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THE PRESIDENT'S LETTER

The Right to Be Wrong

by Joseph W. Koterski, S.J.
President, Fellowship of Catholic Scholars

The outstanding work of the Becket Fund in defense of religious liberty gives good reason for genuine (albeit tempered) hope in one of the current battles of the culture war. As a sign of our appreciation for these labors, the Fellowship was pleased to present the Cardinal O'Boyle Award to Kevin Seamus Hasson at our 2012 convention in Washington, D.C. The Cardinal O'Boyle Award is not necessarily bestowed every year, but only by special vote of the Board of Directors, in order to honor "an individual whose actions demonstrate courage and witness for the Catholic Church, in light of dissenting pressures in our society." Mr. Hasson much deserves this recognition.

At the awards banquet Mr. Hasson provided for those in attendance copies of his recent book *The Right to Be Wrong.*[1] Despite my profound respect for the work of Mr. Hasson and his colleagues at the Becket Fund, it was with a certain skepticism that I approached a book with this title. Is there really a *right* to be wrong? Much, I suppose, depends on what one means by a right. Hasson's book shows us an interesting way forward.

For those mindful of the history of Catholic teaching on the question of religious liberty, the topic brings to mind the Vatican II document *Dignitatis humanae*, with its declaration that religious freedom is a basic human right. But we also need to be alert to the teachings of such earlier papal encyclicals as *Mirari vos* (1832) and *Quanta cura* (1864), which criticized the notion of religious liberty when understood as part of the propaganda campaign then being undertaken for the promotion of religious indifferentism and atheism. If one read these condemnations of religious liberty by Pope Gregory XVI and Pope Pius IX in isolation, one might well suppose simply that error has no rights and thus that there is no right to be wrong.

There appears to be a tension, if not an open contradiction, in these statements, and yet one can imagine various possible ways in which to handle the problem. (1) If the earlier documents were to be read as making dogmatic statements, there would be a serious problem in suggesting that a later ecclesial statement could simply reverse them. (2) If all these documents are read as making only prudential judgments, there may be no problem, or at least one that is not as severe, for prudential judgments are related to changing circumstances in important

ways. It could also be the case (3) that despite the verbal similarity in using the term "religious liberty," the various documents do not use the phrase in the same sense, and thus the apparent contradiction could perhaps be resolved by distinguishing between the meanings assigned to the phrase. It might be (4) that all these documents use the term in the same meaning but that either (a) the earlier documents were mistaken but are now corrected by the later one, or (b) that the earlier documents were correct and that the later one is in error.

Someone of an historicist mindset might well argue that the Church had shifted its position by 180 degrees when the Second Vatican Council's document affirmed religious liberty as a human right. If the earlier documents unequivocally condemned the very same thing that a later council affirms as a fundamental right, the Church would certainly appear to be contradicting herself, but I do not think that this is the case, for I do not think that the phrase is being used in the same sense. In my analysis, the earlier documents contain a warning about a propaganda campaign, not a comment on the question of whether there is a fundamental duty to pursue the truth about God and religion, and thus whether there genuinely is a fundamental right to the religious liberty needed for that pursuit.

Some might prefer to say that the Church is simply changing its mind about the proper stance needed for changed circumstances (for exmple, the shift from the juridical order of Christendom to the juridical order of secular states), and thus hold that the later document is simply taking a different stand on practical matters. It is not clear to me that this view gives proper weight to the affirmation of religious liberty as a basic human right, warranted by the natural law obligation to pursue the truth about God and religion.

In my judgment, these documents (not to mention the many other ecclesial statements relevant to the issue) require a more deft interpretation. One of the most important aspects of the hermeneutics essential for such documents, in my view, is the distinction between principles and prudential judgments. Making such a distinction not only helps with the proper understanding of the ecclesial texts but also with our assessment of a claim like the one made by Hasson, that there is "a right to be wrong."

Papal and conciliar texts issued in the areas of Catholic social doctrine and church–state relations offer any number of non-negotiable "first principles" as well as a variety of applications by way of prudential reasoning. Determining the proper articulation for basic principles is an arduous task, but over the centuries the steady labors of popes and councils, with the aid of philosophers and theologians, have produced a solid body of teachings in this area, with such principles as the right to private property,[2] and concomitantly, the universal destination of the goods of this world[3]; the duty of obedience to legitimate authority, and with it, the double-edged principle of subsidiarity[4]; the duty of governments to work for the common good,[5] and correlatively the principle of solidarity[6] and the right to authentic human development.[7]

When applying any such principle to specific cases there is need to consider the actual situation as fully as possible. One needs to be alert to the possibility of special cases, changing circumstances, and such like. Of course, the use of prudential reasoning in the application of principles to particular situations can easily result in certain differences of opinion among well-informed and well-meaning individuals, and on these topics reasonable people can respectfully disagree. Within any given ecclesial document we can find numerous examples of the application of prudential reasoning to particular cases, and the fact that these applications are provided makes them worthy of our special reverence.

Attending to this distinction in no way reduces the reverence and respect we owe to magisterial statements on any such topic. But the very nature of the contingencies involved requires that reasonable people affirm the non-negotiable principles that have been identified even when they disagree about whether a given application is correct. It seems to me, for instance, that we have seen a very tactful papal corrective of some earlier papal exercises in prudential reasoning in a case like the steady but firm correction of *Populorum progressio* by the likes of *Sollicitudo rei socialis* and more recently *Caritas in veritate*. Yet, even in the exercise of the papal correction of previous instances of prudential reasoning, there are clear affirmations of various non-negotiable moral principles about which there is and can be no reversal: in that case, the principles of subsidiarity, solidarity, and the primacy of the demands of charity.

By staying alert to the distinction between principles and prudential judgments we gain, I think, a proper basis for appreciating the differences between the affirmation of a principle such as religious liberty as a fundamental human right in *Dignitatis humanae* and the prudential judgments involved in the condemnation of the propaganda campaign for atheism and religious indifferentism that are found in *Mirari vos* and *Quanta cura*. The apparent contradiction vanishes once one realizes that what

is being condemned is not the right to religious liberty that is needed in order to do one's duty in regard to God. Rather, what the early documents assert is a prudential judgment about how best to protect that religious liberty for the Christian faithful in a particular context, especially given the shift in social order then beginning with the dissolution of Christendom as a juridical order and its replacement by the juridical arrangements of various secular states. In the historical conditions that Gregory XVI and Pius IX addressed, the phrase "religious liberty" referred not to the fundamental right to the liberty needed to do one's duty regarding God, but to a slogan being used to champion a freedom from religion. One can see this point from the particular ways in which they inveigh against the term, for they argue that such indifferentism would undermine the coherence and consistency of the existing religious culture, which promoted the virtuous deeds of true religion and social charity,

In *The Right to Be Wrong* Hasson's concern is with certain trends in American history, but his volume also gives some fine guidance about how to think and argue about the question of religious liberty in our situation. Using an engaging pair of symbolic terms to suggest two extreme positions, Hasson contrasts contemporary "Pilgrims"—whose historical forebears only wanted religious freedom for themselves and expected the state to coerce the religious consciences of those with whom they disagreed—with contemporary "Park Rangers," who uphold the principle of religious freedom but who think that it requires that religion be confined to the realm of private activity. He illustrates the latter category by reference to a group of park rangers who paid no attention to an abandoned concrete roadway barrier until it became an object of worship by a curious group of hippies, and who then worked for its removal from the park because it violated the boundaries of church and state that protects religion by means of confining it to the private sphere.

As his book makes clear by repeated lessons from American history, the names that Hasson assigns to these extreme positions are curiously fitting. While the Pilgrims came to these shores seeking religious liberty, they did not establish a polity that guaranteed religious liberty for everyone but only for themselves. They tolerated difference of opinion on matters they considered small and unimportant, but not on matters of religion. They not only banned competing religious services but even forbade the public celebration of Christmas, which apparently they regarded as a papist invention. The situation described here is not entirely unlike a certain point of view that is part of the history of some Catholic countries. It is understandable that some people, with the best of intentions, saw a need to establish legally what they understood to be the truth about the proper worship of God and the conduct that flows from that understanding.

What *Dignitatis humanae* shows us, however, is a point of utmost importance about the inner logic of the relation between truth and freedom, especially regarding religion. This document of the Second Vatican Council is clear in its recognition that religious truth cannot be embraced authentically unless it is embraced freely. It is, I think, for this reason that *Dignitatis humanae* points us to the real principles that are at issue: (1) that there is a duty to worship the true God and to do his will in all things; (2) that in order to fulfill this obligation, there is need for society to respect the fundamental right to religious liberty. This right includes not only the liberty to pursue the quest to know the true God but also the liberty to live according to the duties of religion. These duties include not only the opportunities for believers to offer worship but also for religious communities to sponsor the institutions and practices by which they serve others in accord with God's commands.

Seen in this perspective, the right to religious liberty, and with it such things as constitutional protection for the rights of conscience, the right of assembly, the right to organize ourselves for such common activities as charity, are not just abstract ideals popular in rhetoric but claims to fundamental rights needed for ordered liberty within secular society. There is a serious obligation, of course, to engage in discussion and dialogue with those who make claims about the true identity of God and about the conduct of religion that are different and presumably incompatible with our own. But, for the proper exercise of our duties in this sphere, the political arrangements that are required presumably include, as Hasson paradoxically states the point, the right to be wrong. ✠

ENDNOTES

1 Kevin Hasson, *The Right to Be Wrong: Ending the Culture War over Religion in America* (New York: Image, 2012).

2 See *Rerum novarum*, 4-8 (hereafter *RN*); *Quadragesimo anno*, 44-52; *Mater et magistra*, 109-112 (hereafter *MM*); *Centesimus annus*, 4-11, 30.

3 See *RN*, 19, *MM*, 119-122; *Populorum progression*, 22-24 (hereafter *PP*); *Gaudium et spes*, 69; *CA*, 30-43.

4 See *QA*, 80; *Pacem in terris*, 1963 (hereafter *PT*), 140; *CA*, 15.

5 See *RN*, 28-29; *QA*, 49; *MM*, 20; *PT*, 53-74.

6 See *PT*, 98ff; *PP*, 43ff; *Laborem exercens*, 8; *Solicitudo rei socialis*, 38-40 (hereafter *SRS*).

7 See, e.g., *PP*, 12-21; *SRS*, 27-34.

A Pope Resigns

by Gerard V. Bradley
Gerard Bradley is Professor of Law at Notre Dame Law School and a senior fellow of the Witherspoon Institute.

National Review Online, February 11, 2013

Pope Benedict's resignation raises a host of questions that the Church has not had to face in 600 years. Among them is whether renouncing the papal office (for the reasons Benedict cites for his decision, or for others) ought to become a custom. There are weighty reasons for and against. A long papacy is in itself nothing to criticize. But the job is obviously not one that is suited now (if it ever was) to a man in a certain stage of decline. Benedict's renunciation of the office may therefore trigger a needed discussion about the mental and physical stamina that any pope should possess.

Another new question is the role that a living ex-pope, or "pope emeritus," should play in Church affairs, not least in the selection of his own successor. No doubt some commentators will say that Benedict resigned now precisely in order to have some say over who succeeds him. That is poppycock. But the natural tendencies of the papal electors might well conspire with their esteem for Ratzinger to make it difficult for Benedict *not* to have some effect on their deliberations. The next pope will in any event have to chart a new course for integrating his predecessor into the Church's life.

The main question that Benedict's resignation raises, however, is not at all new. It is the central question faced by the Church, and in particular the cardinal electors, whenever the Chair of Peter comes vacant. What sort of man, blessed with which ensemble of charisms, does the Church need *now?* One part of the answer depends on how the incumbent has understood what is often called, in this context, "the signs of the times." Where is the ministry of Peter right now? Should the next pope stay that course, or has there emerged a different set of priorities, calling for a different focus of the papal ministry?

It seems clear enough, for example, that Ratzinger's own election was due partly to the electors' desire to continue John Paul II's work, and to their belief that Ratzinger was the right man for that job. What then lies at the heart of Benedict's ministry? Here it seems that we might compare him to John XXIII. Most people, I am sure, would regard them as being opposites—Ratzinger was the Church's "doctrinal watchdog," while "good" Pope John wanted to "update" the Church, and all that. But, in fact, they are remarkably alike. Both were very aware that secularization has been a mounting tide. Both tried to shape the Church for dealing with it, not by focusing on its evils and condemning them, but by promoting a more effective proclamation of the gospel.

In other words: The popes since the Second Vatican Council have tried to engage the secularized world with the gospel, and not to retreat from it in order to preserve the gospel intact, as if it were a scroll to be buried until a new age made its reappearance safe and sensible. This policy of energetic engagement with secularism has, according to the eminent Catholic theologian Germain Grisez, not obviously succeeded or clearly failed. It remains the basic challenge of the next papacy. (Islam might be a comparable challenge for the world's public authorities. But, for the Church's pastors, Islam is not, and should not be treated as, much more than a partner for respectful conversations and a missionary opportunity.)

One can see Pope John XXIII's deep faith and his desire to engage with modernity in *Humanae salutis*, the apostolic constitution by which he formally convoked Vatican II on Christmas Day 1961. These same concerns animated his interventions during the Council. In my judgment, the strategy evident in that document, which is so dependent on solid faith and hope, has been the strategy of the popes since John, perhaps especially of John Paul II but not least of all Benedict.

In attempting to understand what has transpired since Vatican II, one should not confuse those who adopted Pope John's approach—who could be called "progressives"—with those who lacked the genuine faith and hope to proclaim the gospel more clearly, and who thought that compromising with secularism was the way to go. These latter folks were often among the "progressives" during Vatican II. But afterward they pursued the "spirit" of the Council, which set aside what it actually taught by advocating adaptation and syncretism—all to make the Church and its teaching more "relevant" to modern society.

Ratzinger bought into Pope John's approach as a

young theologian and adviser to Cardinal Josef Frings at Vatican II, who was one of the leaders of the progressive group at the Council; that is, he supported Pope John's program of spirited engagement with modern secularized culture and eschewed both sectarian retreat from and a naïve adaptation to it.

Ratzinger never changed his view; he remains a true Vatican II progressive to this very day. So too should be his successor. ✠

Benedict Our Teacher

by Rev. Dennis Gallagher, A.A.
Vice-President for Mission, Assumption College

I recall a conversation at a local pub with a faculty friend within the first year of Benedict XVI's pontificate. Taking the measure of Benedict and John Paul II, he observed that John Paul was a seminary professor in his former life, Benedict a university professor. The significance of the comment arose from a sense, early on, that Benedict's writings and speeches were different from his predecessor's, less encumbered by official Church language, somehow freer in their purpose of reaching a wider audience of those disposed to reasonable discourse. And so it was: throughout his eight years as pope, he was the teacher par excellence, always ready to give an account of the hope that was in him (1 Peter 3:15), in words that people could understand, for the revitalization of the Church's witness.

In this respect, Benedict was a great friend of the Catholic college and university, and—I dare say—in his Christ-centered, Augustinian theology, a particular friend of Assumption College. Friendship with Jesus Christ was for him the very definition of being a Christian, and to a flattened-out world he evoked the desire for God which lies within each human heart. Like Father d'Alzon, the founder of the Assumptionists, he was a man of essentials: the theological virtues, the primacy of love, the Eucharistic liturgy at the center of the Church's life. Benedict also helped those within the Catholic university to remember the distinctiveness of the theological enterprise, never simply an academic discipline among other academic disciplines, but the adventure of faith reaching out toward ever deeper understanding and, in the process, illuminating the contours of a truly human life.

I find myself returning to two other of Benedict's insights. He insisted often upon a particular attitude toward the truth: that we stand not as its proud possessors, but as its humble servants. Such a disposition helps to overcome isolation and opens up the possibility of communion and friendship with all who genuinely seek the truth and are receptive to its coming toward us. This constitutes the sometimes elusive but always compelling rationale for the life of the university, and all the more a Catholic college or university.

Benedict also made it clear that the true reformers of the Church were the saints. It is not so much by changing Church structures, but by raising up holy men and women that the Church is continually renewed. It must be for this reason that the Holy Father devoted so much time in his Wednesday audiences to elucidating the lives of those who had so completely identified themselves with the person and mission of Jesus Christ. This beautiful testimony to the great teachers of the ancient Church, to monks and missionaries, to mystics and mendicants and scholastics, as well as an extraordinarily rich collection of homilies, raises Pope Benedict himself to the stature of a Church father, whom we were privileged to call our teacher. ✠

The Professor Who Knows our Names: A Tribute to the Man Who is Schall

by Brian Jones
Graduate philosophy student at the University of St. Thomas (Houston, TX)

"Father Schall cares about where you're from and how you're doing. He doesn't need to do that, but he does. ***The greatest professor I'll ever have knows my name."***
—Victoria Edel, former student of Father Schall

"What, in the end, does a professor most want his students to remember? Not himself but what is true and the search for it. Above all, he wants them to remember the Socratic foundations of our culture, that 'it is never right to do wrong,' that death is not the worst evil, that ultimately our lives are about eternal life, as Benedict XVI writes in his great encyclical on modernity, Spe Salvi. The university is a place where truth, all truth, can be spoken, ought to be spoken. Often it is not. It is imperative, as Schumacher said, that a student knows where to turn when it is not."
—Father Schall, "The Final Gladness," December 7, 2012

I once took a philosophy course where, at the end of the semester, the professor told us a story concerning his opinion of whether or not there was such a thing as "stupid questions." He said that toward the close of a recent semester at a university in Bulgaria, a young and timid student raised her hand and asked, "Professor, is there such a thing as a stupid question?" Hoping to relieve the young student of her fear and worry, he quickly shot back, "Of course not. If you have any questions in this class, I want you to come right out and ask them with no worry of rebuke or concern that your question is not worth asking." The girl breathed a sigh of relief, and then proceeded to ask her question: "Professor, how come you don't know any of our names?" The professor, with his smile turning to stone, simply responded, "I guess I was wrong. That is a stupid question."

The point of my telling this story as the introduction of a tribute to Father James Schall will soon become apparent. To even attempt to write something in honor of such a man, what the Georgetown University student newspaper (*The Hoya*) calls a "living legend," will surely fall enormously short of the true *pietas* that we, as his students, owe to him. On December 7, 2012, Father Schall gave his last public lecture at Georgetown University, a place that he has been able to call home for the last thirty-four years. Of course, Father Schall would be quick to remind us that, along with Chesterton, even at home, he still has a sense of being "homesick." Even in the greatest of places, surrounded with the joy of family and friendship, this life nevertheless leaves us unsettled. We are still restless, since even the good things of this life are simply a prelude to what is to come, whereby the fulfillment of all our desires and pursuits will come to rest in Him who is our end. It is all the more poignant then that Father Schall titled his last lecture, "The Final Gladness." And what precisely is this "final gladness?" Schall tells us that it will ultimately consist "in a meeting in which we, in friendship, at last find ourselves seeing God as we would have it, face-to-face."

To give honor to others inevitably presupposes that they have taught us something that we would be wise to remember. Schall has bequeathed to us a plethora of writings in which he has explored practically every topic in human affairs. It is important here to call to mind two important, yet rare, qualities that one finds upon reading anything which Schall has written. Ralph McInerny mentioned the first point in a lecture in honor of Father Schall back in 2008. In describing what he called the "Natural Law" of Schall, McInerny said that, "When Schall is *functioning normally*, his great merit is to ground apparently difficult and abstruse discussions in what we and everybody else already know" ("There Was a Man: On Learning to be Free," Father Schall Lecture). My own father intimated the same sentiment to me in a recent phone conversation about Schall's writings, saying that his genius lies in the fact that he can elevate you to his intellectual level, even though the reader may have no background knowledge of the subject matter. Is this not the goal of a true teacher, to bring his students and listeners to see the truth about things, something that he has handed on after a long time of interior reflection? This is why Aquinas is one of Schall's many heroes, not only because both men help us to understand those truths that we have known all along, but also by calling attention to the fact that,

ultimately, it is better to illuminate others with the truth than merely to be illuminated by it.

Within the encyclopedia that is the writings of Schall, one also perceives what Samuel Johnson said was really the only true purpose for writing: to make the lives of your readers more enjoyable. Like Chesterton, Schall imparts to his readers this simple and yet extraordinary view of the reality of everything (natural and supernatural) whereby we can respond only in gladness and gratitude. Whether it is the next time we read Aristotle or Aquinas, perhaps even the next college football game we watch, or that walk we take around the block after dinner, things seem different with the guidance of Schall. Not only are they different, but he has bequeathed to us an interior disposition whereby we become free to view the world as it is, so that we can (to use Schall's famous phrase) see *what is*. My own students at the University of St. Thomas have to read many writings from Father Schall, but they always have to begin with his *Another Sort of Learning.* It was without fail that many of them, after reading this book, return to me saying that, contrary to their previous experience, they actually enjoyed reading what this professor wrote. Modern university students have been put in a bleak situation, for not only are they uncertain if such a thing as "truth" exists, but if found, they are completely lost as to where they must go to continually pursue it. Bring them to Aristotle, Augustine, Aquinas, Chesterton, Pieper, Belloc—and how about Schall?

Now, in honor of Schall the exemplary teacher, let us ask ourselves what it is that he wants us to know. What are those truths which he sees that we must also be able to see if we are to live a truly and more fully human existence? While a list of this sort could be endless, I hear propose to emphasize a few insights which Father Schall has called us to remember, and which are all the more necessary in our moral, spiritual, and intellectually malnourished age.

