer, the sacraments, and the virtue of charity) should fortify our spirits” (p. 123).

Part V produces a plan through the virtue of Prudence, the queen of the moral virtues which orders and guides all activity. Having presented all the background for physical and spiritual fitness, Vost now encourages the reader to begin planning a personal program. Prudence is the commanding virtue that puts theory into practice and gets the job done.

The author gives a number of guidelines for setting up one’s own program for fitness. If you follow the author’s advice, within weeks you should begin to notice some subtle differences: greater strength, breathing easier, clothes fit differently.

The goal is clear: “incorporating *both* high-intensity strength training *and* cardiovascular endurance training into a *workable* [emphasis added] weekly work out routine” (p. 160).

The Conclusion once again sets everything firmly in a spiritual context by linking physical fitness to the Theological Virtues: Faith, Hope, Charity.

“Faith describes our belief in God and in all that he has revealed to us” (p. 183). When embraced fully, it “inspires us to transform our bodies and souls into powerful dynamos at the service of God and neighbor” (p. 185). We can work to perfect our entire being as Temples of the Holy Spirit, glorifying God in our bodies.

“Hope describes our ardent desire

for eternal life with God and our trust that he will provide us with the means to attain it” (p. 185). God has given us the ability to change, enhance and perfect who we are. Hope impels us to keep working to achieve our salvation.

Charity is the source and goal of the Christian life. It is the “form of all the virtues” (St. Thomas Aquinas). “Charity, then, sets the goals and standards for every virtue, including the virtues of fitness” (p. 187). It guides us in our pursuits of spiritual and physical fitness, enabling us to train our minds and bodies to become instruments of charitable works.

There is an Afterward with a delightful “Ode to the Virtues of Fitness.” Also a helpful Appendix focuses on

Justice by attending to three specific groups: women, teens and elderly. It is never too late to get in shape, and the elderly need it as much—or more so—than the young.

This is an enjoyable and enthusiastic read, impelling one to get off the couch and get moving. The author is engaging and enabling, a one-time reading is not enough. It will remain a handy reference for those interested in fitness and incorporating the virtues into one’s daily life.

The author concisely summarizes his approach, “Recall that building virtues entails three main things: 1) *knowing* good behaviors; 2) *choosing* good behaviors; and 3) the ongoing *practice* of those good behaviors” (p. 135).

OP-ED COLUMNS

The following are published columns by William Saunders, Senior Vice-President and Senior Counsel at Americans United for Life

A Response to E. J. Dionne: Vigilant, Not ‘Tendentious’

March 19, 2010

In his op-ed yesterday, E. J. Dionne criticizes U.S. Catholic bishops for their opposition to the health-care bill due for a vote this weekend in the House of Representatives. He characterizes their opposition as “a highly tendentious reading of the abortion provisions in the Senate measure [i.e., the bill which the House is being asked to approve].”

He is incorrect. The bishops’ interpretation is far from tendentious and is, in fact, shared by every major pro-life organization, including ours. The bill under consideration, if it becomes law, will mark a sea change in the way the national government deals with abortion. The federal government would be supporting insurance plans that provide for abortion for the first time, and states would have to opt out. This kind of provision is prohibited by the Hyde

Amendment, but the Hyde Amendment applies only to appropriations for Labor and HHS; the health-care bill, which is “self-funding” and not a Labor or HHS appropriation, is not subject to Hyde. Perhaps even worse, the bill contains seemingly innocuous provisions, such as measures regarding “preventive care,” that are subject to control by the decidedly pro-choice Obama administration, and which could therefore lead to expanded federal funding of abortion.

Congressmen Bart Stupak and Joe Pitts corrected all these problems with their amendment to the original House bill. The Senate intentionally stripped it out. Thus, Cardinal George was right when he said it is the supporters of the Senate bill, not its opponents, who are putting the goal of national health-care reform at risk.