The first is the essential and complementary relationship between the orders of faith and reason. Pope Benedict (and Pope John Paul II) has made it a hallmark of his pontificate to demonstrate the rationality of faith, a point that was at the core of his Regensburg Address and something that Father Schall has also placed at the foundation of his own intellectual life. Catholicism proposes that there are certain truths about God which reason, though wounded by the stain of sin, can attain to without the aid of revelation. For example, God exists and the reality of some of His attributes can be discovered by limited, finite human intelligence, what Aquinas called the *preambula fidei* ("preambles of faith"). Along with this, we must acknowledge and consider the *mysterium fidei* ("mysteries of faith"), those truths which human reason cannot attain or even have knowledge of without the light of revelation. Here, we see a harmonious meeting point between theology and philosophy, and why, as both Benedict and Schall have said, faith needs philosophy. This does not mean that the faith is insufficient and needs something else because of a lacuna within its own content. Rather, the point is that the content of revelation already contains within it a certain philosophical conception of the entirety of reality, a view of things that is already open to something which exists beyond the material realm. Furthermore, this is precisely why John Paul II, in *Fides et ratio*, declared that the Church must be able to comment upon philosophical matters, especially those that are incompatible with the faith, for they are closed off to a transcendent world and therefore reduce man to something less than he ultimately is. The claim is not some mere pietistic assertion, but is the foundation for drawing a clear distinction between the orders and autonomy of faith and reason so as to bring them into a greater integration and friendship. Here is Father Schall:

> This approach is not "proving" theology by reason, which would be a heresy and a divine claim on the part of the human mind. Rather it is preserving what is theology and what is philosophy in a mutual openness, typical of Aristotle's own philosophy, as Aquinas understood it. This openness would not reject any truth merely on the grounds that it did not come from reason alone. Reason is open to all truth, not just to its own, taken in the rationalistic sense. Faith remains a gift, but a gift also to reason that stands curious about itself, about its own questions when it hears at least the outlines of what is said to be revealed to it, to reason. In wrestling with this unexpected source, reason strangely becomes more itself, more philosophical. And in this mode, it is, as Aquinas called it, a "handmaid" itself quite needed to prevent theology, without it, from inventing its own groundless ideologies (*The Mind That is Catholic*, 176).

The second insight from Schall regards grasping a correct conception of politics, most especially a right understanding of the order of politics and contemplation. We recall in Aristotle that if man is the highest being, then politics will be the highest science, and political rule will become the most complete expression of virtue (cf. *Nicomachean Ethics* 6.6). A continual striving after political rule can easily lead to tyranny if it is held

up to be the *summum bonum* for human life which, as Schall has shown us, would seem to be the case in politics since the time of Machiavelli. In this light, politics is incapable of achieving its genuine good in relation to man if it becomes super-elevated, for then we would be forced to judge the tyrant as a good man, even though his lust for power and ultimate authority in the city is sought at any cost. However, it is the contemplative life that is most in accord with the type of being that man is, since contemplation is more complete in itself and involves those sorts of studying and ways of thinking which are not for the sake of some use other than itself. Following Aristotle and Aquinas, Schall does not see the goodness of politics as necessitating that it becomes metaphysics or theology. If this were so, then one would have to pursue the political life as equivalent to happiness. For Schall, the great achievement of Aristotelian-Thomist political philosophy is the recognition that our political activity must be aligned with the truth of who man is, thereby upholding the goodness and the necessary distinction between the hierarchical order of politics and contemplation. The failure to recognize this point is at the "heart of all contemporary ideological political theory." (Here I would recommend Father Schall's essay "Thomism and Atheism.")

At the beginning of this essay, I mentioned the professor who did not know his students' names, and that it was a "stupid question" to wonder why he did not. I started with a quote from a former student of Schall, which I deem worthy of citing again: "Father Schall cares about where you're from and how you're doing. He doesn't need to do that, but he does. *The greatest professor I'll ever have knows my name*." Here is the essence of Schall. He sees the experience of teaching as the great act of intellectual charity, where he humbly leads others to the truth of things. However, what is most important is that we are led by others who are willing to tell us the truth about ourselves, the "final gladness," not simply out of duty, but primarily from the movement of charity within the soul. Schall well understood and lived the famous axiom of another hero of his, Jacques Maritain: "the only tragedy in this life is not to become a saint." At the conclusion of every email he sends, Father Schall utters the following request: "Pray for me, Jim."

This is the essence of Schall, that professor who knows our names and seeks to lead us to our true happiness, simply because he loves us. ✠

The Paradox of Persons Forty Years After *Roe*

by Gerard V. Bradley
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Abortion is the great civil rights issue of our time because it raises—uniquely and compellingly—the foundational question about law and justice which every society faces. It is the question: *who* is the law for? For *whose* benefit do we plan and build and apply this vast apparatus we call the "rule of law"? The question is foundational because it is prior, in status and importance, to the question: what shall the law be? It is foundational because answering it right is essential to justice. Anyone can see that even the most refined arrangement of legal rights and duties counts for naught, if the strong can with impunity manipulate the foundational question and deny the benefits of law to those they wish to exploit.

Jurists as far back as Justinian in the sixth century correctly saw that law is for *persons,* not the other way around. Persons are the point of law; law is their servant. Persons are not for the state, or for the fatherland, or for the glory of the common law. These beneficiaries—these persons—are not entities identified through policy analysis. They are not the sums of interests balanced, the deliverables of a vast progressive agenda. The older jurists saw, too, that the question of "personhood" could not be an intra-systemic riddle, solved by a feat of technical legal reasoning, and answered with a legal fiction, or term of art—as if the law could be as impervious to the reality of persons as Chancery was to justice in *Jaundice v. Jaundice* (See Charles Dickens, *Bleak House*).

Being prior to law and indispensable to justice, the foundational question must be answered according to the truth of matter: everyone who really is a person, counts in law as one.

Seeing the parity here is not perforce to see the truth. To ask the right question is not straightaway to get the right answer. Serious and good people have been wrong about when persons begin, for example, due to their misunderstanding of human reproduction. (Knowing nothing of egg and sperm, Thomas Aquinas famously thought that people began about forty days into a pregnancy when movement within the womb is first detected.) Their societies sanctioned injustices, for which these misguided people bore no subjective guilt and which their openness to truth permitted them to eventually correct. It is entirely another matter to say that the law is opaque to, and even uninterested in, the truth about who counts as a person. This is the sin of *Roe v. Wade,* as it was of *Dred Scott v. Sandford*.

Clear-headed jurists through the centuries would have gasped, therefore, at Ronald Dworkin's view that the question—who counts as a person?—is like a membership application to the Rotary Club. Do those who already count want to open up the rolls?—*as if justice was not demanding anything of us.* They would have been staggered by John Rawls's argument that the "just" abortion policy for America is that which respects the right of everyone in the argument to be heard respectfully—*already subordinating a fundamental issue of justice to a secondary one* (i.e., *subordinating the protection of persons' lives to the guarantee of* "*civil discourse*"). They would naturally have rejected President Obama's message on the 2012 anniversary of *Roe*, when he said: We must "continue our efforts to ensure that our daughters have the same rights, freedoms, and opportunities as our sons to fulfill their dreams." The president spoke without irony only, of course, about sons and daughters who survived the womb. Besides, no one's son has anything like the "rights, freedom, and opportunities" of everyone's daughters, when it come to the life or death of *their* child.

Justinian and his successors would have been horrified by the pettifoggery of the *Roe* court, which set upon the foundational question about persons with the zeal of a clerk, and with the charity of a highway robber. I shall shortly unpack this sad operation, and identify its three components. For the moment it suffices to say that the court undertook to authorize the use of deadly force upon a class of beings without ever concluding that the victims were not really persons. The court tried, in other words, to suppress the foundational question—as Dworkin, Rawls, Obama, and so many others have tried to do.

It is the great accomplishment of the pro-life movement to have resisted this suppression, to have kept alive the spirit of justice and to have promoted, in season and out of season, a willingness to face unafraid its demands. The fruits of this effort, along with the revelations of neo-natal and genetic science and some signal legal successes, provide an opportunity to exploit a portentous flaw in *Roe's* jerry-rigged edifice. This limitation arises in the heart of *Roe.* It illumines the way to Supreme Court reconsideration of *Roe v. Wade,* on terms favorable to the pro-life cause.

The triggering mechanism will not be a "Personhood Amendment" enacted in Oklahoma or Mississippi or anywhere else. Those measures seek to bring abortion under the discipline (if you will) of ordinary principles of justification. By declaring the unborn to be persons with equal rights, they mean to restrict a woman's use of lethal force to that which she would be legally permitted to use on anyone else. This has always been the goal of the pro-life movement: to assimilate abortion to the ambient law of homicide. Unborn persons would be just like everyone else, in this basic respect.

Personhood amendments are answers to the foundational question. The answer they supply is just, sound. But they are widely considered to be too provocative instruments, and perhaps too blunt for the job at hand. In any event, another promising route to the same goal has opened up. The protagonist of the possibly epic Supreme Court reconsideration of *Roe* will not be a Good Samaritan or a heroic state official. He will be a bad man, one who has killed his own unborn son or daughter, a man like Scott Peterson, who currently resides on death row in San Quentin. This protagonist's aim will not be the aim which brings many thousands to march in Washington every year at this time. He is no champion of human rights. He simply wants his conviction reversed. But his constitutional arguments would nonetheless force the justices to confront, as they never have before, the foundational question they suppressed in 1973.

The protagonist might be Airman First Class Scott Boie. Boie married his girlfriend shortly after learning that she carried their child. But he was never happy about the pregnancy. Before long Boie asked her to have an abortion. When his wife refused, Boie bought some Misopristol, an abortifacient commonly used in lawful chemical abortions. He ground the drug into a powder and secretly put some of it into his wife's food and drink on four different occasions. She soon miscarried. After admitting what he had done during a

secretly recorded conversation with his wife, Boie pleaded guilty under the federal Unborn Victims of Violence Act to the lesser offense of attempting to kill his child. Boie was dishonorably discharged and sentenced to nearly ten years in prison.

The protagonist might be Gerardo Flores. By the time his girlfriend Erica Basoria discovered that she was pregnant with their twins, it was too late: her physician said that neither he nor any other local doctor could safely perform the abortion she wanted. Basoria testified at Flores's capital murder trial that she asked him—repeatedly—to help her end the pregnancy by stepping on her abdomen. He did so, often. Basoria even supplemented Flores's efforts by striking herself in the stomach every day. None of it worked. Basoria later delivered stillborn twins. Gerardo Flores was sentenced to life in prison. Basoria was not prosecuted.

Thirty-eight or so states have enacted feticide laws since 1973. The federal Unborn Victims of Violence Act (UVVA) of 2004 is typical of most. In pertinent part it says that "whoever" "causes the death of, or bodily injury to," a "child who is *in utero*" is guilty of an offense distinct from any accompanying offense against the women carrying the child. This separate offense is subject to the same punishment as would be the identical misconduct if it were committed against the "unborn child's mother," which would be the same punishment as if the offense were committed against anyone else. A "child *in utero*" is, according to the federal law, a "member of the species homo sapiens, at any stage of development, who is carried in the womb."

The UVVA contains, as do its state counterparts, an exemption for lawful abortion sought by a pregnant woman. The practical effect of these laws is this: the unborn child enjoys from its very first moment a right not to be killed, good against the whole world, the same right which you and I enjoy—with the momentous exception that the child's mother may abort it. As one law professor who testified before Congress in favor of the UVVA remarked: if there is an anomaly in this situation, it resides in *Roe v. Wade*, not in the proposed law.

Laws which make feticide a crime may govern deadly transactions even where the child survives unscathed. Jaclyn Kurr stabbed her boyfriend, Antonio Pena, to death. She was convicted after a trial, notwithstanding her contention that she killed Pena after he "punched her two times in the stomach and [after she] warned Pena not to hit her because she was carrying his babies." Evidence at trial indicated that Kurr had indeed recently become pregnant. The trial court nonetheless denied her request that the jury be instructed about *justification*. Her proposed instruction was the standard one, commonly used in American courts. Kurr asked that the jurors be told that her use of lethal force against Pena was justified if she had a reasonable fear that he was going to kill, or cause serious bodily harm, to her or to the unborn baby.

Kurr's conviction was overturned on appeal. The higher court held that Michigan's unborn child protection act established that deadly force could be justified in defense of an unborn child of any age. "Indeed, she may under the appropriate circumstances use deadly force to protect her fetus even if she does not fear for her own life." This holding undoubtedly extends to third parties, too: a friend who happened upon Pena assaulting Kurr could have justifiably killed Pena, based upon a reasonable fear that Pena was going to kill Kurr or her baby *in utero*.

Sometimes the behavior by which a choice to terminate a child in the womb is carried out is the same as an abortion (as with Airman Boie's administration of Misoprostol). These men insist that to this skein of identity—same choice, same intention, same act, same harm, and occasionally the same behavior—must be added the same motivation. After all, the "detriments" (the court's word) which underwrote the abortion liberty in *Roe* are not really about *pregnancy*. Only one of the seven challenges the court catalogued had to do with carrying a child in the womb: "medically diagnosable harm" during pregnancy. The other reasons adduced in *Roe* for the abortion liberty had to do with anticipated burdens of raising a child. These were the prospect that "[m]aternity, or additional offspring, may force upon the woman a distressful life and future." In addition, "[p]sychological harm may be imminent. Mental and physical health may be taxed by child care. There is also the distress, for all concerned, associated with the unwanted child, and there is the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it." *Roe* here makes clear that the problem to which abortion is the solution is not pregnancy, but raising a child. Solving the problem involves terminating that child, not terminating pregnancy.

Only one of the listed post-natal "detriments" is distinctive to women. That one—"the stigma of unwed motherhood"—has evaporated since 1973. The remaining "detriments" are real enough. But none of them and not even all of them together would morally or legally justify any mother—or father, or anyone else—in killing a child once born. Recall that Jaclyn Kurr justifi-

ably killed Pena because she reasonably believed that he was going to kill, or cause serious bodily harm, to the baby *in utero.* She was not exonerated because of any "psychological" distress, or due to some lurking stigma.

Airman Boie says that it won't do to declare that *he* is never justified in seeking to avoid these harms by doing what *she* is never even asked to justify, namely, killing *their* child yet unborn. He and his peers argue that once the legislature has decided to treat the unborn as homicide victims, the law may not hold *him* responsible while completely exempting *her* for doing the same thing. It is not, they could readily allow, that the presence of the child within the mother's body makes no difference. It does, and so if pregnancy itself threatens her life or presents a serious menace to her physical health, a pregnant woman would be legally, if not morally, justified in securing an abortion. Even so: Boie and cohort maintain that the pregnancy difference must too be subject to overarching principles of justification and excuse applicable to all.

Now, these defendants maintain that treating the unborn as homicide victims is to treat them as persons, and that treating the unborn as persons violates *Roe.* They would use *Roe* to save themselves. But it won't work. Feticide laws *do* treat the unborn as persons. But that does not violate *Roe,* because woman seeking abortions cannot be prosecuted under them, due to specific exemptions written into these laws. The *Roe* court stated that legislators may affirm what they wish about the personhood of the unborn, so long as they do not, "by adopting one theory [of when] life [begins], override the rights of the pregnant woman that are at stake."

This is the first component of *Roe*'s shaky edifice about persons. This proposition was confirmed, and more explicitly asserted, by the Supreme Court in the 1989 *Webster* decision. Missouri's legislators declared that the "life of each human being begins at conception." They defined "unborn children" to include "all . . . offspring of human beings from the moment of conception until birth at every stage of biological development." The Supreme Court upheld these provisions. The court interpreted its prior cases to mean "only that a state could not justify an abortion regulation otherwise invalid under *Roe v. Wade* on the ground that it embodied the state's view" of when people begin. When the court affirmed the basic holding in *Roe* in 1992 (*Planned Parenthood v. Casey*) it said that "the State has legitimate interests from the outset of pregnancy in protecting . . . the life of the fetus," so long (again) as the pregnant woman's rights were respected."

These affirmations of state authority to judge and to act upon the truth about unborn persons are deeply rooted in *Roe.* They are not analytical accidents or casual concessions. Make no mistake about it: the court has *never* denied state or federal lawmakers the constitutional authority to answer, truthfully and as far as justice requires, the foundational question about who counts as a person—with the single proviso that pregnant women be given an immunity from interference when they seek a lawful abortion. Again: the court has *never* declared that the unborn simply are not persons. The *Roe* court *did* decide about *constitutional* persons, asserting that "'person" as used in the Fourteenth Amendment does not include the unborn. This conclusion was important because, as the court plainly stated, the case for abortion liberty would otherwise "collapse[]." The "fetus' right to life would then be guaranteed specifically by the Amendment." The court said, more specifically, that *if* the unborn were recognized as constitutional persons, then only abortions to save a pregnant woman's life could be consistent with equal respect for the life of the unborn. In other words: the effect of assimilating abortion to reigning homicide law.

The court handled this problem by taking readers through a legal bog. Blackmun wrote that the "Constitution does not define 'person' in so many words." Indeed, it does not. He then sought a definition of "person," or an answer to the question about when persons begin, by scanning the Constitution for references to "persons." Blackmun found many such references. All of them predicated certain duties or advantages or eligibilities or penalties of "persons." Blackmun's inquiry yielded such information as, slaves are "persons" (in the Fugitive Slave Clause and in the infamous three-fifths apportionment compromise), and that only older "persons" could hold political offices (various age qualifications for president and members of Congress). But these stipulations have no tendency to "define"—specify, explain—who or what a "person" is, any more than a law saying that "no person may obtain a driver's license before attaining eighteen years of age" establishes that the term "person" does not include pedestrians, or children. Blackmun's methodology was skewed to produce a desired result. His goal was not coherence or cogency; much less did he seek the truth. The payoff was functional: he saw the danger to abortion rights lurking in ambient norms about justified use of deadly force, and he wanted none of it. He threw up a verbal smokescreen to shield the pregnant women from those norms,

surely supposing that the only shield-piercing weapon nearby was the Fourteenth Amendment's protection of "persons." If *that* question could be finessed by entangling it in legal fictions and technical usage, then—the *Roe* court reasoned—it was clear sailing to abortion rights. But Airman Boie, Gerardo Flores, and Antonio Pena have exposed an undefended flank.

In fact, when the Fourteenth Amendment refers to "persons" it points to and incorporates a moral reality. That is the most natural reading of the term "any person." The only way to make sense of the amendment is to understand "person" as an exhaustive reference to a natural kind. Anyone could see that the aspiration to equality could be nullified, if public authority could "define" some human individuals as nonpersons.

The historical record confirms these more general considerations. Ohio Representative John Bingham sponsored the Fourteenth Amendment in the House of Representatives. During debate over what is now Section 1 he said that its coverage was "universal." It applied, Bingham declared, to "any human being." Congressman Bingham's counterpart in the Senate, Senator Jacob Howard, emphasized that the amendment applied to every member of the human family. Typical of the relevant phrases reported in newspaper coverage of the Congressional debate and state ratifications were "all men"; "all persons"; "all men as equals before the law of God and man." Indiana Governor Oliver Morton addressed a large crowd on July 18, 1866, and declared that Section 1 "intended to throw the equal personal and proprietary protection of the law around every person who may be within the jurisdiction of the state." Two weeks later *The New York Times* said: "The equal protection of the laws is guaranteed to all, without any exception."

The prevailing spirit is captured in the opinion of an Iowa court, handed down in the year during which the Fourteenth Amendment was ratified—1868: The common law is "to be commended for its all-embracing and salutary solicitude for the sacredness of human life and the personal safety of every human being." The court wrote that this "protecting, paternal care envelop[s] every individual like the air he breathes," and it "not only extends to persons actually born, but for some purposes to infants in the womb of their mother."

The Supreme Court nonetheless staked its peculiar competence to resolve the contentious abortion controversy precisely upon the philosophical abstinence upon which this state authority rests. The *Roe* court: "We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer." As the *Casey* justices said when they affirmed in 1992 the central holding of *Roe*: "Men and women of good conscience can disagree about the profound moral and spiritual implications of terminating a pregnancy." They added: "Our obligation is to define the liberty of all, not to mandate our own moral code."

This is the final component of *Roe*'s shaky edifice: a studied and stubborn refusal to address the foundational question about who the law is for. This reticence is all the more remarkable because none of the *Roe* justices seems to have believed that the unborn really are persons. They reckoned nonetheless that the constitutional law they produced could not be grounded in *any* answer—theirs, yours, mine—to that philosophical question. Their reticence was supposed to credential the court's judgment as somehow uniquely objective and thus supremely authoritative. Its corollary was the state license confirmed in *Webster*, which may turn out to be the undoing of *Roe.*

It will be awkward (at least) for the court to now take up the foundational question it has long suppressed. But the justices have no feasible alternative. Airman Boie and the like raise Equal Protection challenges which go through the personhood matter. These challenges deserve a conscientious response.

It may be scarcely imaginable that the court could now declare that the unborn are *not* really persons, that human life deserving respect does *not*, in truth, begin until birth, and that these judgments are binding upon state legislatures and Congress. It may be scarcely imaginable that the Court could escape the dilemma presented by Airman Boie by declaring the UVVA—and by implication, all its state counterparts—unconstitutional. These laws and many others based upon the truth about unborn persons are permanent fixtures of our legal system. Sonograms, pre-natal medical developments, DNA research, and a replenished common sense all show that what the unborn are, we all once were.

To say "scarcely imaginable" is not to say "unimaginable." The pro-choice dogmatists on the court might yet cling tenaciously to abortion rights. They might venture into the deep, and sweep away this latest threat to what they consider the nonnegotiable demands of women's equality.

Perhaps then the paradoxes of persons exposed by the feticide defendants have greater purchase upon the

court's conservatives, upon those justices who recognize the injustice of abortion and who have long regarded *Roe* as an albatross around their necks. These men profess varying degrees of faithfulness to the original understanding of constitutional provisions. They have, however, shown little inclination so far to take up the challenge which the plain meaning and original understanding of the Fourteenth Amendment squarely places in front of them: counting the unborn as constitutional persons because they are really persons. *Their* characteristic philosophical reticence is usually well founded. But "usually" is not "always."

And if not now, when? For abortion is not only the great civil rights issue of our time. It is the greatest human rights tragedy in America's history—by far. It is 55 million dead since *Roe*, and counting. That is one hundred times the number of Americans killed in battle in World War II. That is many millions more than all the Africans ever enslaved on these shores. 55 million tiny people killed outright, before they had a chance to know a mother's love, to wonder at a sunset, to praise God—as slaves could, and did. ✠

Vatican II After Fifty Years: The Virtual Council versus the Real Council[1]

by Reverend Matthew L. Lamb
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The fiftieth anniversary of the opening of the Second Vatican Council occasioned many reflections on the histories, the texts, the hermeneutics, and the consequences of what has been termed the most important religious event in the twentieth century. Rather than discussing the superficial mass media framework on the council, along with those who follow its division between "conservative" and "liberal" camps, the announced retirement of Pope Benedict XVI invites us to consider how well he has guided the Church's implementation of Vatican II. Pope Benedict was not surprised by the confusion so rampant after the council. He called attention to the conflicts in interpretation that tend to follow significant ecumenical councils. He dramatized this in the case of the very first among such councils, Nicea, by quoting Saint Basil the Great: "The raucous shouting of those who through disagreement rise up against one another, the incomprehensible chatter, the confused din of uninterrupted clamoring, has now filled almost the whole of the Church, falsifying through excess or failure the right doctrine of the faith."[2]

While admitting that the post-conciliar period of Vatican II has not been so dramatic, the pope calls attention to contemporary difficulties in implementing the renewals and reforms called for by the council. The genuine event of the council was truncated to a struggle between liberals and conservatives, and the documents of the council were misread within what Benedict XVI accurately terms a hermeneutics of rupture and discontinuity. The "spirit" of the council was severed from the texts promulgated by the council. The texts are "compromises" that contain, as the pope states, "many old and ultimately useless things that had to be dragged along" in order to "make room for the new." This way of interpreting the council, the pope asserts, found "favor among the mass media" and in some sectors of modern theology.

In his address to the clergy of Rome on February 14, 2013, he forcefully put forward some parting reflections on the "two councils." This was a few days after announcing his resignation and he spoke without notes, and from his heart. Most of his talk centered on the important changes that were required if the redemptive truth of Catholic faith was to evangelize the modern world. He spoke of the role he played in the important impetus for reform that came from the northern European bishops, supported by Blessed John XXIII, in reformulating the agenda of the council, setting aside the rather wooden schema provided by the curia. This was, he said, "a revolutionary act" taken by the council Fathers in full responsibility for their pastoral duties. The Church would no longer simply contrast its teach-

ings to the errors of the modern world, but would seek to show how what was of value in cultures could be improved and elevated by the teachings and practices of Catholic faith.

A first and fundamental priority is the true worship of the Triune God in the liturgy of the sacraments and prayers of the Church. So the first constitution promulgated was *Sacrosanctum concilium*, as the fruit of liturgical and patristic theological studies after the First World War, reforming the worship of the Church and encouraging strong sacramental participation; the minds and hearts of the faithful had to be centered on the great Paschal Mystery, the life, sufferings, death, and resurrection of Jesus Christ redeeming the world created by the Word of God.

Then the Church had again to be seen more strikingly as the "Light of the Nations" (the constitution *Lumen gentium*), and the unfinished work of Vatican I had to be strengthened and extended, linking the Petrine primacy to the collegiality of the bishops, the teachings of Pius XII on the Mystical Body of Christ were enriched in the Trinitarian ecclesiology of the council: "the people of God-the Father are indeed the Body of Christ and the Temple of the Holy Spirit." This was followed by the constitution on revelation, *Dei verbum* in which the importance of Scripture was highlighted as the revealed Word of God proclaimed in the believing and worshiping Church. A basic truth of the document on revelation is how the Scriptures cannot be properly and fully understood except in the faith and worship of the Church. There can be no disjunction between Scripture and the handing on of the Word of God in the Catholic Church, carrying forward the visible and invisible missions of the Son and the Holy Spirit in the evangelizing mission of the Church.

The modern world at the end of the second millennium of Catholicism needed a response to the ecumenical movement seeking the reunification of the Church, and well as a response to the horrors of the Holocaust, and so the declarations on religious liberty (*Dignitatis humanae*) and on the abiding covenant of God with the Jewish people (*Nostra aetate*), as well as the wider dialogue among the world religions, sought to enlighten major concerns and hopes of so many peoples. These concerns and hopes were taken up in the final constitution of the Church and the Modern World (*Gaudium et spes*). In all of this Pope Benedict speaks of the challenges and changes as true developments of the deep life of the Church's Catholic and apostolic faith. But why the turmoil after the council? He concludes his talk in ways that electrified the audience. Permit me to quote at length:

I would now like to add another point: there was the Council of the fathers—the true Council—but there was also the Council of the media. It was almost a Council unto itself, and the world perceived the Council through these, through the media. Therefore the Council that immediately and efficiently arrived to the people was that of the media, not that of the fathers. And while the Council of the fathers was realized within the faith, and was a Council of the faith that seeks *intellectus,* that seeks to understand itself and seeks to understand the signs of God at that moment, that seeks to respond to the challenge of God at that moment and to find in the word of God the word for today and tomorrow, while the whole Council—as I have said—was moving within the faith, as *fides quaerens intellectum*, the Council of the journalists was not realized, naturally, within the faith, but within the categories of today's media, meaning outside of the faith, with a different hermeneutic. It was a political hermeneutic. For the media, the Council was a political struggle, a power struggle between different currents in the Church. It was obvious that the media were taking sides with that part which seemed to them to have the most in common with their world. There were those who were seeking the decentralization of the Church, power for the bishops and then, through the expression "people of God," the power of the people, of the laity. There was this threefold question: the power of the pope, then transferred to the power of the bishops and to the power of all, popular sovereignty. Naturally, for them this was the side to approve of, to promulgate, to favor. And so also for the liturgy: the liturgy was not of interest as an act of faith, but as a matter where understandable things are done, a matter of community activity, a profane matter. And we know that there was a tendency, that was also founded historically, to say: sacrality is a pagan thing, perhaps even in the Old Testament, but in the New all that matters is that Christ died outside: that is, outside of the gates, meaning in the profane world. A sacrality therefore to be brought to an end, profanity of worship as well: worship is not worship but an act of the whole, of common participation, and thus also participation as activity. These translations, trivializations of the idea of the Council were virulent in the praxis of the application of liturgical reform; they were born in a vision of the Council outside of its proper key, that of faith. And thus also in the question of Scripture: Scripture is a book, historical, to be treated historically and nothing else, and so on. We know how this Council of the media was accessible to all. Therefore, this was the dominant, more efficient one, and has created so much calamity, so many problems, really so much misery: seminaries closed, convents

> closed, liturgy trivialized. . . . And the true Council had difficulty in becoming concrete, in realizing itself; the virtual Council was stronger than the real Council.[3]

Never before was an ecumenical council of the Roman Catholic Church so extensively covered and reported by the modern mass media as Vatican II (1962–1965). The impact of this coverage was pervasive and profound in its portrayal of the council in the ideological categories of "liberal versus conservative." The council was dramatically reported as a liberal or progressive accommodation to modernity overcoming Catholicism's traditional conservative resistance to modernity. Foreign correspondents from 1962 to 1965 knew there were two international scenes that would guarantee their stories got top billing: the war in Vietnam and the council in Rome. Journalists of the print and electronic media flocked to Rome with little or no expertise in Catholic theology. They depended upon popularized accounts of the council deliberations and debates offered by *periti* and theologians with journalistic skills.[4] An American Redemptorist, Father Francis Xavier Murphy, contributed much to the propagation of such "conservative versus liberal" reporting on the council debates in his widely read "Letters from the Vatican" under the pen name of Xavier Rynne in the *New Yorker*.[5]

Pope Benedict has addressed repeated that the real council is one that emphasizes the underlying continuity in the ongoing changes and developments of the teachings and practices of the Church. Serious theological scholarship is needed, not simply the kind of superficial sound bites of the mass media. Pastors, theologians, catechists and all the faithful need to show how the "real council" corrects the errors in the mass media's "virtual council." The reforms and renewals are in continuity with the principles of the Catholic faith and magisterial teachings. The reforms do initiate very real changes, but as the best works on Vatican II illustrate, they do claim a "rupture" with the principles underlying Catholic doctrine. The pope himself illustrated this with reference to how Catholic martyrs illustrate a proper separation of Christ Jesus and any political regime. No Caesar, no political regime, can take the place of God. Christianity from its inception is trans-political. The Kingdom of God is beyond the bounds of earth and time.

The Magisterium of the Roman Catholic Church is properly understood within the theological and sapiential framework of apostolicity. Irenaeus offers a powerful witness to the living faith handed on from one generation to the next down to our own day:

> Anyone who wishes to discern the truth may see in every church in the whole world the apostolic tradition clear and manifest. . . . This apostolic tradition has been brought down to us by a succession of bishops in the greatest, most ancient, and well known Church, founded by the two most glorious Apostles Peter and Paul at Rome. . . . For with this Church, because of its more effective leadership, all Churches must agree, that is to say, the faithful of all places, because in it the apostolic tradition has been always preserved.[6]

Without faith human reason cannot *theologically* understand the fundamental importance Saint Irenaeus attaches to the apostolic tradition with its preaching, teaching, sanctifying and governing mission. The above quotation from Saint Irenaeus, born in the second century (probably between 140 and 160 A.D.), has the vividness of living personal witness, intensified no doubt by the martyrdom of his friend and mentor, Bishop Polycarp. Saint Irenaeus of Lyons knew the martyred Bishop Polycarp of Smyrna. He had reported to Irenaeus his conversations with the apostle Saint John, "eyewitness of the Word of Life," Our Lord Jesus Christ. Jesus Christ as the Word of Life is not an abstraction for Saint Irenaeus—nor can he be for those who know him in the faith-filled worship of the Church. The very office of an apostle is defined by the initial "Follow me" that applies as well to all the successors of the apostles since the same Lord promised "and behold, I am with you always until the end of the world."[7]

Early on then Professor Joseph Ratzinger expressed this interpersonal character of apostolic succession and tradition well:

> First and foremost, it is clear that successio and traditio, as they were first used, meant practically the same reality, of a responsible handing on from one person to another "Tradition" is never a simple, anonymous passing on of doctrine, but is personal, is the living word, concretely realized in the faith. And "succession" is not a taking over of official powers, which then are at the disposal of their possessor, but is rather a dedication to the Word, an office of bearing witness to the treasure with which one has been entrusted. The office is superior to its holder, so that he is entirely overshadowed by that which he has received; he is, as it were—to adopt the image of Isaiah and John the Baptist—only a voice that renders the Word articulate in the world.[8]

This leads Professor Ratzinger to comment that it is not so much as readers of a book, but as hearers of the word preached by the apostles and their successors that we must approach Scripture in tradition:

> if true apostolic succession is bound up with the word, it cannot be bound up merely with a book, but must, as the succession of the Word, be a succession of preachers, which in turn cannot exist without a 'mission,' i.e., a personal continuity reaching back to the apostles.... Apostolic succession is essentially the living presence of the Word in the person of witnesses. The unbroken continuity of witnesses follows from the nature of the Word as auctoritas and viva vox.[9]

The living word requires faith. Any theology of apostolicity and Magisterium can be properly done only with faith enlightening reason. If the light of faith is dimmed or extinguished, all that is left are texts as so many dead letters whose real truth is not grasped. There is a profound inadequacy of purely social views of apostolic succession as power and patriarchy. Instead a theological attention to the realities signified in the early Fathers provides the following picture:

> The Church is the living presence of the divine Word. This presence is made concrete in those persons (the bishops) whose basic function is to hold fast to the word, who are, then, the personal embodiment of 'tradition' and to this extent are in the apostolic line of 'succession.' Conspicuous among the successors of the apostles is the line of the apostolic sees, which ultimately is concentrated in the See of Peter and Paul. This is the touchstone of all apostolic succession.[10]

This very cogent statement of the living presence of the divine Word in the Church mediated by apostolic succession can be known and understood by theologians only when the light of faith enlightens their minds and hearts.

Some Catholic theologians have also kept the light of Catholic faith under a bushel in their writings on apostolic, papal, and episcopal authority. *Dominus Jesus* called attention to the importance of Catholic historical continuity:

> The Catholic faithful are required to profess that there is an historical continuity — rooted in the apostolic succession — between the Church founded by Christ and the Catholic Church: "This is the single Church of Christ... which our Saviour, after his resurrection, entrusted to Peter's pastoral care (cf. Jn 21:17), commissioning him and the other Apostles to extend and rule her (cf. Mt 28:18ff.), erected for all ages as 'the pillar and mainstay of the truth' (1 Tim 3:15). This Church, constituted and organized as a society in the present world, subsists in [subsistit in] the Catholic Church, governed by the Successor of Peter and by the Bishops in communion with him."[11]

Today Catholic higher education has the great responsibility to recover and cultivate the wisdom traditions of philosophy and theology that are fundamental to Catholic intellectual life. Recent popes have emphasized that this is for the sake of both the Church and the global cultures in need of moral and religious direction. The question of truth in matters moral and religious has to be raised within the context of the quest for wisdom, goodness, holiness. Truth cannot be consigned, as it was from the European Enlightenment onwards, as if it were an instrument of social or state dominative power. Both nature and history are ordered to ends inscribed in their very existence by their Creator and Redeemer. Both metaphysics and theology have suffered from the eclipse of wisdom in modern and postmodern cultures.

How many genuinely critical histories of theology are being done now? What passes for critical histories of religion and theology in modern secularist cultures are usually histories that are critical of (in the sense of negating) theology. They simply assume that what is really real is a secular horizon in which religion is at best a tribal prejudice or a private opinion, and at worst a neurotic delusion, or an ideology of oppression. In a secularist culture theology can become "public" only at the expense of negating its claim to be reflecting upon divine realities. So-called critical histories are histories ignorant of these realities that are transcendently immanent in human history. This is precisely the danger of empiricist relativism and historicist nihilism against which Popes John Paul II and Benedict XVI have warned.[12]

Theologians must *know* the realities operative, the processes occurring, in living the moral life according the teachings of the Catholic Church, in charity-informed faithful worship and prayer in the presence of our Eucharistic Risen Lord. One cannot do theology in the full sapiential and scholarly (*scientia*) meaning of theology if one does not know in faith-enlightened reason the divinely revealed realities. "Without relying on these realities, theology as a sapiential scholarly discipline ceases. Instead what results is a comparative textology that only recognizes as real what is admissible into a secularist horizon. It is as if the academy had lost any genuine knowledge of mathematics or science, and was limited to doing empirical and literary comparisons of mathematical and scientific texts.

Genuine theology is a "way of discovery" and a "way of teaching" that is informed with intellectual, moral, and theological virtues drawing upon both

wisdom as achievement and wisdom as gift. As gift, wisdom is a participation in the very wisdom of God, the Holy Spirit. Such wisdom is the love of God poured forth in our hearts by the Spirit who is given us (Rom 5:5). It is this wisdom that guides the Church as it carries forward through history the missions of the Word and Spirit, cherishing the Word of the Father revealed in the Scriptures and worshipped in the liturgy. Such gifted wisdom from above evokes a cultivation of wisdom as a task to be achieved. Divine gifts neither deny nor denigrate human abilities. For these human capacities are themselves the gifts of God's creative love. So the theological virtues called forth, or evoked, the journey of acquiring the human intellectual excellence and moral virtues.

The bishops assembled for the Second Vatican Ecumenical Council—the "real council"—began each day's sessions with the Holy Sacrifice of the Mass in Saint Peter's Basilica. The reforms sought by the council require all Roman Catholics to deepen their lives of faith and learning, their sacramental participation in the divine liturgy as well as their many spiritual and corporeal works of mercy. In opening the council John XXIII prayed that the "sacred deposit of Christian doctrine should be guarded and taught more efficaciously" in order to respond with an intelligent and loving faith in Christ Jesus and his Church to the challenges facing both the Church and humanity at the end of the second millennium of Christianity.[13]

Theologians should avoid the temptations posed by the mass media sound bites of the "virtual council," forcing the council into supposed oppositions of conservative versus liberal. This then enables them to manifest a superior ability to avoid the extremes they claim for others. As an example of this tendency, there is an essay in the *Fellowship of Catholic Scholars Quarterly* by Father John Conley, S.J. His essay "Interpreting Vatican II: Beyond Continuity/Discontinuity" in the Summer 2012 issue (vol. 35, n. 2, pp. 14-18) sets up imagined and facile contrasts in what he terms the Bologna versus Rome hermeneutical split personified in the books edited by Alberigo and the work of Archbishop Agostino Marchetto. This supposed "duel," he writes, has American counterparts in a work by John O'Malley, S.J, and a book of commentaries on the texts of Vatican II edited by Matthew Levering and myself. Had he carefully read the all the books he lists, he would have found that the arguments he gives for both continuity and real reform in the light of new situations are also given by Archbishop Marchetto and in many of the chapters in *Vatican II: Renewal Within Tradition*. Indeed, had he read the chapters on *Dignitatis humanae* and *Nostra aetate* in the latter book, he would have found even more cogent presentations of the real council's teachings on religious liberty.

Thankfully, and in conclusion, Archbishop Marchetto has given us a second volume of his scholarly reviews of the ongoing reflections and debates on Vatican II. The Vatican has published his *Il Concilio Ecumenico Vaticano II: Per la sua corretta ermeneutica* this past November.[14] As in his earlier volume,[15] Archbishop Marchetto illustrates the importance of avoiding simplistic contrasts of "continuity" versus "discontinuity," of "conservative" versus "liberal," so dear to the consumers and followers of the mass media.

Only the type of serious scholarship exemplified by this work and those of other theologians dedicated to understanding Vatican II within the Catholic and Apostolic Magisterium will promote the reform and renewal called for by the real council. As Pope Benedict concluded so forcefully in his address of February 14, 2013:

> [T]he real power of the Council was present and, little by little, is realizing itself more and more and becomes the true power that then is also true reform, true renewal of the Church. It seems to me that, fifty years after the Council, we see how this virtual Council is breaking up, is becoming lost, and the true Council is appearing with all of its spiritual power. And it is our task, precisely in this Year of Faith, beginning from this Year of Faith, to work in order that the true Council, with its power of the Holy Spirit, may be realized and that the Church may really be renewed. Let us hope that the Lord may help us. I, retired with my prayer, will always be with you, and together we will go forward with the Lord. In the certainty: the Lord triumphs![16]

ENDNOTES

1 A version of this essay will appear in *Vatican II: Commemoration, Reflections of the Past in the Future*, ed. Gavin D'Costa and Emma Harris (London: T&T Clark, 2013).

2 Saint Basil, *De Spiritu Sancto*, XXX, 77; P.G. 32,213. Quoted by Pope Benedict XVI in his address to the Roman Curia, December 22, 2005, "Ad Romanam curiam ob omnia natalicia" *Acta Apostolicae Sedis* Vol. XCVIII, 45.

3 Quotation at http://chiesa.espresso.repubblica.it/articolo/1350435?eng=y

4 One theologian who was obliged by his superior to give daily reports for *La Croix*, Father Antoine Wenger, A.A., called attention to the danger of ideological distortions in the mass media coverage: "the journalist is in danger of writing merely ideological information, explaining everything categorically in terms of conservatives and progressives, integralists and modernists, doctrinal and pastoral, curia and pastors, Italians and non-

Italians, etc." *Vatican Council II: The First Session*, trans. Robert J. Olsen (Westminster, Md.: The Newman Press, 1966); his complete coverage in French are *Vatican II* (Paris: Centurion, 1963–1965), 3 vols. See also Yves Congar, *Le Concile au Jour le Jour* (Paris: Editions du Cerf, 1963–1966), 4 vols.

5 These are collected in Xavier Rynne, *Vatican Council II: With A New Introduction by the Author* (New York: Orbis Books, 1968, 1999).

6 Irenaeus, *Adversus Haereses* III, 3, 1 and 3.

7 Mt 4:19; 9:9; 28:20; cf. Mk 1:17; 2:14; Lk 5:27; 24:48; Jn 1:43; 17:18-21.

8 Joseph Ratzinger, "Primacy, Episcopate, and Apostolic Succession" in Karl Rahner and Joseph Ratzinger, *The Episcopate and the Primacy* (New York: Herder & Herder, 1962), 37-63; the quotation is from 46-47.

9 Ibid., 53-54.

10 Joseph Ratzinger, "Primacy, Episcopate, and Apostolic Succession," 59.

11 *Declaration "Dominus Jesus" on the Unicity and Salvific Universality of Jesus Christ and the Church* August 6, 2000, 16.

12 John Paul II, *Fides et ratio*, esp. 80-108; Benedict XVI, *Regensburg Lecture.*

13 Opening speech to the council by Pope John XXIII, October 11, 1962.

14 Agostino Marchetto, *Il Concilio Ecumenico Vaticano II: Per la sua corretta ermeneutica* (Vatican City: Libreria Editrice Vaticana, 2012).

15 Archbishop Agostino Marchetto, *Il Concilio Ecumenico Vaticano II: Contrappunto per la sua storia* (Vatican City: Libreria Editrice Vaticana, 2005) , 223–243; also 93–165. See review of the English translation by Kenneth Whitehead, *The Second Vatican Ecumenical Council: A Counterpoint for the History of the* Council (Chicago: University of Scranton Press, 2010) by Dr. Gavin D'Costa in *The Tablet* June 9, 2011 and the letters by D'Costa and Lamb in *The Tablet* on June 25, 2011.

16 Reference in footnote 3 above.

The Four Pillars of Vatican II and the Year of Faith

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In his apostolic letter announcing the Year of Faith, *Porta fidei*, Pope Benedict XVI highlighted the importance of the documents of Vatican II for the new evangelization. His predecessor, Blessed John Paul II, articulated a similar esteem for the texts of Vatican II when he wrote in 1994 that "the best preparation for the new millennium, therefore, can only be expressed in a renewed commitment *to apply*, as faithfully as possible, *the teachings of Vatican II to the life of every individual and of the whole Church*" (*Tertio millennio adveniente*, 20).