The first issue of “social justice” is protection of the defenseless unborn. I expect most Americans would agree with the teaching of the Catholic Church that the right to life is the “first right” and the very foundation of a just society. The bishops are right to be vigilant that it does not creep into national law and policy through the backdoor of national health-care reform.

House of cards: Universal health care reduces abortion argument

March 19, 2010

While Harry Reid’s argument that health care benefits reduce abortion rates is unsupported, and even disproved, studies do confirm that abortion law has a direct impact on the incidence of abortion. A 2004 study that appeared in *The Journal of Law and Economics* analyzed the relationship between changes in abortion policies and abortion rates in post-communist Eastern Europe (where under communist rule health care was “universal” and abortion rates were tremendously high). Modest restrictions on abortion were found to reduce abortion rates by around 25 percent.

Poland, as one of the few countries to have significantly tightened restrictions on abortion, is an excellent case-study. In 1993 abortion was restricted to cases where the life or health of the mother was threatened, where the child was disabled, or in cases of rape—and they have strictly enforced these grounds. The number of abortions in Poland has drastically decreased since.

We know from our own history that the laws governing abortion directly affect the number of abortions. Between 1973, when the Supreme Court overturned state laws restricting abortion in *Roe v. Wade*, and 1980 the number of abortions more than doubled. But since *Planned Parenthood v. Casey* in 1992 permitted some abortion restrictions, the number of abortions in the United States has been steadily and significantly declining.

Another piece of history Reid neglects is our experience with funding abortions. Medicaid, the federal government-run health care program, funded elective abortions, around 300,000 per year, until the Hyde Amendment was first enacted in 1976. Since then, states have taken various approaches on abortion funding. A Guttmacher Institute literature review released in 2009 shows strong consensus that abortion rates are reduced when public funding is restricted. The review cites 20 academic studies documenting this relationship and only four that found the results of public-funding inconclusive.

Furthermore, while abortion rates are declining in the United States, they are rising in parts of Europe—including Great Britain. While these nations have not altered their laws on health care coverage, many have liberalized their abortion laws suggesting, again, that the latter is what drives abortion rates.

Underlying Reid's argument is the faulty idea that you cannot both have universal health care and not fund abortions. Reid supports his argument with selected data from one chart, a statement from a girl he knows that lives in Great Britain, the personal beliefs of unidentified people he talked to when researching for a book, and a statement drawn from the musings of Britain's Cardinal Basil Hume. To come to his conclusion he also ignores a much larger and more authoritative body of evidence. As desperately as Reid wants universal health care in the United States, he is simply wrong to claim it would reduce the rate of abortion—especially when, as is the case with the Senate-passed bill, it funds abortion.

Democrats' EO offer shows Obamacare does fund abortion

March 21, 2010

After months of insisting that health care reform does not and will not include federal funding for abortion, President Obama is now considering issuing an executive order, after passage of the health care reform bill, that will state that the legislation does not include funding for abortion.

However, if the bill excludes federal funding for abortion, why is an executive order necessary?

The answer, of course, is that President Obama and the Democratic leadership know that the Senate health care reform bill includes subsidies for insurance plans that cover abortions, could possibly lead to abortion coverage mandates for insurance companies, and does not prevent other funds in the legislation from directly paying for abortions.

The question then becomes, can an executive order correct all of the abortion-related problems in the bill?

The answer is a resounding no. While a carefully worded executive order might be able to take care of some of the mandate concerns, it cannot correct all of the abortion-related problems with the bill. A statute cannot be undone by an executive order or regulation. For example, an Executive Order cannot prevent insurance plans that pay for abortions and participate in the newly-created exchanges from receiving federal subsidies, because this allowance is explicitly written in the bill.

The fact that statutes cannot be overridden by executive orders or regulations has been repeatedly affirmed by the United States Supreme Court. In 2006, the Supreme Court struck down an executive order issued by President Bush to invoke military commission jurisdiction over Hamdan because Congress had impliedly prohibited this action. *Hamdan v. Rumsfeld*, 548 U.S. 557, 579-80 (2006).