The documents of Vatican II (1962-1965) are not "dead letters" from fifty years ago. They are Spirit-filled writings that continue to inspire and guide the Catholic Church today. Pope Benedict XVI was a theological *peritus* or expert at the Council so he understands Vatican II from within. We should, therefore, take seriously his warnings about a false approach to Vatican II found in "a hermeneutic of discontinuity and rupture," which "risks ending in a split between the pre-conciliar and post-conciliar Church" (*Address to the Roman Curia*, December 22, 2005). Paul VI issued a similar warning in his homily of June 29, 1972 when he stated: "We believe… that something preternatural has come into the world specifically to disturb, to suffocate the fruits of the Ecumenical Council, and to prevent the Church from breaking out in a hymn of joy for having recovered in fullness the awareness of herself."

How then are Catholics to appreciate the true meaning of Vatican II? The answer, of course, is by reading the documents themselves with the right hermeneutic or interpretive approach. As Benedict XVI has said: "If we interpret and implement [Vatican II] guided by a right hermeneutic, it can be and can become increasingly powerful for the ever necessary renewal of the Church" (*Address to the Roman Curia*, December 22, 2005). The "right hermeneutic" requires reading the documents with the eyes of faith and proper emphasis. In this regard, the Congregation for the Doctrine of the Faith (CDF) recently noted that, of the sixteen documents of the Council, it is the four constitutions—*Sacrosanctum concilium* (on sacred liturgy), *Lumen gentium* (the dogmatic constitution on the Church), *Dei verbum* (the dogmatic constitution on divine revelation), and *Gaudium et spes* (the pastoral constitution of the Church in the modern world)—that constitute "the true pillars of the Council" around which the other twelve declarations and decrees are arranged (CDF, *Note with Pastoral Recommendations for the Year of Faith*, January 6, 2012). In what follows, we shall examine some key themes of these "four pillars" of Vatican II, in an effort to understand better the message and scope of the Council.

Sacrosanctum concilium, Constitution on the Sacred Liturgy

(December 4, 1963)

There is an old Latin saying, *lex orandi, lex credendi*, "the law of praying is the law of believing," so it's fitting that the first of the four constitutions approved by the Council fathers, *Sacrosanctum concilium* (*SC*), deals with the sacred liturgy. A major theme of *SC* is the relation of the liturgy to the "Paschal mystery," the mystery of Christ's "blessed passion, resurrection from the dead, and glorious ascension, whereby 'dying he destroyed our death, and rising, restored our life'" (*SC*, 5).

The connection of the sacred liturgy with the Paschal mystery had been taught before Vatican II, especially by the Council of Trent, which spoke of the Mass as the "new Pasch" or "new Passover" (*novum Pascha*), instituted by Christ "to celebrate the memory of his passage from this world to the Father" (Trent, *Doctrine on the Most Holy Sacrifice of the Mass*, 1562 A.D., chapter I). SC*,* however, enriched this teaching with the recognition—found in Pius XII's *Mediator Dei* (1947)—that the Mass is the action of both Christ and his Mystical Body, the Church. Thus, we read that in the holy sacrifice of the Mass the Church—as Christ's beloved Bride—"offers worship to the eternal Father through him" (*SC*, 7). Therefore, "every liturgical action, because it is an action of Christ the Priest and of his Body, which is the Church, is a sacred action surpassing all others" (*SC*, 7). Although "the sacred liturgy does not exhaust the entire activity of the Church" (*SC*, 9), it is, nevertheless, "the summit toward which the activity of the Church is directed" and "the fount from which all her power flows" (*SC*, 10).

Because of the centrality of the sacred liturgy for the life of the Church, Vatican II strived to renew the liturgy by promoting "full, conscious, and active participation in liturgical celebrations" (*SC*, 14). Saint Pius X had already spoken of "active participation" (*participatio actuosa*) in his 1903 instruction on sacred music, *Tra le Sollecitudini*, and the Sacred Congregation of Rites had encouraged "active participation" in its 1958 instruction, *De musica sacra* of 1958 (AAS 50 [1958], 638).
SC issued a number of general norms that guided the liturgical reforms undertaken after the Council. The faithful, for example, should "take part by means of acclamations, responses, psalms, antiphons, hymns, as well as by actions, gestures, and bodily attitudes" while observing times for "reverent silence" (norm 30). The use of Latin was to be preserved, but wider use could be made of the vernacular because of the "advantage" it frequently offers (norm 36). In a special way, SC encouraged a wider use of "the treasures of the Bible" (*SC*, 50). This resulted in the revised Lectionary with a three-year cycle of readings.

Lumen gentium, The Dogmatic Constitution of the Church

(November 21, 1964)

Lumen gentium (LG) was the second constitution promulgated by Vatican II. It is perhaps the most central because many other documents of the Council expand upon its points. For example, LG 13 speaks of the "legitimate differences" that exist within the one Catholic Church, and the *Decree on the Eastern Catholic Churches*, *Orientalium ecclesiarum*, gives attention to the Eastern Catholic Churches and Rites that express, in a wonderful way, the rich variety within the one Catholic Church under the pope. *LG* 15 explains how the Catholic Church is linked in many ways with Christians "who, being baptized, are honored with the name Christian, though they do not possess the faith in its entirety or do not preserve unity of communion with the Successor of Peter." The link between Catholics and separated Christians is given more detailed explanation in Vatican II's *Decree on Ecumenism*, *Unitatis redintegratio*. Likewise, the relation of non-Christians to the People of God, briefly touched on in *LG* 16, is taken up in greater detail in the *Declaration on the Relation of the Church to Non-Christian Religions*, *Nostra aetate*. In a similar way, the missionary mandate of the Church, expressed in a succinct form in *LG* 17, is given more expansive treatment in Vatican II's *Decree on the Church's Missionary Activity*, *Ad gentes*.

Chapter three of *LG* (nn. 18-29) considers the hierarchical structure of the Church, with special attention given to the episcopate. In particular, it explains how the teaching authority of the bishops works in collegial communion with the pope (*LG*, 25). The teaching of *LG* 22-27 on the duty and authority of bishops is given more detailed attention in the *Decree on the Pastoral Office of the Bishop in the Church*, *Christus dominus*. Likewise, *LG* 28's brief summary of the role of priests is expanded on in Vatican II's *Decree on the Ministry and Life of Priests* and its *Decree on the Training of Priests*, *Optatam totius*.

Chapter four of *LG* is on the laity, the subject of *Apostolicam actuositatem,* the Council's *Decree on the Apostolate of the Laity*. Chapter six focuses on religious life, which is given more focused attention in *Perfectae caritatis*, the *Decree on the Renewal of Religious Life.*

Chapter seven of *LG* is on the eschatological nature of the pilgrim Church on earth and its union with the Church in heaven. It reaffirms traditional Catholic teachings on purgatory (*LG*, 49-51) and the intercession of the saints (*LG*, 50). Chapter eight of *LG* focuses on "the Blessed Virgin Mary, Mother of God, in the Mystery of Christ and the Church." This chapter highlights Mary's intimate association with Christ in the economy of salvation (*LG*, 55-59) and her ongoing role in the Church as advocate, intercessor, spiritual mother, and model. *LG* reaffirms all of the Catholic dogmas about Mary and explains how Mary's mediation of grace flows from and rests entirely on the merits of her divine Son, who is the one Mediator between God and the human race (*LG*, 60, 1 Tm 2:5-6).

Dei verbum, the Dogmatic Constitution on Divine Revelation

(November 18, 1965)

Along with *LG*, *Dei verbum* (*DV*) is the other "dogmatic constitution" of Vatican II. This constitution explains how sacred Scripture and sacred Tradition coalesce to form "a single sacred deposit of the word of God" entrusted to the Church's Magisterium for correct interpretation (*DV*, 10). The Magisterium, though, is not superior to the Word of God but functions as its servant (ibid.).

DV consists of six important chapters: divine revelation itself (chapter one); the transmission of divine revelation (chapter two); the divine inspiration and interpretation of sacred Scripture (chapter three); the Old Testament (chapter four); the New Testament (chapter five); and sacred Scripture in the life of the Church (chapter six). *DV* also highlights the importance of Scripture for the sacred liturgy (25) and the spiritual life of the faithful (*DV*, 21). It speaks of Scripture as "the very soul of sacred theology" (*DV*, 24) and the privileged source for preaching (*DV*, 25). In a remarkable way, *DV* stands as a witness to all Christians that the Catholic Church draws her very life from the Word of God.

Gaudium et spes, the Pastoral Constitution on the Church in the Modern World

(December 7, 1965)

This Constitution reflects the desire of Blessed John XXIII to address the nature and mission of the Church *ad extra* (to the outside) as well as *ad intra* (to the inside). The proximate cause for the Constitution was the intervention of Cardinal Léon-Joseph Suenens of Belgium of December 4, 1963. In reality, though, the document is the product of the development of Catholic social teaching since the pontificate of Leo XIII (1878-1903). The Constitution underwent eight drafts before reaching its final form. In a footnote we are told, "[T]he Constitution is called 'pastoral' because, while resting on doctrinal principles, it seeks to set forth the relation of the Church to the world and to men of today." The Constitution is divided into two parts. As the footnote explains: "In Part I, the Church develops her teaching on man, the world he inhabits and her relationship to him. Part II treats at length of various aspects of life today and human society and, in particular, deals with those questions and problems that seem to have a greater urgency in our day. The result is that in Part II the subject matter which is viewed in the light of doctrinal principles consists of elements, some of which are permanent and some of which are contingent."

Gaudium et spes (*GS*) is one of the richest and most comprehensive documents of Vatican II. Part I consists of four chapters that treat the dignity of the human person (chapter one); the nature of the human community (chapter two); man's activity in the world (chapter three); and the task of the Church in today's world (chapter four). Part II takes up some of the more urgent problems faced by Catholics in the world today, such as the dignity of marriage and the family (chapter one); the development of culture (chapter two); socio-economic life (chapter three); the political community (chapter four); and the fostering of peace and the community of nations (chapter five).

There are many memorable insights in *GS*. One is the recognition that "only in the mystery of the incarnate Word does the mystery of man take on light" (*GS*, 22). There is likewise the sentence frequently quoted by John Paul II that man, as the "only creature on earth which God willed for itself, cannot fully find himself except through a sincere gift of himself" (*GS*, 24). The

constitution is also known for its affirmation of the beauty and dignity of marriage and conjugal love (*GS*, 47-52); its repudiation of abortion and infanticide as "unspeakable crimes" (*GS*, 51); and its condemnation of any act of war aimed indiscriminately at the destruction of entire cities and populations as "a crime against God and humanity" (*GS*, 80).

Conclusion

The documents of Vatican II have inspired many important initiatives of the Catholic Church over the last fifty years: ecumenical and inter-religious dialogues; Bible studies within Catholic parishes, schools, and universities; liturgical workshops, especially in music; peace and social justice movements; pro-life groups seeking to end the "crime" of abortion; and numerous expressions of the lay apostolate, especially in programs on marriage and family life. During the Year of Faith, Catholics are encouraged to read the documents of the Council, with special attention given to the constitutions, the "four pillars" of the Council. When read and interpreted correctly, these documents can become—in the words of Pope Benedict XVI—"increasingly powerful for the ever necessary renewal of the Church." ✠

Wisdom of the Church

by Jude P. Dougherty
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When did you last hear a reference made to the "wisdom of the Church?" More likely you have been irritated with references to episcopal failure, reported on an almost daily basis by the mainstream media. Nevertheless, in defense of the concept, one can admit that prudential wisdom may elude this or that prelate and yet recognize that the concept "wisdom of the Church" is not diminished by the failure of individual judgment.

The term as employed here refers to speculative wisdom, to the doctrine, to the learning retained by the Church in its many vaults. Its referent is primarily the wisdom accorded by Sacred Scripture, by the teaching of the fathers, by that of the councils, papal encyclicals, and numerous other sources of official teaching. Those are the wellsprings of its expression in Augustine's *City of God*, in Boethius's *De Trinitate*, in Dante's *Divina Commedia*, and in the *summae* of numerous medieval theologians. One also finds it in Chaucer, in Shakespeare's tragedies, in the poems of Paul Claudel and T. S. Eliot, in the fiction of Evelyn Waugh and Graham Greene, in the apologetics of Belloc, Chesterton, and Christopher Dawson, and in the systematic treatises of twentieth-century philosophers such as Etienne Gilson, Jacques Maritain, and Yves Simon. The list can be expanded at will to include a multitude of French, Italian, German, and Spanish authors. The vehicles that carry the wisdom of the Church, like those of grace, are many.

What is identified here is "Catholic literature," broadly construed. Much of it serves to reinforce the faith or is illustrative of Catholic thought as it influences judgment or determines action. One steeped in the teachings of the Church is never without a sense of purpose, bereft of a moral compass, or lacking in that sense of hierarchy which enables one to recognize instinctively that some goods are of greater value than others. Whether Benedict, Francis, Dominic, or Ignatius be taken as a spiritual guide, A. G. Sertillanges shows the merits of an intellectual life in a marvelous little book, *La Vie Intellectuelle*, written nearly a century ago but available in translation.[1] Acknowledging that baptism does not guarantee a Catholic mind, Sertillanges maintains that such must be cultivated, even over a lifetime. In a memorable line, he tells us that the desire "[t]o know, to seek, to know more, is to start afresh to seek more," though the quest need not be all consuming or shallow. The Catholic mind is one that is both historically cognizant and doctrinally informed. There is no one place to start, and there are obviously degrees of mastery.

At this writing, it is expected that on October 20, during the Synod of Bishops, the Holy Father will

present Rémi Brague with the Ratzinger Prize for Theology, an award that has been called the Vatican equivalent of a Nobel Prize. The award itself, reports the news site *Chiesa*, is sponsored by the Joseph Ratzinger Vatican Foundation. Francisco Ladaria Ferre, the Spanish Jesuit, secretary of the Congregation for the Doctrine of the Faith, explains that the prize was instituted by the foundation "to stimulate theological reflection above all in the fields most cultivated by Joseph Ratzinger as theologian, cardinal and now pope."

Rémi Brague, the presumed recipient is a professor of philosophy at the Université Paris I Pantheon-Sorbonne and at the University of Munich. He is the author of at least ten books, including *The Wisdom of the World*, *Law of God*, *The Legend of the Middle Ages: Philosophical Exploration of Medieval Christianity, Judaism and Islam*, and *Eccentric Culture: A Theory of Western Civilization.* Papal honors apart, it may be said that Brague's work is obligatory for those who have the means. In his own words, "Faith is, so to speak, the appropriate organ for perceiving the divine, just as the eye registers colors, the mind registers concepts."

In the face of what is perceived by many as the cultural disintegration of Europe and its inability to thwart a militant Islam, perhaps no one has done more to identify the meaning of the concept "Western culture," distinguishing the Western from other cultures, than Rémi Brague. Brad S. Gregory, in his study of the lasting effects of the Protestant reformation, rightly speaks of Western Christianity as "the tangled product of rejections, retentions and transformations."[2] Brague will admit that and at the same time will say, "Two religions have marked the cultural space known as European: Judaism and Christianity." Brague, writing at the time the "Preamble" to the European Constitution was contested, says, "Anyone is free to want to see Europe drift away from Christianity, but deliberately ignoring the past [as was done in the drafting] simply demonstrates an adherence to the logic of ideology." Following Paul Valéry, Brague identifies three sources that must be acknowledged for an understanding of Europe: Rome, Greece, and Christianity, and adds what Valéry called the "sub-basement" of Europe, the *Old Testament*.[3]

To read Rémi Brague, historian, philosopher, and theologian, is "to seek to know more," to gain access to an important vault that holds the key to and understanding of Western culture as well as the perennial wisdom of the Church. ✠

ENDNOTES

1 *The Intellectual Life*, translated from the French by Mary Ryan (Washington, D.C.: The Catholic University of America Press, 1987).

2 Brad S. Gregory, *The Unintended Reformation* (Cambridge, MA: Harvard University Press, 2012), p. 369.

3 *Eccentric Culture: A Theory of Western Culture* (South Bend, St. Augustine Press, 2002), p. 27.

ARTICLES

Free Choice, Self-Determination and Contraceptive Acts

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This essay examines the thesis that our choices shape us by instantiating within us—into our characters—moral self-determinations.

As a determining (or causative) principle, free choice operates in two directions (I am adopting Wojtyla's terms here): externally in a "transitive" way insofar as choice gives rise to alterations in the states of affairs external to the acting person; and internally in an "intransitive" way insofar as choice manifests itself in the inner dispositions of the actor.[1] I am concerned here primarily with free choice as an intransitive principle of self-determination, a cause of the determinations of human moral character.

By "character" I mean the sum total of the dispositions of our faculties of cognition, volition, and emotion as arising from our free choices. These dispositions are qualities of human personality signifying two things: 1) the *integration* of the self around morally good or bad choices and commitments; and 2) the *orientation* of the self to further choices of a regular kind, regularity being defined by the persistence of the orientation in disposing one to acts of the will that protect and promote or impede, harm, and destroy the plurality of goods that constitute in their realization human well-being and full being. Character by definition, then, transcends (although is by no means independent of) those qualities of the self fixed by one's biology and environment (although the scope of fixity, we continue to learn, is less than we once thought).[2] It refers only to those dimensions of the self subject to alteration as a result of free choice.[3] And it constitutes the objective basis of one's moral evaluation. In Wojtyla's words: "human actions once performed do not vanish without trace: they leave their moral value, which constitutes an objective reality intrinsically cohesive with the person."[4]

Although the language of character and self-determination is abstract, it corresponds, I argue here, to a manifest anthropological reality: people harm themselves when they freely choose to do evil. This is utterly basic to a Catholic understanding of morality. Recall the famous words of Vatican II about intrinsically evil actions: "they do more harm to those who practice them than those who suffer from the injury" (*GS* 27). But the harm is different from tearing a muscle in one's leg, or cutting one's hand with a razor blade, or slipping on the ice and cracking one's head. The harm is to character, a mutilating and restricting kind of harm that progressively undermines an agent's harmony with and communion within the plurality of human (and divine) goods and persons in which human beings find their fulfillment. Free choice instantiates into the dispositions of one's mind and will self-determinations for or against human goods. "Self-determination" here is not to be taken as coextensive with virtue and vice, that is, with the concept of an inculcated moral *habitus* in the classical sense. A habitus is established within oneself over time and with difficulty. It is an enduring disposition that impedes or facilitates the carrying out of reasonable choices. By self-determination I mean that which is instantiated or reinforced in oneself by each and every choice (which includes the judgments that direct them). It is a kind of directionality of mind and will in relation to the plurality of human goods in which people find their fulfillments. Every moral virtue or vice begins with and presupposes such a self-determination.

This, in short, is my thesis. In its defense, I want to consider one type of freely chosen behavior, namely, contraceptive acts, and reflect on the ways they shape us in the orientations of our characters. Since my consideration will take me into the more empirically based domain of moral psychology, I should say that the degree to which any measurable effect I note is apt to be manifested will vary according to factors such as the measure of the actors' understanding of what they are doing, extent of engagement of their wills, certitude of their conviction that what they are doing is right for them to do, level of focus, influence of the emotions, and so forth.

Reasoning and willing involved in choosing a contraceptive act:

Whatever else is involved in one's reasoning and choice to contracept, three elements are necessary: 1) one reasons that engaging in sexual intercourse is likely to cause a new human life to begin; 2) that that new life can be prevented from beginning by some other behavior; 3) one goes ahead and chooses the behavior—one chooses to contracept in order to prevent a new life from coming into existence.[5] The contraceptive means is adopted in order to avoid harms that one believes might or will occur as a result of getting pregnant. So one's *end* is the avoidance of harms, one's *means* ensuring that a baby who might come into existence does not.[6]

The baby-to-be-avoided does not yet exist, and so the contraceptive will *per se* is not an unjust will, like a homicidal will (that also wills that someone not exist). But it does share one morally relevant feature with the homicidal will: impeding the being of a human life. The homicidal will prevents life from continuing to exist, the contraceptive will prevents life from coming into existence. Older Catholic treatments of contraceptive acts focus upon this feature (that is, the disposition to impede human life) as that which morally vitiates the acts. Aquinas, for example, wrote that "after the sin of homicide, . . . this type of sin appears to take second place, because it impedes the coming to be of human nature."[7]

As stated above, one *reason* defining the motivational structure of all those who deliberately contracept is to exclude a child from existing who might otherwise come into existence as a result of freely chosen behavior.[8] Acting upon this reason, I argue, changes the actors. It instantiates within them a complex contra-life self-determination. Consider the following scenario.

The self-determining influence of free choice:

Nancy and Joe were married in the Catholic Church. When they met, both held busy jobs in New York City. At their wedding, they both sincerely stated they would accept children lovingly from God and raise them in the Catholic faith. In four years of marriage they have had two children, Irish twins, a boy and a girl, born eleven months apart. Ron is two and a half and Chelsea is one and a half; and together they're a handful. Since Ron's birth, Nancy has been a stay-at-home mom. She's decided to go back to work full-time. At first she and Joe were reluctant to put Ron and Chelsea in day care, reading stories about disadvantages that children in day care suffer. But they have friends who told them about a very good facility; and after an encouraging interview with the director, Nancy and Joe's reluctance has subsided.

Nancy and Joe agree that they might have more children in the future, but are sure that *now* is not the time. Knowing that the Church opposes contraception, but hearing from Nancy's mother that Natural Family Planning is "no different from the rhythm method I practiced in the 1960s—and look at how many siblings you have!", Nancy and Joe feel a conflict over what appear to them to be incompatible alternatives: avoiding what the Church opposes, and avoiding pregnancy. (They do not consider long-term abstinence a realistic option.) Their understanding of the reasons the Church opposes contraception is superficial. But never having a serious reason not to conform to the teaching, they have till now avoided the use of contraception. When they consulted their parish priest, he told them that decisions such as this are intensely personal matters, and that in the end they have to decide for themselves; no one can decide for them. Not finding his advice very helpful, they turn to their apparent options.

Nancy and Joe's choice, like all free choices, will be motivated by *reasons*. Those reasons are precisely the benefits (or forms of fulfillment) they believe are possible by choosing in one way or another. But the problem they face—the problem of free choice in general—is that prior to choosing, they have reasons to choose otherwise, reasons that make appealing both choosing to contracept and not choosing to contracept. On the one hand, Nancy and Joe are Catholic, and they see in the Church a religious and moral authority with some rightful claim to teach on this issue; they know the Church teaches against contraception. Till now they have followed the Church's teaching. They'd like to continue. They know that choosing to contracept (as Nancy's mother did in the 1970s after she had her fifth child) will change their relationship to the Church in some way. They see bitterness in Nancy's mother whenever the Church's moral teaching is discussed and suspect it has something to do with the choices she made in the 1970s. They'd like to avoid something similar happening to them. Moreover, they love Ron and Chelsea, and both admit that having another child is desirable in several ways.

But it is also undesirable in several ways. Nancy's

immediate desire to go back to work would be frustrated and her career possibilities in the long-term could be jeopardized; their finances would be stretched; and their presently manageable lifestyle would be threatened; moreover, as both are prone to depression, especially when sleep-deprived, they have reasons to fear for their health if they have another baby.

The reasons that make both alternatives appealing are lively and operative in their minds. My thesis is that having chosen X and not Y, certain aspects of the self become shaped by the goods found in X which are not shaped by the goods found in Y. And this determining of the self in relation to human goods is what we call the shaping of character.

After animated and at times difficult discussions, Nancy judges that if she wants to take up her career again she must avoid pregnancy; and she believes that if she does not contracept, she will become pregnant within a few months. Both decide they are willing to forego the goods made possible by having another child. As to the conflict with Church teaching, Nancy and Joe rationalize saying: "Well, the priest did say it was *our* decision. Surely *we* are the best judges of how to manage our family size. It's not that we don't respect the Church; we simply disagree."

Let us consider the nature of the self-determination they instantiate by their choice and the acts that carry it out, as well as some likely effects on the couple's attitudes and emotions.

Rational standard:

In the end, Nancy and Joe set aside the reasons not to contracept, and they decide, albeit not without emotional reluctance, to practice family planning using contraceptives. In so doing, they reject the alternative reasons precisely *as reasons* against their decision to contracept. They judge them to be not persuasive, not adequate to move them to act. They rationally put them to rest. Consequently, those reasons fall away as competing motives in their deliberations. Unless the spouses have reasons in the future to regret their decision, reasons incompatible with the reasons that led them to contracept, the quiescence of those reasons *against future judgments of a similar kind* remains. They instantiate into themselves a rational point of reference—a measure—with which to resolve further situations without the need to make *new choices* (in the strict sense). In this way their reasoning becomes shaped by a self-determination.

Volitional standard:

Their wills are likewise shaped by their choosing. Will in the Aristotelian tradition is called a rational appetite. Like the sensitive appetites (the movements of which are emotions) will is moved by information arising from cognitions. But unlike the sensible appetites that respond to objects of sensible appeal, the will, being an intellectual appetite, is moved to act by ideas, by the promise of intelligible fulfillment or threat of harm. This implies that will *per se* is a blind power insofar as not being a cognitive power the will itself does not *know* its object. The will therefore is directed by the intellect, which, as it were, presents reasons to the will in the form of intelligible ends or goods as possible objects of volition.

Before deliberation was complete and their decision settled, Joe and Nancy had not yet decisively adopted either alternative as their choice; the desirability of doing the one over the other had not been settled. And so before settling on contraception as the preferred alternative, the goods of remaining open to new life and fidelity to the Church were still a desirable alternative to Joe and Nancy.

After adopting the contra-life alternative through choice (that is, after their definitive assent to *that* alternative and the *settling of their wills upon it*), and after carrying out their choice in action and taking satisfaction in the achievement of their end (that is, the enjoyment of the fruits of avoiding pregnancy), the desirability of the rejected alternative diminishes.

One might object, saying that it does not necessarily follow that the desirability of the rejected alternative diminishes. And I would agree. It does not necessarily follow. If the doubts that they experienced before choosing were kept alive in their minds—and this could happen in many ways (for example, being confronted by a devout family member about the rectitude of their decision; or hearing Janet Smith's "Contraception Why Not?"; or feeling in prayer the nagging sense that "this just isn't right")—or if some negative state of affairs occurred after or as a result of making their choice (for example, Nancy had a stroke or got a blood clot from taking "the pill," or heard a disturbing news report on EWTN about the possible abortifacient effects of hormonal contraception), then the couple might well reconsider their decision. But for most people in Nancy's and Joe's situation, events such as these would be extraordinary. The settled socially acceptable choices of mentally healthy people in ordinary circumstances

ordinarily go unopposed (internally and externally) and progressively settle themselves into dispositions.[9]

The *reason* Joe and Nancy are choosing to contracept is to eliminate the burdens they'd face if they were to bring another child into the world. As they successfully realize their end, they experience that satisfaction of will (and self) that Aquinas calls *fruitio*, the resting with satisfaction in desired goods realized through action. This *fruitio* is itself an act of the will and so an actualization of the person—a fulfillment. Unless uprooted through repentance the disposition it instantiates endures: as Wojtyla states, an action's determining effects "last longer than the action itself."[10]

Ordinarily this results in a will more at ease in choosing this way. We might say our wills settle on the "taste of the goods" sought in this choice. If we've also attacked goods, our wills settle in opposition to those goods. So Nancy and Joe not only grow comfortable in putting their children in day care, in mommy going back to work full-time, and in preserving things like sleep in their "presently manageable lifestyle," they also settle into the habit of excluding the possibility that a child might be conceived from their sexual intercourse. The volitional determination takes the form of the choice's relation to human goods, in this case, human life. So Nancy's and Joe's wills, moved by the idea that new human life is a threat to them and needs to be acted against, are shaped precisely by *this disposition against new life*.

It's a reliable principle of moral psychology that the repeated actualization of an appetite leads to an increase in kind of that appetite. Even choosing contraception a single time makes future contraceptive choices easier. Otherwise stated, one choice is the first step toward a *habitus.* This is not merely a disposition to act similarly in similar situations; it's not a volitional reflex-arc. It is a contribution to one's character (that is, one's overall existential orientation to human goods). Choices are "developments" of our existential selves which unfold themselves in further deliberation and choice. Grisez uses an analogy with learning and knowing to explain the kind of habit that choice instantiates. Just as knowing is more than a power to recall something previously thought, but rather is the wider intellectual context by which we view the world; and just as assimilating each piece of new knowledge into that framework contributes to our wider view of reality; so each choice we make shapes our acting self and orients us toward a future related to the good.

Catholic moral theology has its own name for this self-determination. It speaks about being in a "state of grace" or "state of sin." Grisez writes that the state of sin "is nothing other than the sinful choice itself, considered not as an efficient cause of the behavior that carries it out but as the formal cause—that is, the intrinsic, constituting principle—of the self-determination involved in making it, inasmuch as one disposes oneself wrongly toward the goods at stake and the people affected. This self-determination persists; it is one's 'state,' unless and until one repents."[11]

Wider corporeal manifestation:

Having chosen the contra-life alternative, Joe and Nancy must exert their capacities to carry out their choice. They consider the best type of contraceptives to use, ones they judge most safe and effective in excluding new life; they drive to the drug store, speak with the pharmacist, read labels, look at boxes. They select a preferred type, pay at the counter, educate themselves on using the contraceptives; and then they use them in their sexual intercourse. At first they *feel* uncomfortable discussing contraceptives with the cashier and browsing brands in public, in putting on condoms, or swallowing the little pills. But soon the acts become routine, easy.

All this involves their sentient, emotional, and interpersonal selves deeply in their moral choice. The contra-life determination does not remain simply an orientation of mind and will; it progressively fixes itself in their affective preferences for this kind of family planning, in their felt relief at avoiding more children; it might manifest itself in felt repugnance toward those who choose differently (for example, the large, noisy, home-school family next door, or the stay-at-home mom in the supermarket with lots of little kids around her). Nancy and Joe at first grow in their toleration for and later in a preference for associates who choose similarly. Their self-understanding and associated worldview widens to include *themselves as precisely this kind of person*.

Joe and Nancy now need to defend their choice (at least to themselves) against the Church's position. This will likely lead to a defensive posture toward the Church's hierarchy and toward fellow Catholics who proclaim and defend the teaching they reject. Over time they will come to see the Church's teaching on procreative morality as irrelevant to their Catholic lives; the disagreement may even precipitate a break from the Church.

Since contraception and abortion are alike in that both are chosen to eliminate the problem of more children, it is not unusual that many who support contraception also support abortion. Recall the chilling words of *Planned Parenthood v. Casey*, that those who wish to turn back the clock on *Roe v. Wade* "simply . . . refuse to face the fact that for two decades of economic and social developments, people have organized intimate relationships and made choices that *define their views of themselves* and their places in society, in reliance on the availability of abortion in the event that contraception should fail."[12]

And: "Abortion is customarily chosen as an unplanned response to…to the failure of conventional birth control." It would not be unusual for Nancy and Joe to begin to feel justified in supporting pro-abortion candidates for political office. This is not inevitable, but it's consistent with the moral psychology of their situation. After all, they both share the concern about minimizing the problem of unwanted children. (I expect that an extremely low percentage of those who practice NFP support pro-abortion candidates.) Fixing their wills against their own possible children will usually dull their sensitivities generally to the good of human life in its stage of coming-to-be. They simply grow less sensitized to the goodness of nascent human life in general, not just their own. They have willed themselves this way. It's not that they necessarily become manifestly callous toward unborn children. It's rather that they rationally blunt their psychic sensitivity to the goodness of the life-realizing dimension of procreative type choices; they push it out of their psychic foreground and consign it to the psychological basement in favor of their contra-life rationale. In addition, they volitionally act *against* that dimension settling their moral disposition on the undesirability of openness to new life. If a pro-choice candidate presents himself or herself for office, and promises other goods that the couple are interested in (for example, intelligent solutions to education, measured diplomatic savvy, empathetic concern for undocumented workers, and so forth); and the alternative is a strongly pro-life candidate who is weak on education, appears diplomatically awkward, and opposes all citizenship solutions for illegal aliens, persons with contra-life self-determinations will find it all too natural to leave the plight of the unborn in the psychic basement where their sensitivity to new life has been consigned and find the heightened psycho-emotional satisfaction they take in the pro-choice candidate sufficient to move them to become his or her supporters.

Conclusion

I have often wondered how we as a country, as a people, go from debating in 1963-64[13] the question of whether married couples should be permitted to contracept in private to debating in the 1990s[14] partial birth abortion and in 2001[15] whether babies born alive as a result of botched abortions should be legally protected from being killed by their doctors and nurses. I do not mean how we got there legally; we are all familiar with the juridical logic running from *Griswold* (1965) and *Eisenstadt* (1972) through *Roe* (1973), *Casey* (1992), and *Stenberg* (2000). I mean morally. How did we become the kind of people who would tolerate a civil discussion over the merits of leaving infants to die in broom closets and garbage cans, when just thirty years earlier the very suggestion of such a thing would have been met with universal repugnance and been clearly condemned by all? There is no simple answer. Sociological, religious, demographic and economic factors all played a part. But I suggest that an important part—perhaps the most important part—is found in considering the self-determining character of contraceptive choices. ✠

ENDNOTES

1 Karol Wojtyla, *The Acting Person* (Dordrecht; Boston: D. Reidel Publishing Co. 1979), 150.

2 Daniel Siegel discusses how the hardwiring of the human brain is not fixed at birth but is shaped by many factors in an infant's life. Daniel Siegel, *The Developing Mind: How Relationships and the Brain Interact to Shape Who We Are* (New York: The Guilford Press, 1999).

3 On character, see Grisez, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), 59, 192-3.

4 Wojtyla, 151.

5 See Germain Grisez, Joseph Boyle, John Finnis, William E. May, "'Every Marital Act Ought to be Open to New Life': Toward a Clearer Understanding," *The Thomist* 52, no. 3 (July 1988): 370.

6 Ibid., 401.

7 Aquinas, *SCG*, III, q. 122, no. 9. The *Roman Catechism* (1566), somewhat surprisingly, identifies the guilt of those who take potions to prevent conception with the evil of plotting to commit murder: "married persons who, to prevent conception or procure abortion, have recourse to medicine, are guilty of a most heinous crime, nothing less than wicked conspiracy to commit murder (*haec enim homicidarum impia conspiratio existimanda est*)." The Catechism should not be understood as asserting that contraceptive acts are homicidal. More reasonably it should be understood as teaching that married persons who choose means to render their intercourse unfit to conceive a child conspire against the new life to which their intercourse is properly ordered (quote from Pope Pius V, *Catechism of the Council of Trent for Parish Priests*, trans. John A. McHugh and Charles J. Callan (New York: Joseph F. Wagner, 1923), 343-44).

8 *Veritatis splendor* refers to this proximate end as the moral "object": "The morality of the human act depends primarily and fundamentally on the "object" rationally chosen by the deliberate will. . . . That object is the

proximate end of a deliberate decision which determines the act of willing on the part of the acting person" (78).

9 Since the disposition arises from the will's actualization, the will is a cause of it. However,the disposition then becomes a cause of the will's future acts. So the acting will both manifests itself as an antecedent feature of the person; and the person in acting determines himself as a reality with regard to the further orientation of his will. See Karol Wojtyla, *The Acting Person*, 105.

10 Ibid., 151.

11 Grisez, *Clerical and Consecrated Service and Life*, vol. 4, ch. 4b[1], unpublished.

12 *Planned Parenthood of Southeastern Pa. v. Casey* (91-744), 505 U.S. 833 (1992), emphasis added.

13 *Griswold v. Connecticut* was decided in 1965. At the time of the case, appellant Estelle Griswold was the Executive Director of the Planned Parenthood League of Connecticut.

14 The first federal Partial Birth Abortion Ban (HR 1833) was passed by Congress in 1995 and vetoed by President Clinton in April of 1996; the second federal Partial Birth Abortion Ban (HR 1122) was passed by Congress in 1997 and vetoed by President Clinton in October 1997.

15 On August 5, 2002, President Bush signed into law the Born Alive Infants Protection Act (HR 2175).

Clarifying society's allocation of good and evil: The instructive heart of martyrdom

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In *Veritatis splendor*, Pope Blessed John Paul II reminds us that the object of an act, the "primary and decisive element for moral judgment," determines the moral quality of an action.[1] Since the object of an act "establishes whether it is capable of being ordered to the good and to the ultimate end, which is God," an act is morally good if it is ordered to God as its final end.[2] In the same encyclical, John Paul speaks of the intrinsically evil act as that which is "'incapable of being ordered' to God" because it "radically contradicts the good of the person made in His image."[3] The pope reiterates, "on account of its very object, and quite apart from the ulterior intentions of the one acting and the circumstances," the intrinsically evil act is that which "*per se* and in [itself], independently of circumstances, [is] always seriously wrong by reason of [its] object."[4]

We are living in a society, however, that renames the object of an intrinsically evil act to accord with social decorum or political correctness. For example, killing one's unborn child is regarded as women's "health care," or, more specifically, as a "medical procedure,"[5] while "killing the elderly" is termed "dying with dignity."[6] In other words, society undermines the wickedness of such acts by designating the object of the act by means of another socially acceptable name: a "medical procedure," for example, instead of "killing a pre-born child."[7] By allocating another name for the object of an intrinsically evil act, society advances that act as not merely *acceptable*, but as *good*.

Such an allocation of terms leads to confusion between good and evil, and to the intriguing question of how the social order understands good and evil in the first place. For example, is the good inconvenient? Is doing right seen as the problematic solution to a present difficulty, while evil is regarded as the more convenient option, which is—unfortunately—more conducive than the authentic good, to our way of life? While provocative questions such as these deserve reflective consideration elsewhere, one might also contend the following: because the human person exists in relation to others and since the very nature of relation entails answering the demands of another, one's response to those demands—whether convenient or inconvenient—is ultimately the genuine mark of love.

While an adequate solution to society's interpretation of good and evil lies beyond the scope of this essay, I propose that a decisive "first step" to clarifying the distinction between *good* and *evil* lies in the martyr's refusal to commit an intrinsically evil act.[8] The heart of my argument is that the martyr's death, which stands as an irreversible articulation of the authentic good,

properly signifies the object of an intrinsically evil act. Martyrdom directly opposes society's distortion of the object of an act, then, because it testifies to the existence of absolute negative moral norms.[9]

In correctly designating the object of an intrinsically evil act, the martyr clarifies society's confusion between good and evil, and this clarification comprises the instructive heart of martyrdom. But further, making the case for a so-called instructive heart of martyrdom implies that it teaches something. My claim is that martyrdom, in fact, demonstrates that being human means correctly distinguishing between good and evil, and acting according to the good. My discussion of martyrdom will primarily rely upon John Paul's writings, *Veritatis splendor* in particular.

Part I: Regaining humanity's identity: The mission accomplished by the martyr

In *Veritatis splendor*, John Paul teaches that martyrdom is "fidelity to God's holy law, witnessed to by death."[10] This death affirms "the inviolability of the moral order [and] bears splendid witness"[11] to the "holiness of the Church,"[12] to "the holiness of God's law and to the inviolability of the personal dignity of man."[13] Declaring that martyrdom testifies to the sacredness of man's incomparable dignity, John Paul elaborates that martyrdom is "the exaltation of a person's perfect 'humanity' and of true 'life.'"[14] In order to unravel the meaning of "the exaltation of a person's perfect 'humanity,'" I would like to analyze, for a moment, *praecónium* which is the Latin word translated into English as *exaltation*.

The Latin text under scrutiny reads, "Martyrium est quoque perfectae 'humanitatis' praecónium et verae 'vitae' personae." Originally signifying the office of a public crier, *praecónium* can alternately be translated as praise, commendation, publishing, or making known. A precise, theological rendition of *praecónium*, then, is making known. One might even posit that martyrdom not only makes known, but also *reveals* the human person to be what he is meant to be from the beginning—one who is restored "to the divine likeness, which had been disfigured from the first sin onward."[15] By His suffering and death, Jesus Christ "blazed a trail, and if we follow it, life and death are made holy and take on a new meaning."[16] Like the town crier of old, then, the martyr makes known or reveals the genuine (*verae*) life of the human person. Thus, the text reads, "Martyrdom is also the *making known* of perfect human nature (*humanitatis*) and of the true (*verae*) life of the person."

Perfectae, containing a variety of meanings, such as complete, finished, righteous, or excellent, enables me to elaborate upon the notion of "perfect human nature" (perfectae humanitatis) as completed, or finished. In other words, the martyr is the finished, perfected human person who is now prepared to meet his Bridegroom (cf. Mt 25:1). Expounding upon the late pontiff's notion of martyrdom as that which makes known perfect or complete human nature, one might argue that martyrdom exemplifies the irreplaceable core of what it means to be a human person: being human means correctly distinguishing between good and evil and acting according to the good. My contention is that the "social task" accomplished by the martyr—his gift to society—is reclaiming the very identity of the human person. In the next part of my essay, I show how the martyr retrieves the identity of the person by his moral action, which is in accordance with the truth of the human being.

Part II. What is "perfect human nature" and how is it made known, or revealed, by the martyr?

I began this essay by briefly stating that the object of an act is what gives the act its moral character. Second, I explained that an act whose object is incapable of being ordered to God is intrinsically evil, since it cannot "bring about the perfection of the person."[17] Next, with John Paul in *Veritatis splendor* 92, I explain how martyrdom reveals perfect, or complete, human nature (*humanitatis*). In this section, I address three questions: First, what is "perfect human nature," or the completion of the human person? Second, are those actions, which perfect human nature, made known to others? If actions perfective of the human person are performed by non-martyr and martyr alike, then what is the distinction between those acts, since both perfect the human person who performs them? Third, what is the unique characteristic of martyrdom that specifically reveals "perfect" humanity?

II. a. "Perfect human nature"

As the gospel teaches, we are to "be perfect as our Heavenly Father is perfect" (Mt 5:48). In addition, the moral life is characterized by following Christ. The final end of man, which is the perfection for which he is created, is

eternal life. Perfect human nature is that which is completed, or finished; it is ready for eternal life. In *Veritatis splendor*, John Paul highlights Christ's dialogue with the rich young man concerning what good he must do to have eternal life (Mt 19:21).[18] Combining both gospel passages elsewhere, the pontiff teaches that "being perfect" is seeking the perfection that is proper to the person, as the one created in God's image and likeness.[19] He illuminates the same idea in *Veritatis splendor*.

> Activity is morally good when it attests to and expresses the voluntary ordering of the person to his ultimate end and the conformity of a concrete action with the human good as it is acknowledged in its truth by reason. If the object of the concrete action is not in harmony with the true good of the person, the choice of that action makes our will and ourselves morally evil, thus putting us in conflict with our ultimate end, the supreme good, God himself.[20]

The perfection of the human person, then, lies in performing actions that are in accord with one's final end; these actions also align with one's own good.

One might ask, are one's good actions "made known" to others? Since martyrdom "makes known perfect humanity," the good acts chosen by the martyr, which lead to his death, are in accord with his final end. Still, few are the martyrs, while many are they who do good acts, perfective of human nature. Thus, are the saintly non-martyr's actions, which are in accord with the perfection of his being, made known to others? In other words, is "perfect human nature" revealed only by the martyr, or also by others?