Further, Executive Orders can be undone or modified as quickly as they are created. In spite of the fact that the American people overwhelmingly

do not want to see their tax dollars go toward abortion, we continue to see restrictions on federal funding for abortions reduced to executive orders, appropriations riders, and regulations. The majority of Americans want to see a prohibition on federal funding for abortion included in permanent, statutory law.

Congress failed to deliver a statutory prohibition on abortion funding in health care reform, and an executive order cannot do the job.

What's next for pro-lifers in the era of Obamacare

March 24, 2010

In the aftermath of the passage of the pro-abortion health care reform bill and its signing into law by President Obama yesterday, the question for pro-life Americans is what to do now? How to respond? We will not give up, but what should we do?

Some state attorneys general are challenging the law in court as unconstitutional because of its mandate that Americans purchase health care insurance. The Commerce Clause of the Constitution, limiting Congress to legislating on matters affecting interstate commerce, has never been so broadly construed by the courts as to cover a decision not to do something (i.e., not to purchase insurance).

I think there is a very good chance these lawsuits will succeed, and they are certainly headed for a decision by the Supreme Court. (That, by the way, emphasizes the importance of what are expected to be at least one and perhaps two Supreme Court nominations by President Obama this spring/summer. We need Supreme Court justices who respect the original meaning of the Constitution.)

Americans United for Life will offer its assistance in any of these suits where the challenge is also based on the anti-life provisions of the health care reform bill.

As an organization that pioneered the development and passage of pro-life laws in the states, we are already offering our assistance to any state

that wishes to “opt-out” of the pro-abortion provisions of the law. Such laws would prevent insurance plans that cover abortions from being offered on the exchange in that state. We have already had three states to take us up on our offer, and we expect many more will.

This debate revealed something many pro-life people did not know – some states provide abortion-coverage to state employees. Many states now want to change that, and we will help them do so.

On the federal level, much depends on the actual content of the executive order. Will the terms be the same as those released a few days ago? If so, the executive order will address community health centers to ensure they do not pay for abortions.

But that’s the promise. Will there be delivery?

Pro-abortion groups are already steaming mad at the President. Will his secretary of Health and Human Services, Katherine Sebelius, one of the most pro-abortion governors in the nation when she was Kansas’ governor, issue guidelines?

Will they be tight? AUL and other pro-life Americans will be watching this closely.

Of course, pro-abortion forces may challenge such regulations in court, perhaps with a wink from Obama, contending they go beyond the terms of the health care reform law. As we know, an executive order cannot change the underlying statutory law on which it is based.

We would, of course, seek to help defend in court regulations excluding abortions from community health centers.

Will the President keep to his word to apply the “principles” of the Hyde Amendment to health care reform as he pledged to do this week? First, of course, he literally cannot do so because Hyde prohibits insurance plans to cover abortion, and the new law permits it. Rep. Bart Stupak, D-Mich., seems to think regulations “fix” this, but for the reasons stated above, they cannot.

Second, will the President’s executive order define certain terms in the law (such as “preventive care”) so as to exclude abortion? Pro-abortion Sena-

tors defeated amendments to do this when the bill was before the Senate. The terms are not defined in the bill (now, law). The executive order, at least the draft, does not do so.

If the President means to apply Hyde principles, he should make this point clear. If he doesn’t, AUL and others will press HHS to do so.

Stop attacking pro-life, Stupak

April 1, 2010

It was deeply disappointing to read Congressman Bart Stupak’s op-ed, “Why I wrote the ‘Stupak Amendment’ and voted for health-care reform,” which appeared in the Washington Post on March 27. It was disappointing because it contained an attack on the integrity of pro-life organizations, like mine, that fought to keep abortion out of health care reform, and because it mischaracterized the bill and the executive order that President Obama signed.