The human person's good or evil intentions are evident to others by one's words and actions. On occasion, however, one's actions, but especially one's words, may be misunderstood. Consequently, the late pontiff teaches, good and evil actions are distinguished by the "splendor of the truth which shines forth deep within the human spirit."[21] If the action is good, that goodness will be manifest, despite apparent contradictions or an initial misreading. In other words, one knows a tree by its fruit (cf. Mt 7:17–20).

The saintly non-martyr's actions are also made known to others because of the harmony between what one believes and how one lives. As John Paul specifies in paragraph 90 of *Veritatis splendor*, one's refusal to do intrinsically evil acts illuminates the bond between faith and morality.

> The relationship between faith and morality shines forth with all its brilliance in the *unconditional respect due to the insistent demands of the personal dignity of every man,* demands protected by those moral norms, which prohibit without exception actions, which are intrinsically evil. The universality and the immutability of the moral norm make manifest and at the same time serve to protect the personal dignity and inviolability of man, on whose face is reflected the splendor of God" (cf. Gen. 9:5–6).[22]

Here, John Paul teaches that the "universality and the immutability of the moral norm [both] make manifest and . . . protect the personal dignity and inviolability of man."[23] By living in harmony with the moral norm, which accords with the truth of one's being, then, the saintly non-martyr reveals the sacredness of human dignity. His actions testify to the fact that the human person is free to act in accord with moral truth, which is the truth of his being, as a creature of God. Thus, "perfect human nature" is manifest by the saintly non-martyr, and by each person who refuses to commit intrinsically evil actions.

II. b. Perfect human nature is "made known" by the martyr with his voluntary acceptance of death

My third question now comes to the fore. How does the martyr "make known" perfect humanity? Given that both martyr and saintly non-martyr refuse to commit intrinsically evil acts, what is the distinguishing characteristic of martyrdom that reveals perfect human nature over against the non-martyr? Indeed, John Paul lauds the martyr as one who gives "the supreme witness of faith and charity by the shedding of [his] blood."[24] While both martyr and non-martyr perform acts perfective of their human nature, "the existence of negative moral norms regarding specific kinds of behavior, norms which are valid without exception, is confirmed in a particularly eloquent way by Christian martyrdom."[25] The martyr's refusal to commit an intrinsically evil act results in his physical death, while the non-martyr's refusal does not make such a demand.

The martyr's "voluntary acceptance of death" rather than defying God's law carries with it the weight of sacrificing one of humanity's most precious gifts—the possession of physical life.[26] Sacrificing one's bodily life in order to hold fast to one's supernatural life in God proclaims that the "true" (*verae*) life of the person is spiritual and supernatural, before it is physical and natural. In fact, the willing acceptance of death on the part of the martyr sanctifies human life by summarizing what is most important about it: Putting the "precepts and love [of Christ] into practice" by the sacrifice of his life indicates

that another life—eternal life—is more precious.[27] As John Paul brings out, the sharp delineation between supernatural and natural life shows that supernatural life far exceeds natural life in its importance; he aptly makes this point in *Veritatis splendor* 92 with the example of Saint Ignatius of Antioch.

> Hence martyrdom is also the exaltation [i.e., "making known," -JMS] of a person's perfect 'humanity' and of true 'life,' as is attested by Saint Ignatius of Antioch, addressing the Christians of Rome, the place of his own martyrdom: 'Have mercy on me, brethren: do not hold me back from living; do not wish that I die. . . . Let me arrive at the pure light; once there I will be truly a man [Alternate translation: "I will befriend mankind." -JMS]. Let me imitate the passion of my God.'[28]

As the Greek text brings out, once Saint Ignatius is martyred, then, in the "pure light" (φως λαβειν) of heaven, he will "befriend mankind" (παραγενόμενος ἀνθρωπος έσομαι).[29] The words παραγενόμενος ἀνθρωπος έσομαι are difficult to translate. έσομαι is the first person singular future tense of the future infinitive, έσεσθαι. When used in conjunction with έσομαι, the term παραγενόμενος best translates as *befriend*.[30] The theological significance of the martyr "befriending" humanity highlights the communion of saints. Once the martyr has achieved his goal of the beatific vision by cooperating with the grace of God, he attends to the rest of the human race with his intercessory prayer. In addition, the memory of his example inspires countless others to imitate his fidelity.

If one posits that *any* martyr might hold the same perspective expressed by Ignatius of Antioch, then one infers the following insights. As the *Letter* of Ignatius suggests, "befriending mankind" implies that, having reached one's final end, the martyr is both with God, and he unites others to God, presenting them to Him by his prayers and by his witness to the truth.[31] By his refusal to commit an intrinsically evil act, the martyr "befriends mankind" because his *doing* of the truth manifests the "essential bond between Truth, the Good and Freedom" to mankind.[32] In other words, in his own martyred flesh, through which he imitates the passion of Christ, the martyr is a channel of grace, assisting (παραγενόμενος) the human race to conform its life to the gospel.[33] In sum, the true man, as παραγενόμενος is often translated, is the one who is a channel of grace both in this life and in the next.

II. c. Perfect human nature is "made known" by the martyr on account of the objective moral order

The pope highlights the object of the human act and the existence of intrinsically evil human acts. He stresses the fact that the "primary and decisive element for moral judgment is the object of the human act."[34] Further, he notes the importance of acknowledging the existence of acts that are intrinsically evil. John Paul's teaching about these two factors, the object of the human act and the existence of intrinsically evil human acts, presupposes the "existence of an 'objective moral order.'"[35]

Since truth is objective, and thus, the moral order is objective, the martyr, who bears witness to these objective realities by his death, reveals perfect human nature precisely because he aligns himself with unchanging truth and moral order.[36] By holding to the primacy of the moral law over an act contrary to that law, the martyr reclaims the very notion of the human person as a creature of the eternal Father, fully aware that one's act against His law violates one's own humanity.

The martyr's witness to the universal, immutable nature of truth affects people of all time because each human person is called to live "in the Truth" who is Christ Jesus.[37] The martyr's acceptance of death shows freedom and dignity at their summit because he suffers in order to defend the objective moral order, the denial of which is the gravest situation facing the person today.[38] Given that the universality and immutability of the moral norm both reveals and protects freedom and dignity, martyrdom shows that true (*verae*) life is attaining "light pure and undefiled," as a child of the Father.[39] Ignatius's singular concern is union with God: "leave me to be a meal for the beasts, for it is they who can provide my way to God."[40]

The martyr's resistance to untrue propositions—thus, his testimony to Truth—becomes clear in his acceptance of death. The decisive characteristic of martyrdom, then, which reveals perfect humanity in a singular manner, is the martyr's decision to live in the truth and to remain in the Truth, faithful to "God's holy law," which he witnesses to by his death.[41] In his surrender of life, the martyr radiates the inherent splendor of truth.

Part III. The martyr's moral action properly signifies the object of an intrinsically evil act

At the beginning of my essay, I state that the martyr's refusal to commit an intrinsically evil act is a vital "first step" to clarifying the dis-

tinction between good and evil. I further assert that the martyr's death cuts through contemporary confusion that regards the object of an intrinsically evil act as other than it is in reality. In this section, I show that martyrdom specifies the object of an intrinsically evil act, and thus, it explicitly challenges the current trend of renaming the object of an act. In order to argue my claims, I aim to address two points: First, I note how the martyr's death testifies to the existence of intrinsically evil acts; martyrdom undercuts any notion that denies intrinsically evil acts. Second, I discuss the fact that human acts involve a choice about oneself. In choosing a good or an evil act, one either perfects or destroys himself as a human person.

The occasion that results in the martyr's death is his unflinching "fidelity to God's holy law."[42] Because he refuses to act against the law of God, he names as *evil* the object of that act, which he refuses to do; it is an act that one must avoid at all times, under any circumstance, and regardless of any supposed good intention, because it is contrary to God's law. Pondering how the martyr's death properly signifies the object of an intrinsically evil act, John Paul expounds upon the fact that martyrdom cuts against any ethical theory that denies intrinsically evil acts.

> The unacceptability of 'teleological', 'consequentialist' and 'proportionalist' ethical theories, which deny the existence of negative moral norms regarding specific kinds of behavior, norms which are valid without exception, is confirmed in a particularly eloquent way by Christian martyrdom, which has always accompanied and continues to accompany the life of the Church even today.[43]

Because the intrinsically evil act is "always seriously wrong by reason of [its] object," the martyr's refusal to commit such an act confirms, "in a particularly eloquent way," both the existence and the magnitude of an intrinsically evil act."[44]

Human acts, whether they be intrinsically evil or good, involve a choice about oneself. Following the commandments, for example, contributes to the "authentic moral good" of the human person.[45] When one obeys "God, rather than men" instead of a political authority aimed at forcing one to contradict God's commands, one becomes a morally good human person. On the other hand, by choosing to do an intrinsically evil act, one offends God because he acts contrary to his own good.[46] "Human acts are moral acts because they express and determine the goodness or evil of the individual who performs them. . . . [T]o the extent that they are deliberate choices, they give moral definition to the very person who performs them, determining his profound spiritual traits."[47]

A key factor the pontiff reiterates is that every choice one makes involves a decision about oneself. Elsewhere, the pontiff expresses the same idea in conjunction with human freedom. "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."[48] Because each decision directs one's life "for or against" the Good, the Truth, and God, in the moral sense, the person makes himself to be the person he is, with each freely chosen human act. One attains perfection as a person precisely through his acts.

> In Jesus Christ and in his Spirit, the Christian is a 'new creation', a child of God; by his actions he shows his likeness or unlikeness to the image of the Son who is the first-born among many brethren (cf. Rom. 8:29), he lives out his fidelity or infidelity to the gift of the Spirit, and he opens or closes himself to eternal life, to the communion of vision, love and happiness with God the Father, Son and Holy Spirit.[49]

The martyr becomes an embodiment of the objective moral law, then, and stands against intrinsically evil acts, which are "a disgrace and, so long as they infect human civilization, they contaminate those who inflict them more than those who suffer injustice, and they are a negation of the honor due to the Creator."[50] The martyr's freely chosen act—to refrain from doing an intrinsically evil act, despite the fact that his decision will result in his death—highlights the object of an intrinsically evil act: it becomes "that which" the martyr refuses to do.

Frequently, the martyr's decision about himself evokes astonishment from others, including the perpetrators of his martyrdom. Marveling at the moral definition the martyr chooses for himself, his death directly opposes contemporary misconceptions of the object of his choice, since he consents to his own physical death.[51] Accurately, then, does John Paul claim martyrdom shows that "the splendor of moral truth" cannot be darkened by "the behavior and thinking of individuals and society."[52]

The pope's frequent insistence upon the fact that the martyr's death offers an unmistakable distinction between good and evil shows that he witnesses "fully to the good."[53] His death is not only "the high point of the

witness to moral truth,"[54] but also it offers "a living reproof to those who transgress the law."[55] Because martyrdom testifies to the holiness of God's law, it portrays the engaging splendor of Truth.[56] On account of the martyr's "eloquent and attractive example of a life completely transfigured by the splendor of moral truth," I suggest that his death, which makes known the holiness of God's law, aptly specifies the object of an intrinsically evil act.[57] Martyrdom, then, underscores the notion that being human fundamentally embodies the capacity to distinguish between good and evil and to act, by cooperating with God's grace, according to the good.

Part IV. Does martyrdom really awaken a dormant society?

While I show above that martyrdom illuminates the object of an intrinsically evil act, one might argue that the notion of martyrdom, at best, finds little resonance in a society that designates an intrinsically evil act as something entirely other than what it is in reality. Unrelenting contemporary society shows no sign of designating the termination of an unborn infant's life as anything other than a woman's free choice of a medical procedure. Indeed, many hold the notion of "free choice" as a good in itself, without regard to the object of that free choice. Thus, one might claim that martyrdom neither serves society nor teaches anyone.

In light of present-day confusion between good and evil regarding the object of an intrinsically evil act, I maintain that the martyr has a specific lesson to teach. Moreover, the society that fails to identify properly the nature of an intrinsically evil act stands in stark contrast to John Paul's concept of martyrdom as "the high point of the witness to moral truth."[58] He emphatically teaches, "In an individual's words and above all in the sacrifice of his life for a moral value, the Church sees a single testimony to that truth which, already present in creation, shines forth in its fullness on the face of Christ."[59] Since every human person has a conscience, and, if the object of an intrinsically evil act is regarded by society as something other than it really is, one looks for a motive.

Given the fact that the abortion industry, for example, yields millions of dollars for many, one might wonder whether the delineation of good and evil is simply an attempt at semantics, devised to quell the consciences of any who would object to killing an unborn child by couching it under the guise of health care. If present-day society is playing linguistic word-games to placate consciences in order to accumulate profit, then the martyr stands against the "gods" of convenience and wealth because his death is the direct result of refusing to do an intrinsically evil act. Instead of convenience and wealth, martyrdom presents inconvenience and the treasures of poverty by the depravation of life itself: the inherent sacrifice and love of the martyr is revealed in his incessant clasp of the "pearl of great price" as he refuses to disobey the law of God.[60] "The martyrs know that they have found the truth about life in the encounter with Jesus Christ, and nothing and no one could ever take this certainty from them. Neither suffering nor violent death could ever lead them to abandon the truth, which they have discovered in the encounter with Christ"[61]

One might wonder whether those who hate the truth still seek a misguided contact with it. Is a perpetrator of abortion, for example, in fact interiorly distraught because, instead of making "a sincere gift" of oneself in married love, one aborts the fruit of one's own marital love or contracepts?[62] Does the person seek to justify one's own selfishness by renaming the object of the act? Indeed, the martyr, who chooses to voluntarily sacrifice his physical life in order to retain his friendship with God strikes a deep chord within the heart of the human person.

> [F]rom the moment they speak to us of what we perceive deep down as the truth we have sought for so long, the martyrs provide evidence of a love that has no need of lengthy arguments in order to convince. The martyrs stir in us a profound trust because they give voice to what we already feel and they declare what we would like to have the strength to express.[63]

The martyr makes "a sincere gift of himself" by accepting death in order to remain faithful to the truth of God's law. His sincere gift is offered with a transparency that shows the human person's innate openness to God by his testimony to objective truth, and to Jesus Christ, who is Truth. The person's innate openness to God—to Truth highlights the objective reality of the martyr's death as unwavering faithfulness to His law.[64] By one's "fidelity to God's holy law witnessed to by death," martyrdom expresses "its power to judge a prevalent and all-intrusive culture."[65] The martyr's ability to judge "a de-Christianized culture" by his death shows a life that expresses a "decision involving one's whole existence."[66]

The martyr's death reveals dramatically—*dramatically*, because of the intense suffering involved—that the human person is fulfilled only in Jesus Christ by making

himself a gift to Christ, and to others through Christ. The martyr's gift of his physical life revives an apparently dormant society, drawing humanity back to what is essentially human: the ability to distinguish right from wrong and to act in accord with the authentic good of the human person, by cooperating with Christ's grace.

Since the human person "cannot be manifested in the full dignity of his nature without reference . . . to God," the martyr's death serves society by not only making clear the distinction between good and evil, but also by expressing the truth of God's existence and the holiness of his law.[67] Because these truths—that God exists and that his commands are holy—are revealed by the martyr's death, the pope rightly attests that the martyr's "word inspires such confidence."[68] Martyrdom teaches us a profound lesson. By his death, the martyr reveals that, at the very core of the human person, one is fundamentally open to God. The martyr's death implies his openness to the transcendent—to God, himself—and thus, it accurately speaks "to us of what we perceive deep down as the truth we have sought for so long."[69]

Part VI. Conclusion

In my essay, I argue that the decisive "first step" to clarifying the distinction between good and evil in a society that renames the object of an intrinsically evil act is found in the martyr's refusal to commit such an act. If the martyr's death correctly articulates the object of an intrinsically evil act, I claim that the instructive heart of martyrdom is its distinct ability to make known the difference between good and evil in contemporary society. The clear delineation between good and evil cuts to the heart of humanity's uniqueness: Among all of visible creation, the human person alone has the capacity to distinguish between good and evil. He can freely choose to act in accord with the good or to reject the good for a false or illusory good.

In *Veritatis splendor* 35, John Paul reminds us that "the power to decide what is good and what is evil does not belong to man, but to God alone."[70] Further, he stipulates that one of the primary results of "an upright conscience is . . . to call good and evil by their proper name."[71] The martyr's ability to "call good and evil by their proper name," which his death indicates, "bears witness to the authority of the natural law and of the practical reason with reference to the supreme good, whose attractiveness the human person perceives and whose commandments he accepts."[72] Truly, therefore, does the martyr judge "a de-Christianized culture" by his death.[73]

While the martyr is a clear example of steadfastness in the truth, and thus, of holiness, John Paul reminds his listeners that each person must strive to live uncompromising fidelity to God. "The Christian life to be aimed at cannot be reduced to a mediocre commitment to 'goodness' as society defines it; it must be a true quest for holiness."[74] At the same time, "The believer who has seriously pondered his Christian vocation, including what Revelation has to say about the possibility of martyrdom, cannot exclude it from his own life's horizon."[75] Thus, admiration for the death of the martyr must "be matched by the desire to follow [his] example, with God's grace, should circumstances require it."[76]

The more you mow us down, the more we grow: the blood of the martyrs is the seed of the Christians.[77]

ENDNOTES

1 John Paul II, *Veritatis splendor*, 79. For more on this point see ibid., 78 and Thomas Aquinas, *Summa theologiae* I-II, q. 18, a. 6.

2 *Veritatis splendor*, 79.

3 *Veritatis splendor*, 80. The pontiff cites *Gaudium et spes*, 27. "Whatever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts to coerce the spirit; whatever is offensive to human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children; degrading conditions of work which treat laborers as mere instruments of profit, and not as free responsible persons: all these and the like are a disgrace, and so long as they infect human civilization they *contaminate those who inflict them more than those who suffer injustice*, and they are a negation of the honor due to the Creator." *Vatican Council II, Vol. 1: The Conciliar and Post Conciliar Documents*, New Revised Edition; Austin Flannery, O.P., General Editor. *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World] (Northport: Costello Publishing Co. 1996), 27.

4 *Veritatis splendor*, 80.

5 Accessed on July 20, 2011. http://www.plannedparenthood.org/health-topics/abortion/in-clinic-abortion-procedures-4359.asp.

6 See Oregon's "Death with Dignity Act" website, which provides information on the October 27, 1997 ruling. Accessed on July 20, 2011. http://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Pages/index.aspx. For an article that aptly highlights the misuse of the word "dignity" in the "death with dignity" slogan, see The Hastings Center Report, "Dying with Dignity" by Ira Byock. Posted May 3, 2010. Accessed July 20, 2011 at http://www.medscape.com/viewarticle/719493. In her article, Byock claims that "'death with dignity' implies that people who are dying are not already dignified. They are."

7 For more on the rhetoric of the culture of death, see William Brennan, *Confronting the Language Empowering the Culture of Death* (Ave Maria, Fla.: Sapientia Press, 2008). Brennan's work discusses John Paul's "campaign against the culture of death [which] consisted of demonstrating the power of reality to overcome a rhetoric whose purpose is to conceal the disconcerting truth about killing defenseless human beings inside and outside the womb" (xv).

8 Although the question of how society defines *good* and *evil* lies beyond the confines of the present work, perhaps a fundamental element of its current (and false) meaning includes the notion that the good is whatever allows one to give free reign to every desire, emotion, or pleasure, whereas evil is its opposite. A central element to the contemporary notion of evil, then, is to regard as evil anything that restrains one from a desired pleasure.

If civil law restrains one from indulging in a desired pleasure, the contemporary response is to change the law. The move to legalize euthanasia and homosexual unions, for example, focuses upon throwing off those laws, which prevent one from living according to one's own passions precisely because those restrictions are regarded by society as evil.

9 *Veritatis splendor*, 90.

10 *Veritatis splendor*, 93.

11 *Veritatis splendor*, 92.

12 *Veritatis splendor*, 93.

13 *Veritatis splendor*, 92.

14 *Veritatis splendor*, 92. Further, the verb (Greek μαρτυρέω, Latin *testificor*) means bearing witness.

15 *Gaudium et spes*, 22.

16 Ibid.

17 *Veritatis splendor*, 78.

18 διδάσκαλε, τί ἀγαθὸν ποιήσω ἵνα σχῶ .ωήν αἰώνιον (Mt 19:21).

19 John Paul II, *Redemptionis donum*, 4.

20 *Veritatis splendor*, 72.

21 *Veritatis splendor*, 2.

22 *Veritatis splendor*, 90.

23 Ibid.

24 *Lumen gentium*, 50.

25 *Veritatis splendor*, 90.

26 *Veritatis splendor*, 91.

27 *Veritatis splendor*, 27.

28 *Veritatis splendor*, 92. It is interesting to note that neither the Greek nor the Latin texts read, "shall I be truly a man," although some English translations render it as such. The Staniforth text, for example, reads, "I [will] be truly a man" [Saint Ignatius of Antioch, *The Epistle to the Romans* in *Early Christian Writings: The Apostolic Fathers*, trans. Maxwell Staniforth, pp. 105-106.] Quasten's version in *Patrology*, "Once arrived there, I shall be a man," is the most literal rendition of the Latin [Johannes Quasten, *Patrology*, *vol. I The Beginnings of Patristic Literature* (Utrecht: Spectrum Publishers, 1950), 71]. "Ignoscite mihi, fratres! Ne me vivere impediatis, ne velitis me mori, me dei esse cupientem mundo ne tradatis neque per materiam me seducatis, sinite me purum lumen percipere; ubi illuc advenero, homo ero" [Ignatii, *Epistula ad Romanos* VI, 2 in *Patres Apostolici*, vol. 1, ed. Franciscus Xaverius Funk (Tubingæ: In libraria Henrici Laupp, 1901), 261]. The Latin brings out the notion that once the saint reaches the "pure light (purum lumen)" of heaven, then—in having attained his goal—he becomes the person he was always meant to be.