I have no desire to attack Rep. Stupak personally. No one knows what promises or representations were made to him in the 11th-hour whipping of House members for the vote. We also do not know precisely what his choices and limitations were, real or perceived, or the exact number of votes that were still in play. However, we do know that the final vote in the House on the health care reform bill was 219-212. Thus, on the face of it, since 216 votes were needed for passage, it appears that if Stupak and even three other pro-life democrats had withheld their votes, the bill would not have passed. Would that have been a good outcome? You bet it would have been—not because, as Stupak argued, pro-life Americans oppose comprehensive health care reform (many do not), but because the bill marked a massive expansion of abortion (as I will explain below).

Now, Congressman Stupak may disagree with that assessment, and he may honestly believe President Obama’s executive order was the best deal for pro-life Americans. However, for him to suggest, as he did in his op-ed, that pro-life opposition to the deal that he

struck is “disingenuous at best”—and that the deal he reached is somehow significantly “pro-life”—is simply untrue.

First, as noted, it is not the case that pro-life organizations that criticized the deal he made were really against the health care bill and used pro-life concerns to defeat it. My organization, Americans United for Life, studiously avoided taking a position on the merits of the bill as such; our opposition, as evidenced by our public statements, was always to the bill’s anti-life provisions. I am certain this is true for many, if not all, other pro-life groups.

Second, the executive order is simply a bad deal. It does not effectively extend the principles of the Hyde Amendment to the new law.

In his op-ed, Rep. Stupak criticized pro-life groups that embraced President Bush’s executive order restricting embryonic stem cell research while later criticizing President Obama’s executive order. But, this is comparing apples and oranges. While some pro-life groups did, contrary to what Stupak asserts, criticize President Bush’s executive order for not being rigorous enough, it was issued by a pro-life president, while the health care executive order was issued by a pro-abortion president (one, it must be remembered, who promised Planned Parenthood that abortion *was* the “heart and soul” of health care reform). This distinction matters because for an executive order to have binding legal effect, it must be implemented by regulations and those regulations must be enforced. With this executive order, we are left depending upon a pro-abortion president and pro-abortion Secretary of Health and Human Services, Kathleen Sebelius.

Even if one accepts without blushing their assurances, regulations still must be developed and implemented. Even with pro-life President Bush, it took years to get conscience-protection regulations promulgated by HHS. Does anyone believe Obama’s HHS will act more quickly? At best, it will take years.

Further, even if the Administration implemented regulations, a court could strike them down because the prohibition they would contain is not mirrored in the actual words of the statute, something courts have done in the past with other health care statutory lan-

guage. It does not matter whether the language of Obama's executive order is similar to that of past executive orders, as Stupak asserts, but whether it goes beyond the terms of the statute. There is plenty of reason to believe it does and that a court would strike down regulations based upon it.

The deal embodied in the executive order is also a bad one because it is so limited. The bill extends abortion, contrary to the principles of the Hyde Amendment, in many ways—by extending tax credits to plans that cover abortions, by containing language that can be interpreted by the Obama administration as requiring coverage of—and thereby extending—abortion (eg., through “preventive care”), by severely limiting the reach of its abortion restriction to the use of tax credits and leaving other spending under the bill unrestricted, by tying its restriction regarding tax credits to the continued yearly existence of the Hyde amendment, and by massive expansion of funding to community health centers. Only the latter is addressed by the terms of the executive order.

The executive order, in short, is a bad deal for pro-life Americans. It flips the Hyde Amendment principles on their head, making the provision of abortion normative as part of health care, no longer cabined outside it. The abortion lobby knows this—their disingenuous characterization of the Hyde Amendment as applying only to funding for abortion, not funding for coverage, shows it. It is time Rep. Stupak stopped denying it.

Supreme Court Nominee Review: Here we go again

April 21, 2010

Barack Obama, unquestionably the most pro-abortion President in history, gets a second bite at the apple.

Not that this was a surprise. For over two years John Paul Stevens has been hinting (loudly) about retiring from the Supreme Court. He had originally promised to do so during a

Republican administration—he was nominated by Gerald Ford in 1975—but...well, as he solemnly told us over the past week, since he has never wavered from his “conservative” principles while the Court has lurched to the right, it was better to leave during the reign of the president he “admires”.

Thus, one year after the retirement of David Souter and the confirmation of Sonia Sotomayor as his successor, we are off to the Supreme Court races again.

Of course, things are different this time. We have just been through a long drawn-out, bruising battle to pass massive health care reform, a measure so unpopular that it has left Democrats bracing for significant losses in both houses of Congress in November's mid-term elections. Support for the new law continues to decline, contrary to the normal “bounce” that accompanies the passage of legislation. President Obama's popularity also continues to decline, even among demographic groups, such as Mexican Americans, who are of high importance to the Democrats hopes to staunch the blood flow that will come in November.

Last year, in contrast, President Obama's star, though dimming after the financial bailout, still had significant luster, and the Senate was brimming with 60 Democratic votes. Supreme Court nominees are, of course, confirmed, or not, by the Senate. 60 votes gave the President a margin that was “filibuster-proof”. A filibuster can always be tried to block or slow down legislation or nominees, with the aim of forcing a compromise, even a withdrawal. However, since, under Senate rules, opponents can “bust” (or defeat) an attempted filibuster by a supermajority of 60 votes, there was no chance the Republicans could block an Obama nominee.

And, of course, they didn't—Sotomayor was voted out of the Judiciary Committee 13 to 6 and was approved on the Senate floor by a 68 to 31 vote.

How about this time? Who is Obama likely to nominate? What chance does that person have to be confirmed?

It must be admitted “up front” that no one (outside a tight inner circle in the White House) knows who will be nominated, and the chance of that

person being confirmed depends a great deal on who that person is. If John Paul Stevens were nominated today with, hypothetically, a record as an appellate court judge similar to that he actually had on the Supreme Court, he would be a long-shot. John Roberts, however, would still be confirmed. Why? One is evidently an ideologue (opposing even a ban on partial-birth abortion); the other isn't. Recall that John Roberts was “a lawyer's lawyer”, one respected “on both sides of the aisle,” and by those with different political philosophies, as a brilliant and fair-minded attorney.

And that brings us to one of the names on everybody's “short-list” of possible nominees, **Merrick Garland**. He is a judge on the DC Circuit Court of Appeals, a circuit court widely esteemed as “next in importance” only to the Supreme Court. John Roberts was a member of this court at the time of his nomination.

Garland, like Roberts, is a Harvard Law School graduate. He worked for many years in the Clinton administration's Justice Department, and was instrumental in investigations of domestic terrorism (both of the Oklahoma City bombing and of the “unabomber”). Everyone, Republican and Democrat, liberal and conservative, seems to think highly of him. He too is seen as a “lawyer's lawyer”. Some prominent Republicans have hinted that they would find his nomination acceptable. Will a politically-vulnerable President take them up on their implicit offer?

Maybe not. There are always domestic constituencies to satisfy, and given the Democrats' “tick-the-box” approach, it surely can't help that Garland is a white man.

Further, and more fundamentally, is the question of Garland's judicial philosophy. A preliminary examination of his record does not disclose ideological decisions, but consideration by the Senate cannot be “preliminary”; it must be exhaustive. What should they be looking for? Evidence that Garland seeks to interpret an “evolving constitution” in accordance with his own policy preferences.

This approach to judging is what bedevils our politics. One example is, of course, *Roe v Wade* (and its com-

panion, *Doe v Bolton*), in which the Supreme Court conjured up a national right to abortion. It is evident to all (and admitted by many liberals) that the Court was engaged in policy-making. Whatever one thought of the Court's choice, that was not the point. The point was that it isn't the Court's job to make policy. Our Constitution assigns that duty to the people and their elected representatives in Congress (and the states).

The job of the Senate, and particularly perhaps the Republican minority, is to explore a nominee's judicial philosophy, and to reject him unless he supports a view of judicial restraint in line with the intent of our Founding Fathers, one that lets the people govern themselves. And that brings us to the other major political development since the Sotomayor nomination: The election of Scott Brown to replace the deceased Senator Ted Kennedy of Massachusetts. (Not "Ted Kennedy's seat," as Brown said, but "the people's.")