29 Ignatii, *Epistula ad Romanos* VI, 2 in PA, 260. The Greek text in full is as follows. σύγγνωτέ μοι, αδελφοί. μη εμποδίσητέ μοι ζησαι, μη θελήσητέ με αποθανειν, τον του θεου θέλοντα ειναι κόσμῳ μη χαρίσησθε μηδε ὑλη εξαπατήσητε. ἀφετέ με καθαρον φως λαβειν. εκει παραγενόμενος ἀνθρωπος ἔσομαι (260).

30 I am indebted to Theodosios Kyriakides for help with the fuller meaning of παραγενόμενος ἀνθρωπος ἔσομαι. A Greek himself, Theodosios checked his intuition of this phrase with a Greek philologist.

31 Ignatii, *Epistula ad Romanos* VI, 2 in PA, 260.

32 Ignatii, *Epistula ad Romanos* VI, 2 in PA, 260; *Veritatis splendor*, 84.

33 In his homily for the canonization of Saint Maximilian Kolbe, John Paul teaches that *Christ is* the Model of all Martyrs. John Paul II, *Homiliae II* (October 10, 1982), 8.

34 *Veritatis splendor*, 79.

35 *Veritatis splendor*, 82.

36 In *Veritatis splendor* 113, John Paul clearly expresses the fact that moral teaching is not "established by following the rules and deliberative procedures typical of a democracy."

37 *Veritatis splendor*, 84.

38 *Veritatis splendor*, 75. The Holy Father specifies elsewhere that *relativism* is the refusal to "acknowledge the enduring absoluteness of any moral value" (*Veritatis splendor*, 84).

39 *Veritatis splendor*, 90; Saint Ignatius of Antioch, *Letter to the Romans*, 105. Recall that *Redemptor hominis* 9 explains, "human beings predestined from eternity in the first-born Son to be children of God and called to grace, called to love" [In this passage, John Paul refers to Rom 8:29-30 and Eph 1:8].

40 Saint Ignatius of Antioch, *Letter to the Romans*, 104.

41 *Veritatis splendor*, 93.

42 *Veritatis splendor*, 93.

43 *Veritatis splendor*, 90.

44 *Veritatis splendor*, 80.

45 *Veritatis splendor*, 73.

46 As Saint Thomas Aquinas teaches, "For we do not offend God except by doing something contrary to our own good" (Thomas Aquinas, *Summa Contra Gentiles*, vol. 3, part 2: *Providence*. Trans. Vernon J. Bourke (Notre Dame: University of Notre Dame Press, 1975), chap. 122. Thus, the Holy Father reiterates the fact that breaking the commandments goes against one's own good as a human person.

47 *Veritatis splendor*, 71.

48 *Veritatis splendor*, 65.

49 *Veritatis splendor*, 73.

50 *Veritatis splendor*, 80. The footnote to the Vatican Council text is *Gaudium et spes*, 27.

51 *Veritatis splendor*, 71.

52 *Veritatis splendor*, 93.

53 Ibid.

54 Ibid.

55 Ibid.

56 *Veritatis splendor*, 91, 83.

57 *Veritatis splendor*, 93.

58 Ibid.

59 *Veritatis splendor*, 94.

60 Mt 13:46. While a proper development lies beyond the scope of the present essay, it is worth noting the grave distinction between supporting a "cause," and embracing death rather than denying Christianity by word or action. While one may dedicate one's life to a cause, however noble it may be, one is never faced with the dilemma of whether to die rather than to denounce that cause. Inherent in Christianity, on the other hand, is the very willingness to lay down one's life rather than deny her precepts, by word or action, in imitation of Jesus Christ. Thus, the risk of death is a distinguishing characteristic between a cause—or an ideology—and Christianity.

61 John Paul II, *Fides et ratio* (September 14, 1998), 32.

62 *Gaudium et spes*, 24. Elsewhere, John Paul teaches that one's sincere gift of self is rooted in the Trinity, "who 'exists' in himself as a transcendent reality of interpersonal gift" (John Paul II, *Dominum et vivificantem* (May 18, 1986), 59.

63 *Fides et ratio*, 32.

64 *Veritatis splendor*, 93.

65 *Veritatis splendor*, 93, 88.

66 *Veritatis splendor*, 88.

67 John Paul II, *Dives in misericordia* (November 30, 1980), 1.

68 *Fides et ratio*, 32.

69 Ibid.

70 *Veritatis splendor*, 35.

71 *Dominum et vivificantem*, 43.

72 Ibid; *Veritatis splendor*, 60.

73 *Veritatis splendor*, 88.

74 John Paul II, *Letter to Priests* Holy Thursday (March 25, 2001), 15.

75 John Paul II, *Incarnationis mysterium* (November 29, 1998), 13.

76 *Incarnationis mysterium*, 13.

77 Tertullian, *Apologeticum*, 50, 13: *PL* 1, 534.

"Blessed Are the Merciful": Saint Augustine on Capital Punishment

by Hugh O'Donnell

"It may be said that all the thought-currents of the past meet in his [Augustine's] works and form the source which provides the whole doctrinal tradition of succeeding ages."[1]
– Pope Paul VI, Address at the Augustinianum

In our present age, the institution of the death penalty has been a focal point of much moral deliberation. Once considered a bulwark of jurisprudence, its validity and efficacy have of late been called into question. Recent controversy has engaged leaders in the public square as both statesmen and ethicists struggle to resolve this fundamental question: what is the morality of capital punishment? Unlike murder or genocide, it has never traditionally fallen under the realm of moral absolutes, thus inviting a plethora of polemics. The Catholic Church—as with many ethical questions—has weighed in heavily on this subject. Contentions today are legion; however, ecclesial discourse on this topic is long established, ranging from Pauline epistles to papal encyclicals.[2] Turning to antiquity, Augustine of Hippo emerges as one of the more informative writers on judicial execution. His theological clout has been a singular influence in the history of Christendom. His opinions, esteemed so greatly by medieval and modern theologians alike, are paramount in understanding the Catholic tradition on many moral issues, including capital punishment.

Augustine's view on the death penalty is complex and, at times, seemingly paradoxical. He upholds the legitimacy and value of the state resorting to execution; however, in the new Christian dispensation, he insists on the duty to exercise compassion toward the condemned. While defending the institution of capital punishment, he strongly advocates at the same time that Christians refrain from using it. This may seem a practical contradiction. Albert the Great taught that grace builds upon nature, and his pupil Thomas Aquinas went so far as to say grace perfects nature.[3] In an analogous way, one might say Augustine first defends the justice of the death penalty according to nature, and he then insists upon the recourse to mercy according to grace (that is, grace of compassion and charity). This Christian mercy, moreover, is only possible provided justice is first acknowledged. For how can there be mercy if there is no recognition of justice? There must first be an infraction in order for there to be a pardon, and a punishment must be in order before it can be mitigated.

Though writing centuries before the Scholastic period, the first half of Augustine's position, in which he defends the death penalty, may be outlined according to the Thomistic evaluation of human actions. Adopted by subsequent theologians and embraced by John Paul II in *Veritatis splendor*, this system analyzes moral action according to three principles: the *object*, the proximate end of a deliberate decision, that is, the act itself chosen; the *end*, that which is ultimately intended as a result; and the *circumstances*, important factors which surround the act.[4] These are the three essential components in appraising every human action. If even one of these aspects is immoral, an action is impermissible. For example, murder is wrong in virtue of the object of the act (taking innocent life is by itself an intrinsically evil act); pharisaical prayer is wrong in virtue of the vainglorious end which is intended (to give glory to self instead of God); serving alcohol at an Alcoholics Anonymous meeting is wrong in virtue of the grossly imprudent circumstances (leading your neighbor into serious temptation). Hence, all three components of an act must have integrity for the act to be considered morally licit.

One may object that to use such a Scholastic formula for a Patristic author is anachronistic; however, there is good reason for doing so. In the first place, though this specific categorization is not explicitly used by Augustine, the moral assessment of actions according to these three principles is implicit throughout much of his writings. Particularly in his Scriptural commentaries, Augustine may approve or disapprove of certain actions based on either their intrinsic value, the intention of the doer, or the accompanying circumstances. Furthermore, such a formula seems necessary. As Augustine never wrote an organized treatise on this topic, the assessment of Aquinas provides a much needed framework in which one may construct a cogent analysis of Augustine's position which is gleaned primarily from

sundry letters. It is only after Augustine's defense of judicial execution has been properly established through an overview of the object, the end, and the circumstances that one may then turn to the second part of his doctrine in which he vehemently asserts the Christian propensity toward mercy.

The Object: upheld by divine revelation & human reason

Augustine defends the legitimacy of the death penalty's object (that is, the act itself of resorting to execution) through examples found in Scripture. Turning first to the Old Testament, he cites the intermittent recourse to capital punishment found in the Pentateuch. Both Leviticus and Deuteronomy explicitly command the execution of sinners in certain circumstances (cf. Lev 20; Deut 13, 18). For the Israelites, this use of the death penalty in obedience to the law was deemed an act of righteousness. How then can one say that the application of such punishment is inherently wrong? For Augustine this is untenable, as "[e]veryone who serves Him knows that He can never require what is wrong."[5] Augustine would certainly disagree with the position of some modern ethicists who denounce execution as an intrinsically evil act. The Torah required the death of the guilty party for grave breaches of the moral law, and according to Augustine, for an Israelite to disparage such decrees would itself be an act of injustice: "Because the law had commanded the adulterers to be stoned, and surely the law could not command what was unjust: if any man should say other than the law commanded, he would be detected as unjust."[6]

The Mosaic Law is confirmed by the example of the prophets. Some of Israel's greatest leaders, including Moses, Joshua, Samuel, and Elijah, used the death penalty (cf. Ex 32:27-28; Josh 7:24-26; 1 Sam 15:33; 1 Kgs 18:40). Commenting on one of the more famous scenes in the book of Exodus, when Moses descended Mount Horeb only to discover the iniquity of the gold calf apostasy, Augustine writes:

> There was, therefore, no cruelty in the command, or in the action of Moses, when, in his holy jealousy for his people, whom he wished to be subject to the one true God, on learning that they had fallen away to the worship of an idol made by their own hands, he impressed their minds at the time with a wholesome fear, and gave them a warning for the future, by using the sword in the punishment of a few, whose just punishment God, against whom they had sinned, appointed in the depth of His secret judgment to be immediately inflicted.[7]

Rather than dismiss this incident as a Hebrew faux pas, Augustine views the passage as an example of righteous behavior. Moved with zeal, Moses punished the wicked with death, which according to Augustine, is an action categorically different from the injunction against killing found in the Decalogue: "And so those who, by God's authority, have waged wars, or who, bearing the public power in their own person, have punished the wicked with death according to His laws, that is, by His most just authority: these in no way have acted against that commandment which says, 'Thou shalt not kill.'"[8]

The pedagogy found in the Old Testament, it may be argued, seems far removed from the mercy and mildness which Christ exemplified in the gospels. Perhaps the case in point most often referenced is the release of the adulterous woman in John, chapter 8. Moses had commanded that such women be stoned, and yet when the elders bring this woman before Christ, he convicts the elders of their own sin, forgives the woman, and sends her forth unscathed. This may appear to contradict the law and the prophets; however, Augustine saw in the subtleties of this dialogue a beautiful continuity and complementarity. First, he makes note of the prudent speech Christ used: "He did not say, Let her not be stoned; lest He should seem to speak against the law."[9] For, as noted previously, to speak against the law would have been unrighteous. Augustine continues, "You have heard then, let the Law be fulfilled, let the adulteress be stoned. But is it by punishing her that the law is to be fulfilled by those that ought to be punished? . . . Hence, either let this woman go, or together with her receive ye the penalty of the law."[10] The woman caught in adultery was not the only one who walked away from this scene exempt from punitive measures; the scribes and the Pharisees, invoking the law by which they demanded the blood of another, are guilty by that very same law. Augustine argues that while the law was just in exacting execution for grave sin, Christ has come not to contradict the law, but to leave an example of mercy in light of that law. For acknowledging justice is a prerequisite to exercising mercy.

Moving beyond the gospels, Augustine examines references found in the epistles of Saint Paul. The "Apostle to the Gentiles," in his letter to the Romans, wrote:

> Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer (Rom 13:2-4).

When admonishing one Emeritus, a schismatic bishop from the Donatist sect, Augustine cites the above passage from Paul, "Even the secular powers, when they prosecute schismatics, protect themselves by the rule formulated by the Apostle . . . [You may say] 'But it is not allowed Christians to prosecute the wicked.' Very well, suppose it is not allowed; does that make it right to oppose the powers which are set up for that purpose? Or shall we erase the Apostle? Do your books contain what I quoted a while ago?"[11] Emeritus is incensed that members from his sect have been executed. Augustine turns this reproach around by finding fault not with the secular authorities who have killed the Donatists, but with the heretics themselves who are responsible for their own blood: "You appealed to them [Roman rulers] against yourselves when you dared to wound the Church with schism—the Church [of] which they are now the members."[12]

In addition to all the prescription and admonitions found in Scripture, Augustine advances his argument further through political philosophy. According to the nature of governments, the executioner is not just a practical office but a necessary one: "The executioner's ugly office does not mar the well-governed state; such an office is a civic necessity."[13] In fact, Augustine finds capital punishment an integral component in the science of government: "Surely it is not without purpose that we have the institution of the power of kings, the death penalty of the judge, the barbed hooks of the executioner, the weapons of the soldier, the right of punishment of the overlord, even the severity of a good father. All those things have their methods, their causes, their reasons, their practical benefits."[14] Hence, the idea that there can and should be the institution of criminal execution is not only supported by divine revelation, but also by the dictates of political prudence.

The End: love for neighbor, not vengeance for self

While Augustine upheld the right to use the death penalty, he also stipulated that the end of the act (that is, the intention for which it is sought) is fundamental. "The sacred seat of virtue is the heart," he wrote, and it is there where the intention resides.[15] For one may perform a good action for a disordered purpose (for example, giving alms for human praise); this would then alter the moral character of the act. What, therefore, is the upright intention by which one may proceed in punishment? Augustine's position is essentially this: "He should punish with the same goodwill which a father has toward his little son, whom by reason of his youth he cannot hate."[16]

Augustine makes it very clear, both in letters and commentaries, that when a person punishes—regardless of the punishment—he should not do so for vengeance sake: "The Christian must keep far from his heart any lust of revenge when someone is subjected to punishment."[17] For Augustine, any pleasure or hatred in imposing the death penalty is unquestionably wrong. He builds this belief on his interpretation of a passage in Matthew's gospel: "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist one who is evil. But if any one strikes you on the right cheek, turn to him the other also" (Matt 5:38-39). Examining this passage, Augustine explains, "The precept, 'Resist not evil,' was given to prevent us from taking pleasure in revenge, in which the mind is gratified by the suffering of others."[18] Hence, the Augustinian understanding of "turning the other cheek" refers to an interior disposition by which one grows in grace and virtue amid tribulations: "What is here required is not a bodily action, but an inward disposition . . . patient endurance of what is commonly called adversity for the sake of that felicity."[19]

If vengeance is not the proper end for which one should punish, then what is? Augustine argues a twofold purpose: love for the malefactor and love for mankind. Cases in which the death penalty is used are no exception. The first of these motives consists in the desire that the miscreant attain salvation in the next world. Whether it be fines, flogging, prison, or death, the correct intention in all these chastisements is the conversion of the transgressor. In fact, Augustine sees the punishments in Holy Writ as a model for this. Referring again to the slaughter at Sinai, he writes, "That Moses acted as he

did, not in cruelty, but in great love, may be seen from the words in which he prayed for the sins of the people: 'If thou wilt forgive their sin, forgive it; and if not, blot me out of Thy book.' . . . such love is roused to such anger."[20] Thus, according to Augustine, many deaths in the Old Testament do not solely illustrate the wrath of God's justice, but the compassion of his love, which will not spare the body in order that the soul may be saved.

In the New Testament, he finds further evidence of this. As Christ is traveling throughout Palestine, his apostles become indignant toward certain towns that have rejected their master. James and John—aptly nicknamed by Christ *Boanerges*, "Sons of Thunder"—ask Jesus if they should call down fire from heaven to consume the cities, an allusion to divine retribution recorded in the Old Testament (cf. Gen 19:24, 2 Kings 1:10). "But he turned and rebuked them. And they went on to another village" (Luke 9:55-56). Augustine explains that Jesus does so not for the course of action they have referenced but for their uncharitable motive of revenge: "The Lord reproved in them, not the example of the holy prophet, but their ignorance in respect to taking vengeance, their knowledge being as yet elementary; perceiving that they did not in love desire correction, but in hatred desired revenge."[21] Hence they erred in their intention when alluding to these former afflictions, not knowing "in what spirit and at what stage in the orderly distribution of times they were inflicted."[22]

Peter and Paul also illustrate this concept of chastening one's neighbor out of love. In Acts of the Apostles, a married couple named Ananias and Sapphira sell their property and then, after feigning to give all their proceeds to the Church, transfer only a portion of their earnings. After they deliberately lie to Peter, their mendacity is punished as both in turn are struck dead, inspiring fear within the early community. Augustine, nevertheless, does not believe that this corporeal death inflicted through Peter necessitates a spiritual death, and he remains hopeful that Ananias and Sapphira may attain salvation.[23] In his first letter to the Corinthians, Paul wrote, "For though absent in body I am present in spirit, and as if present, I have already pronounced judgment in the name of the Lord Jesus on the man who has done such a thing. When you are assembled, and my spirit is present, with the power of our Lord Jesus, you are to deliver this man to Satan for the destruction of the flesh, that his spirit may be saved in the day of the Lord Jesus" (1 Cor 5:3-5). While exegeses may vary on what exactly this punishment entailed (excommunication, scourging, death, and so on), Augustine finds in this mandate a charitable motive: "We see the same in the apostle, who, not in cruelty, but in love, delivered a man up to Satan for the destruction of the flesh, that the spirit might be saved in the day of the Lord Jesus."[24]

Augustine even makes reference to an apocryphal account of Saint Thomas. According to the story, the doubting apostle was traveling on a missionary journey when he entered a new town and was disrespectfully struck by a hot-headed fellow. Thomas prayed to God for aid, and shortly thereafter, the belligerent man was ambushed and killed by a ferocious lion. The beast then severed the very hand which had struck the apostle, and brought it to Thomas. Augustine does not concern himself with the veracity of this tale but more with the common theme of charity it shares with canonical sources:

> So that, while the people of this strange country learned to fear the apostle [Thomas] as being dear to God, the man's eternal welfare was secured in exchange for the loss of this mortal life . . . for when the apostle was struck, instead of turning his other side to the man, or telling him to repeat the blow, he prayed to God to pardon his assailant in the next world, but not to leave the injury unpunished at the time. Inwardly he preserved a kindly feeling, while outwardly he wished the man to be punished as an example.[25]

Thus, Augustine firmly asserts the first motive of punishment: love for the perpetrator. In cases involving recourse to execution, *caritas* seeks death in this world so as to save life in the next.

The second aspect of Augustine's twofold construction is love for humanity. This second love is manifest in the natural consequence which comes from witnessing any castigation, namely deterrence, "in accordance with the just and good counsel of Him who uses punishments both to restrain the wicked and to educate his own people."[26] Those who witness the death of the wicked by capital punishment are struck with fear, a wholesome fear that will restrain them from committing the same sins as the deceased. Augustine writes,

> But great and holy men, although they at the time knew excellently well that that death which separates the soul from the body is not to be dreaded, yet in accordance with the sentiment of those who might fear it, punished some sins with death, both because the living were struck with a salutary fear, and because it was not death itself that would injure those who were being punished with death, but sin, which might be increased if they continued to live.[27]

To support his premise, Augustine cites the Korah rebellion described in the book of Numbers: "You will find that Dathan and Abiron, and all who agreed with them, were swallowed up by a chasm in the earth, and consumed by fire which rose in their midst. By immediate punishment, the Lord God pointed out an example to be avoided."[28] Elijah too was motivated by this: "Hence it is that Elijah inflicted death on many, both with his own hand and by calling down fire from heaven; as was done also without rashness by many other great and godlike men, in the same spirit of concern for the good of humanity."[29] Augustine, therefore, holds all those who exercise judicial authority or who seek retribution to a high ethical standard. Punishment, whether capital or not, must not be sought to satiate vengeance, but to reform lovingly the culprit and the crowd alike.

Circumstances: imperative of legal sanction

With the object and end established, the final component in evaluating a moral act is the circumstances. Just as a wrong intention can make an otherwise morally good act become evil, so the wrong circumstances can do likewise. Of the many factors which surround cases involving capital punishment, there is one upon which Augustine is adamant: the necessity of legal authorization. He writes, "No one can have any power against them but what is given from above. For there is no power but of God who either orders or permits."[30] If authority comes from God, and he is the author of life, it is an absolute necessity that lawful authority sanction all cases which involve the taking of a human life: "With the exception, however, of those who slay under a just general law or by the special command of God, Who is the fount of justice, he who kills a man—whether himself or anyone else—is implicated in the crime of murder."[31] If the consent of legitimate authority were absent from cases involving deadly force, Augustine would unequivocally condemn the act.

In the early narrative of Exodus, Moses, without legal authorization, slays an Egyptian who is abusing a Hebrew slave (cf. Ex 2:11-15). Though God would take this fiery disposition of Moses, sanctify it, and uses it to deliver his people, Augustine here condemns this sort of lawlessness. "In the light, then, of the eternal law, it was wrong for one [Moses] who had no legal authority to kill the man [Egyptian] even though he was a bad character, besides being an aggressor."[32] It is by this very logic that Christ reprimanded Peter in Gethsemane for assaulting a soldier of the Jewish guard: "It is the same in Peter, when he took his sword out of its sheath to defend the Lord, and cut off the right ear of an assailant, when the Lord rebuked him with something like a threat, saying, 'Put up thy sword into its sheath; for he that taketh the sword shall perish by the sword.' To take the sword is to use weapons against a man's life, without the sanction of constituted authority."[33] Augustine's principle here is absolute and, in certain instances, extreme. Believing that Christians should despise all that is transient, including their mortal bodies, he even decries the lethal exercise of self-defense: "As to killing others in order to defend one's own life, I do not approve of this, unless one happen to be a soldier or public functionary acting, not for himself, but in defense of others or the city in which he resides, if he act according to the commission lawfully given him, and in the manner becoming his office."[34] Not only to the legal and cultural sensibilities of our own times but even to those of Augustine's age, the counsel not to defend one's own life must seem an astonishing proposition. In any event, it evinces just how emphatic he was about lawful authority in all moral deliberations: "The act, the agent, and the authority for the action are all of great importance in the order of nature."[35]

Christian Predilection: "Blessed are the merciful" (Matt 5:7).