With that election, the Republicans have 41 votes in the Senate, and they can, if they are able to maintain unity, mount a successful filibuster of a nominee who embraces judicial activism. I think the problem of judicial activism is so grave that I would go so far as to say it is their Constitutional duty to do so.

Garland, while a prominent name on most short-lists, is not the sole one. (And nothing precludes a wholly unexpected choice by the President. Would, for example, the nomination of a sitting Senator, such as Russ Feingold, be a paradigm-shifting choice, one that would receive "Senatorial courtesy" from the Republicans?) The short-list we have put together at Americans United for Life includes 5 others—Leah Ward Sears, Janet Napolitano, Jennifer Granholm, Elena Kagan, and Diane Wood.

It has long been speculated that **Elena Kagan** was being positioned to be on the Court. She was recently dean of the Harvard Law School, where she earned praise from conservatives as a fair-minded dean who welcomed reasoned debate and conservative voices. Does that, however, damage her with Obama's leftist base? Perhaps a more important countervailing consideration is that her proven ability to work well with "conservatives" may

make her effective at persuading Justice Anthony Kennedy, the key "swing vote" between the liberal and conservative "blocs" (each with four votes), to vote with the liberals. (This is a gross simplification, but, I hope, nonetheless instructive as to how the Court is likely to vote on important social issues—judicial activism or judicial restraint? It is usually a 5-4 split.)

Kagan is currently, of course, Solicitor General. As such she argues cases before the Supreme Court, as did John Roberts. This adds luster to her credentials as a Supreme Court nominee. Perhaps more importantly, it means she has had a recent confirmation hearing before the Senate. Democrats will argue that means the Senate can move "expeditiously" to consider her for the Court. Politically, a rapid confirmation vote—in mid-summer (as Judiciary Chairman Pat Leahy has been signaling he wants)—benefits Obama and the Democrats. It puts greater distance between that vote and the mid-term elections.

That is...unless the President wants a fight. He might if he believes it will fire up his base and increase turnout going into the mid-term elections. If so, he has some ready choices from the short-list—Napolitano, Granholm, and Wood.

Napolitano is controversial. As head of Homeland Security, she made very odd comments after the attempted airline bombing last winter and appeared out of touch with the serious security concerns implicated. As an elected official in Arizona, Napolitano routinely vetoed pro-life legislation, including state partial-birth abortion bans. She would elicit a hearty fight in the Senate.

Granholm, the retiring governor of Michigan, is like Napolitano. She made politically unwise positive comments about the constitutionality of the individual mandate in the recent health care reform, and she has been a pro-abortion state executive, vetoing pro-life legislation and pledging to support an increase in the number of abortion clinics operating in the state. She too would elicit a fight.

But probably no one, at least at the top of most short-lists, would elicit the fight that **Wood** would provoke. She is a sitting appellate judge (the 7th Cir-

cuit), and she has a record of rather outrageous opinions—she dissented against partial-birth abortion bans in Illinois and Wisconsin, and dissented against an informed consent law in Indiana that was nearly identical to one upheld by the Supreme Court in *Planned Parenthood v. Casey*. Wood even ruled that the federal law designed to counter organized crime, the Racketeer Influenced and Corrupt Organizations Act (RICO), was properly applied against pro-life demonstrators—an opinion summarily rejected by the Supreme Court.

So does the President want a fight or not? Even if he does, it seems likely that no nominee will defend "judicial activism" before the Senate, (Sotomayor or didn't), and without such a defense, would Obama's base even care? All of this militates toward someone like Garland.

I recently witnessed him in action and he was impressive. The occasion was the mock trial of Henry V for the murder of French prisoners during the battle of Agincourt. It was held at the Shakespeare Theatre in downtown D.C. on March 16. The counsel were notable Washington lawyers—Viet Dinh, Miguel Estrada, Kannon Shammugam and Gregory Garre. The bench was even more distinguished, *ad hoc*, including current Supreme Court justices, Samuel Alito and Ruth Bader Ginsburg. Other judges included Janice Rogers Brown.

While all the judges and counsel were good, Garland stole the show. He seemed most to enter into the spirit of the tongue-in-cheek mock trial, asking humorous questions, posing crazy hypotheticals, and having a good time. Watching him, I couldn't help but think what a good witness he would make before the Senate Judiciary Committee—engaging, open, intelligent, and friendly. In the contest to fill the next Supreme Court vacancy, he might be a hard man to beat.

But we shall see. Whoever it is, I hope the Senate, through its questioning of the nominee, will give the American people a lesson in the proper civic role the courts are supposed to play in American democracy. ✕

SCHEDULE FOR FUTURE ISSUES OF THE QUARTERLY

The schedule for the publication of future issues of the FCSQ indicates deadlines for submissions as well as topics to be addressed in particular issues. The idea behind the suggested topics is to be of help to the bishops of the United States in their pastoral leadership. For this plan to work I will need timely submissions from Fellowship members on suggested topics. Each issue will undoubtedly have room for articles and reviews not on the chosen topic. I am also planning to turn the FCSQ into a refereed journal, perhaps as soon as the fall issue.—*J. Brian Benestad, Editor*

Issue #	Scheduled publication date:	Manuscripts are needed by:	Special topic
33/3	Fall 2010	Aug. 1, 2010	
33/4	Winter 2010	Nov. 1, 2010	Adult apologetics
34/1	Spring 2011	Feb. 1 2011	Nature of episcopal authority in general
34/2	Summer 2011	May 1, 2011	Role of episcopal authority in regards to religious orders
34/3	Fall 2011	Aug.1, 2011	The ecclesiology of <i>Communio</i> and the demands of loyalty
34/4	Winter 2011	Nov. 1, 2011	Reiki, Healing Touch, the New Age

NOTICES

If you would like to receive a complimentary copy of one of the books below in order to review it for a future issue, please email your request to Alice Osberger at osberger.1@nd.edu

Understanding Our Being: Introduction to Speculative Philosophy in the Perennial Tradition, by John W. Carlson, CUA Press, Washington, D.C. (2009), Paper.

Integrating Patristic and Modern Exegesis of Scripture: Theory and an Application to John 7:37-39, Rev. Walter m. Werbylo, C.S.B., Christendom Press, VA (2009), Paper.

FCS Speakers Fund

This past year the Fellowship was able to match an anonymous challenge grant of \$10,000 for the development of a special fund to support the travel and lodging expenses of the speakers at our annual conventions. So, I am happy to report that we now have some \$20,000 in this fund. Needless to say, such a fund could be easily exhausted, and so we need to continue to build it up. I am happy to report that one of our previous beneficiaries who wishes to remain anonymous recently sent me another check for \$1000.00. We are deeply grateful for that donation and yet we need to keep holding out our hat for this cause.

If you would like to make a donation or suggest someone whom we could approach, please contact me at: koterski@fordham.edu

*Rev. Joseph. W. Koterski, S.J.
President of the Fellowship*

Social Justice as a Temptation or a Virtue

You hear more talk of social justice today than of commutative justice, distributive justice, legal justice or just plain justice. There is, however, about as much effort to define social justice as there is to give a precise definition of marriage. People assume that they can recognize social justice when they see it. In many Catholic and secular circles, social justice is understood to be more or less the political program of the Democratic Party, including, of course, the right to abortion and same-sex unions, embryonic stem cell research etc. Theoretical inquiry is not necessary when the guidance of the Democratic Party is readily at hand.

In his last encyclical, *Caritas in veritate* (CIV), Pope Benedict XVI directed his readers attention to the split between life ethics and social ethics, of which social justice is the main component. To show the absurdity of celebrating justice while defending the right to abortion the pope quotes from Pope John Paul II's *Evangelium vitae*, no. 101: "a society lacks solid foundations, when, on the one hand, it asserts values such as the dignity of the person, justice and peace, but then radically acts to the contrary by allowing or tolerating a variety of ways in which human life is devalued and violated, especially when it is weak or marginalized" (CIV, no. 15). Otherwise stated, how can people speak passionately of social justice and the dignity of the human person without embarrassment, when they have no problem either with *Roe v. Wade*— which allows for the killing of unborn children for the whole nine months of pregnancy— or the recently passed health care law, which provides for the use of federal tax dollars to pay for abortions? Social justice so understood is a temptation, as is the view that social justice dictates only one legitimate way to apply the principles of Catholic social doctrine to public policy, the way embraced by the political left.

There have been many disagreements in Catholic circles about the proper understanding of social justice. I find most persuasive the argument of those who think that social justice should be understood as a virtue that does the work of legal justice, as explained in the thought of St. Thomas Aquinas. He defined legal

justice as the virtue which "directs the acts of all the virtues to the common good." In *Divini redemptoris* (no. 51, 1937) Pius XI spoke like Aquinas in saying: "It is of the very essence of social justice to demand from each individual all that is necessary for the common good." To work for the common good, Pius XI added, the "individual needs all that is necessary for the exercise of his social functions." This means, at least, that everyone needs a sufficient amount of material goods, competencies, knowledge and the inclination to practice all the virtues. Individuals would, of course, contribute to the common good in different ways depending on their opportunities and talents.

Echoing John XXIII's *Mater et magistra* and *Pacem in terris*, and quoting Vatican Council II's *Gaudium et spes*, the *Catechism of the Catholic Church* (1906) describes the common good as "the sum total of the conditions of social life which allow people, either as groups or individuals, to reach their own perfection more fully and more easily." This comprehensive view of the common good opens up a wide range of action to individuals practicing the beautiful virtue of social justice. So many things are necessary for each and every individual to have a chance of approaching perfection. Some of these social conditions would be things upon which all Catholics should agree, such as the protection of life, religious liberty, marriage between a man and woman, and dedication to helping those in need. In other cases, such as the best way to approach immigration and health care reform, there might be a legitimate diversity of opinion, as indicated in Vatican II's *Gaudium et spes*, no. 43. "Yet, it happens rather frequently, and legitimately so, that with equal sincerity some of the faithful will disagree with others on a given matter. ... Hence, it is necessary for people to remember that no one is allowed in the aforementioned situations to appropriate the Church's authority for his opinion." So, what Catholics think social justice requires in a particular situation might be subject to legitimate disagreement among themselves. ✠

J. Brian Benestad
Editor

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UPCOMING EVENT

2010 FCS ANNUAL CONVENTION

The 33rd Annual Convention of the Fellowship of Catholic Scholars will take place in the mother diocese of the United States, the Archdiocese of Baltimore. Please mark your calendar to join us in Baltimore, MD, from September 24-26

The theme for this meeting is **“Catholicism in America.”**

Archbishop Charles Chaput, OFM Cap will deliver the keynote address. **James Hitchcock** is the George A Kelly memorial speaker.

Other speakers include **Prof. Glenn Olsen** (Dept. of History, University of Utah), **Prof. Christopher Shannon** (Dept. of History, Christendom College), **Prof. David Schindler** (John Paul II Institute), **Rev. Michael Roach** (Archdiocese of Baltimore), **Rev. Joseph Rossi, S.J.** (Dept. of Theology, Loyola University of Maryland), and **Prof. Sue Abromaitis** (Dept. of English, Loyola University of Maryland).

Archbishop Edward O’Brien will celebrate the 5:30pm Saturday Mass at the Basilica for the Fellowship and will address the Fellowship during the banquet on Saturday evening.

The meeting will take place at the **Sheraton Baltimore City Center Hotel**, 101 West Fayette Street, Baltimore, Maryland 21201, Phone (410) 385-6524, Fax (410) 727-6223.

Further details about registering for the conference and for the hotel will be available shortly at **catholicsscholars.org**.