Having evaluated Augustine's defense of the death penalty imposed by the state, one may now turn to the latter, more striking piece of his doctrine: Christians are urged, even required, to eschew the imposition of the death penalty. Though capital punishment is sanctioned in Scripture and is an "essential component" of judicial order, Christians should strive to convert criminals through love, rather than exact reform through fear; for, "ruling a province is different from ruling a Church; the former must be governed by instilling fear, the latter is to be made lovable by the use of mildness."[36] Neither condemning the death penalty nor moving for its abolition, Augustine believes that its institution should remain unaltered; however, Christians—especially when themselves abused—should not resort to the death penalty. This may seem inconsistent with much of the Scriptural evidence from the law and prophets; yet, Augustine believes this Christian proclivity toward mercy is not a violation but rather a fulfillment of the same spirit found in the Old Testament:

Without any inconsistency, precepts and counsels and permissions may be changed, as different times require different arrangements. . . . If the service of the ministers of the Old Testament, who were also heralds of the New, consisted in putting sinners to death, and that of the ministers of the New Testament, who are interpreters of the Old, in being put to death by sinners, the service in both cases is rendered unto one God, who, varying the lesson to suit the times, teaches both that temporal blessings are to be sought from Him, and that they are to be forsaken for Him, and that temporal distress is both sent by Him and should be endured for Him.[37]

Taken from a variety of Augustine's works, there emerge four principal reasons why Christians should not resort to capital punishment: 1) the teachings of Christ; 2) the fear of damnation; 3) the hope of salvation; 4) the sacrificial purity of martyrdom. Examining the first point, the evangelists record many passages of Christ's compassion by which he was able to draw many men to himself:

> But I say to you, love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust (Matt 5:44-45).
>
> Go and learn what this means, 'I desire mercy, and not sacrifice.' For I came not to call the righteous, but sinners (Matt 9:13).
>
> But while he was yet at a distance, his father saw him [prodigal son] and had compassion and ran and embraced him and kissed him (Luke 15:20).
>
> And as they continued to ask him, he stood up and said to them, "Let him who is without sin among you be the first to throw a stone at her" (John 8:7).

Drawing upon the gospels, Augustine argues that Christians, both in imitation of their Savior and in obedience to his counsels, should always have recourse to mercy. Writing to Donatus, a judge who was using execution to punish the persecutors of Christianity, Augustine pleads, "We beg you by Christ Himself not to act thus rigidly. We are not looking for vengeance on earth over our enemies, and our sufferings should not reduce us to such anguish of soul that we forget the teachings of Him for whose name and truth we suffer; we do love our enemies, and we do pray for them."[38] Again writing to a man named Necarius who had reservations about the Christian faith, Augustine insists, "Have no fear, then, that we are plotting destruction for the innocent; we do not even wish the guilty to suffer a fitting punishment, restrained as we are by that great mercy which, together with truth, we love in the Lord."[39]

Albeit capital punishment is a "fitting punishment," Augustine's second reason for restraint is fear for the sinner's damnation: "Consequently, we are forced by our love for humankind to intercede for the guilty lest they end this life by punishment, only to find that punishment does not end with this life."[40] According to Catholic doctrine, all souls which perish in a state of unrepentant mortal sin are damned for eternity.[41] In the letter to Donatus, Augustine explains, "Hence, in applying the deterring effect of judges and laws, we wish them to be restrained, but not put to death; otherwise, they might incur the punishment of everlasting judgment. . . . Do not consider what we ask as a light or insignificant thing, my honorable and beloved son; it is that those whose conversion we pray for should not be put to death."[42] Augustine believes that this compassion and mercy shown to the guilty is a better tool to bring about their transformation than any fear of death. Bad men must be punished, "yet bad men are to be loved, so that they may not continue to be bad, just as sick men are to be loved so that they may not remain sick."[43] It is quite an extraordinary proposition to think that the victims, surely grieved by whatever wrongs they have endured, should concern themselves with the future well-being of the trespasser; however, this is precisely what Augustine espouses: "Above all, he must not hate the offender, nor return evil for evil, nor burn with a desire of injuring him, nor seek satisfaction in vengeance even when it is legally owed to him. On the contrary, he must look out for the interests of the offender, think of his future, and restrain him from evil."[44]

Augustine's third rationale is based on the fundamental realization that all men are evildoers and in need of mercy. Saint John wrote, "If we say we have no sin, we deceive ourselves, and the truth is not in us" (1 John 1:8). The need to pardon in order to be pardoned is a central motif of the New Testament inspired by Jesus' repeated admonitions to forgive, for "the measure you give will be the measure you get" (Mark 4:24). Thus Christ spoke, and Augustine echoed this sentiment by advocating that clemency is a great blessing not only for the transgressor but also for the transgressed. Occasions of insult and injury can conversely become opportunities for salvation; hence, the

famous beatitude from the Sermon on the Mount reads, "Blessed are the merciful, for they shall obtain mercy" (Matt 5:7). Augustine insists that the leniency one shows toward a condemned criminal may, in turn, be "a saving remedy by which our own sins may be pardoned."[45] Therefore, he pleads for all men to show mercy in their human judgment if they too wish to receive mercy "before the divine judgment."[46]

Augustine final dialectic is one of mystical theology. Concerning cases where Christians have been maltreated or killed for their faith, he finds it not only appropriate, but imperative that no blood should be shed in reprisal. To seek such satisfaction in these cases would mar the unblemished sacrifice offered by God's saints. One must not resort to the death penalty in such cases, "so that the suffering of the servants of God, which ought to be the glory of the Church, may not be dishonored by the blood of her enemies."[47] In the aforementioned letter to the judge Donatus, Augustine reveals to what extent he believes this truth:

> Consequently, if you think the death penalty should be inflicted on these men, you will frighten us off, and no such cases would come to your court by our agency. If that becomes known, those enemies of ours will work for our ruin with a sort of legalized boldness, while the necessity is imposed on us of choosing to be put to death by them rather than to bring them to death by the verdict of the court.[48]

In another letter Augustine records the story of an antagonistic sect which "had waylaid one of these [priests] and killed him; and that they had abducted another from his house and mutilated him by putting out his eye and cutting off his finger."[49] As grotesque as such reports are, Augustine, nonetheless, pleads for pity. He goes to the utmost, even beseeching for complete abstention rather than severity:

> Therefore, if there were no other punishment decreed for curbing the wickedness of desperate men, extreme necessity might require that such men be put to death, although, as far as we are concerned, if no lesser punishment were possible for them, we should prefer to let them go free, rather than avenge the martyrdom of our brothers by shedding their blood. . . . They cut short the life span of a minister of the Church by killing him; do you lengthen the span of years for the living enemies of the Church that they may repent."[50]

In another letter to a judge named Marcelinus, Augustine again discusses the apprehension by officials of the aforementioned culprits whose crimes included "murder, as well as the blinding and maiming of a priest."[51] Once more, he intercedes, "But I ask you that the punishment of the crimes, however great, which they have confessed, may be something short of death, and I ask it for the sake of my own conscience as well as to give an example of Catholic moderation."[52] For Augustine, the blood of the martyrs is sacrosanct and must remain unblemished, for "the suffering of the servants of God, which ought to serve as a pattern of patience, should not be sullied with the blood of their enemies."[53]

Objections Answered: laxity, disruption, & accessory to sin

Augustine realized that many may consider his position diametrically opposed to justice. If Christians are always seeking clemency toward the condemned, does this not make a farce of justice? Augustine argues, on the other hand, that while it may seem "to be unjust, and a sign of laxity and indifference . . . [it is] something exceedingly beautiful."[54] The death penalty should always exist, and the state will periodically have recourse to it; however, as long as it remains extant, so the compassion of Christians will shine forth in this postlapsarian world. Additionally, Christian mercy does not exclude justice. Augustine did seek the punishment of criminals, though he wished the severity tempered: "At the same time we do want public authority to act against them, but not to make use of the extreme punishment which they deserve. Act against their offenses so that some of them may repent of having sinned."[55]

Augustine also addresses the claim that such leniency may shame the merciful as an accessory to future crime. Christian mercy can be abused by the guilty party who may use the opportunity to commit further infractions. Thus, benignancy, rather than being salutary to the wicked, will be detrimental to the innocent. In these cases many will blame the Christians as being partly responsible. In reply to this assertion, Augustine writes, "In the same way, when we intercede for an offender who deserves condemnation, there sometimes are consequences which we do not intend . . . yet, I think, these evil consequences are not to be laid to our charge when we intercede with you, but, rather, the good aims which we have in view, and which we intend."[56] He further cites the example of Saint Joseph, whose compassion toward Mary was extolled

in Matthew's gospel: "Yet he was unwilling to punish her, although he was not thereby accessory to sin. This good intention was credited to him as virtue; therefore this is written of him: 'And being a just man, and not willing publicly to expose her, he was minded to put her away privately.'"[57] If wicked men should choose to treat kindness with presumption, it is upon their own head, not the Christian's. Hence, all those who exercise forbearance in judgment are exonerated from the unforeseen consequences, as they proceed without perfect foreknowledge.

Finally, Augustine addresses the allegation that such intercession on the part of Christians is disruptive to civic order. He refutes this by suggesting that the role of the intercessor, rather than upsetting that order, is as essential as the adjudicator or the prosecutor. To a Roman judge, he writes, "There is good, then, in your severity which works to secure our tranquility, and there is good in our intercession which works to restrain your severity."[58] According to Augustine, the sternness of the judge and compassion of the intercessor form a symbiotic relationship for the common good: "However, the intercession of bishops is not a violation of this arrangement of human affairs; on the contrary, there would be neither motive nor opportunity for intervention if it were not for this. The more the penalty of the offender is deserved, the more gratefully the bounty of the intercessor and of the one who pardons is received."[59] Moreover, the intercession of bishops to which he refers is a basic function of their clerical office: "It is part of our priestly duty to intercede for condemned persons, and to be displeased if we do not succeed, as if we were failing to carry out that part of our duty."[60] In such a way Augustine counters this last recrimination; intercession, far from destructive to governance, is indispensable to the state, as well as inherent to the episcopate.

Thus Augustine gives a unique and elaborate analysis of the question of capital punishment. He does not argue for its abrogation; it is morally licit as seen in the teaching of Scripture, though resorting to such severity must be motivated by charity, not revenge. Furthermore, it must be done with sanction from a legitimate authority. With this understood, his tone waivers from exhortation to requisition that Christians ought not employ such violence. In imitation of their Savior, they should shine forth as bright lights amid a world of darkness. In short, the death penalty is required to be just, but Christians are required to be merciful. Or as Augustine himself put it: "In the Old Testament, in the time of the ancient Prophets . . . penalties were levied against the wicked for a good purpose; but in the New Testament we are urged to pardon offenders with mercy."[61]

ENDNOTES

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5 Augustine of Hippo, *St. Augustine: Reply to Faustus the Manichaean*, in *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, Series I, Vol IV (New York: The Christian Literature Company, 1887), 301.
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10 Ibid.
11 Augustine, "Letter to Emeritus," in *St. Augustine: Letters*, Vol II (New York: Fathers of the Church, Inc., 1953), 19.
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16 Augustine, *Our Lord's Sermon on the Mount* in *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, Series I, Vol VII (New York: The Christian Literature Company, 1887), 71.
17 Augustine, "Letter to Nectarius," in *St. Augustine: Letters*, Vol II (New York: Fathers of the Church, Inc., 1953), 187.
18 Augustine, "Letter XLVII" (to Publicola), in *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, Series I, Vol VII (New York: The Christian Literature Company, 1887), 669.
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32 Ibid., 299.
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The Science of Economics: An Ally and Servant to Social Justice

by Joseph E. Dorner

We have seen many changes since the start of the recession of 2007. Many of us, including the vast majority of economic experts, never saw it coming. Nonetheless, the impact on friends and neighbors is just as real. As a pastor, I have witnessed the anxiety and fear of those facing, often for the first time, the reality of starting over. The new environment we live in often causes a lack of hope and is permeated by anxiety and fear. We watched the Dow Jones Industrial Average fall from 14,164 in October 9, 2007, to a low of 6,900 on March 9, 2009, and although some of this wealth has rematerialized, the Dow hovers around 14,000 nearly six years later. Unemployment climbed from 4.7 percent in October, 2007 to 6.2 percent in 2008, 9.8 percent in 2009, 8.6 percent in December of 2011, to settle around 7.9 percent in November of 2012.[1] There are other ways of calculating unemployment levels that put these numbers much higher.[2] Protest movements such as Occupy Wall Street and the Tea Party have grown in strength, along with accompanying angst. We ask ourselves: "How did this happen? Why did the experts not see it coming?" And perhaps more important: "How do we generate jobs for those trying to recover their lost sense of dignity?"

Over the past four years there have been efforts on both sides of the aisle to address this economic black swan. There have been numerous proposals from policy experts and economists. Not only do the proposals differ, but some are actually directly opposed to each other. Not very reassuring. Some propose increased spending, and justify the additional indebtedness with the argument that the resulting improved economy would more than offset this new debt. On the other side, some argue more debt and spending cannot be the solution to too much debt and spending. What does it tell us when these proposals demonstrate little consensus? Is one side right and the other wrong, or is there a third way?

For Christians seeking social justice, striving for a just society is part of our identity. It defines us and is of the essence of Christianity. In the parable of the Good Samaritan and the Old Testament prophetic defense of the alien, the widow, the orphan, and the poor, we find the imperative of justice. Why then are we so at a loss to find clear and concrete paths to achieve a just society that includes work for the laborer, secure retirement for the elderly, and marketplace stability for businesses? Why is there so little confidence and so much confusion?

If a doctor wishes to find a cure for an illness, he instinctively seeks the cause. This is an important step in the healing process. Similarly, without knowledge of the cause of the current economic environment, what hope

can we have for bringing jobs and opportunity back to our country? Here is where we need to do our homework. Here, in a way, we as Church have not made the grade. Although the topic is complex, I would like to focus on one area in particular where there is work to be done.

One field of social justice receives little attention in Church circles. The *Catechism* makes a passing reference to it in the section dedicated to the Seventh Commandment: "Economic activity, especially the activity of a market economy, cannot be conducted in an institutional, juridical, or political vacuum. On the contrary, it presupposes sure guarantees of individual freedom and private property, as well as a stable currency and efficient public services. Hence the principal task of the state is to guarantee this security."[3] I would like to emphasize the reference to a stable currency. Although mentioned by the *Catechism*, nothing more is said. It falls to theologians and economists to unpack and articulate the full meaning and implications here. Stable currencies certainly are not the first thing that comes to mind when we think of social justice. However, upon further reflection, we will see how crucial it is to employment, economic growth, and peace. We should start with defining what we mean by "stable."

If we look to Sacred Scripture, we may be surprised by how many references there are to the currency of the ancient world. The very prophets known for raising their voice on behalf of the alien, the widow, the orphan, and the poor also spoke of the importance of a stable currency, although not in these terms. Their currency was different from ours, but the principles were the same. Their money was primarily silver, perhaps sometimes gold. The prophets, guided by the Holy Spirit, saw how the king and princes were cheating the poor and lower classes by the manipulation of the silver shekel. Amos raised his voice against those who "added to the shekel."[4] By this he condemned adding a base metal to the silver so that the weight of the shekel coin would seem to be a full shekel, while in fact only containing perhaps 90 percent of a shekel's worth of silver—a subtle form of fraud that angered the prophet. Isaiah condemned the king and princes for their "silver turned to dross."[5] Speaking a little differently, he too was calling them to repent of the same theft of adding base metal to their silver in an effort to defraud those not privy to this sleight of hand.

Other references of importance are to be found in the book of Proverbs: "Balance and scales belong to the LORD; every weight in the sack is his concern."[6] "Varying weights, varying measures, are both an abomination to the LORD."[7] "Varying weights are an abomination to the LORD, and false scales are not good."[8] "False scales are an abomination to the LORD, but an honest weight, his delight."[9] The prophet Zephaniah adds his voice stating, "Wail O inhabitants of Maktesh! For all the merchants are destroyed, all who weigh out silver, done away with."[10] A passage from Ezekiel is very interesting. He is very precise in regard to weights and measures including the shekel. He states, "You shall have honest scales. . . . The shekel shall be twenty gerahs. Twenty shekels plus twenty-five shekels plus fifteen shekels make up a mina for you."[11]

Evidently, market place weights, measurements, and money were no small matter to the prophets. Our Lord himself followed in this tradition. One of the few times we witness the anger of the Lord was in regard to the manipulation of money. Because of the injustice of the buyers and sellers in the Temple, Jesus overturned their tables and chairs.[12] There was nothing inherently wrong with the tradition of using only Jewish coinage for the temple tax. The problem was the rate they charged to exchange foreign silver coins for the Jewish silver shekel. The transaction fee was exorbitant; the Jewish pilgrims from the diaspora received far from just amounts of temple coinage for their foreign silver, even after taking into consideration transaction costs.[13] In all of these biblical examples the frauds involved were forms of theft. Many cases were ancient forms of counterfeiting. In the case of the temple tax, it was a closely related sleight of hand. The fraud that debased the shekel made its impact felt in the marketplace by the eventual rise in prices of goods through the decreased value of the currency. Although the silver in circulation more or less did not increase, there was a lot more base metal in circulation being treated as if it were silver. This led to a transfer of wealth and power to those who introduced the base metal into the coinage, because the metal cost them nearly nothing, and yet they were able to spend it as if it were real money.

Fast forwarding to our time, money is no longer a commodity like silver. It takes the form of a Federal Reserve note, also known as fiat money. So how do we apply the words of the prophets and our tradition to the question of a stable currency mandated in the *Catechism*? Fortunately, a growing minority school of economic thought known as the Austrian school addresses this issue. As pointed out by the former head of the school, Dr. Murray Rothbard, there is no social benefit to the increase of such a money supply.[14] In some sense,

one of money's functions is to measure and balance the relationship among all other goods, their values and relative supplies. One could say money is analogous to a yardstick. Just as one would not want to change the definition of an inch midway through building a house, one should similarly be disinclined to change the value of a dollar any time during its use in a particular economy. Money facilitates communication, and it does so best when its value is stable, just as words communicate best when their definitions are clear. Stable money permits clear communication through market prices. These prices, when money is stable, mean something. Money speaks of the availability of goods and services, not just in themselves, but in relation to other goods and services, and thus helps people more effectively determine what to use, what to ration, how to invest, or what businesses to start. Increasing the fiat money supply disrupts money's ability to function properly in this informational role. In the words of Isaiah, it would be analogous to adding dross to the silver. The impact is complex and often hidden.

Here are two examples. First, when the fiat money supply is increased, interest rates tend to be lower than they otherwise would have been. To simplify the matter, consider interest rates the price of money. The increase of the money supply naturally tends to lower its price, that is, the interest rates.

This causes market participants to think they can afford things they otherwise might not have purchased. For example, perhaps a young couple buying a home would have purchased a $100,000 home when the interest rates were at a stable and true rate of say 7 percent. But now because of a lower 4 percent rate mandated by government and brought about through the Federal Reserve, which increases the money supply, this couple decides they can afford a $170,000 home. Now imagine millions of people doing this across the country, and the vast quantity of new money created to make this possible.

As time goes on, the new money which enabled people to purchase these more expensive homes begins to make its impact felt. The increased supply of money "chases," so to speak, the same amount of goods and services. Prices in food and gasoline, for example, start to rise. All of a sudden, some homeowners realize they cannot afford their homes they are in after all.

As homeowners like this all try to sell their homes at the same time, home prices begin to fall dramatically, and homeowners cannot sell without taking big losses. If they simply default and the banks end up with these homes on their balance sheets, the banks may not be able to sell the homes at a sufficiently high to recover their original investment. Banks too can go bankrupt. This is the story of "malinvestment," the destruction of capital throughout the country. What was the cause? It can be traced back to the miscommunication through inaccurate market prices, originating from the change in the money supply, the altering of the yardstick of the economy.[15]

Finally, another common impact of increasing the money supply is a transfer of wealth and influence to those receiving the new money first. These people use the money to buy various products or services at current prices. However, once new money enters the economy, prices either rise or do not fall as they would have had it not been for the new supply of money. This is the result of more money chasing approximately the same amount of goods and services.

In these circumstances the poor and middle class suffer most. First, this is the case because they have fewer assets than the upper classes. Furthermore, cost of living salary increases always lag behind inflation. This shouldn't be surprising because cost of living salary increases almost always happen in reaction to increases in prices. In all this, we can see a transfer of wealth. Some even describe this as a type of fraud or theft.[16] The economic principle is the same, whether dealing in the commodity money of the ancient Israelites or the fiat currency of our modern world.

When one stops to think about it, on one side of every economic transaction there is money. So if the monetary unit is not stable, could this not be the source of many of our problems? How can we expect to have stable job markets, stock markets, housing markets, or food prices when the currency itself is not stable? Terry Coxon, writing for the *Casey Report*, notes that from October 2007 to July 2011, the money supply increased 40 percent.[17] Is this what the prophets would have called a just system that protects the poor and humble peoples of the land? Could this not in large part be an explanation for the cause of the booms and busts, the loss of homes and jobs, large scale economic miscalculations and waste, upside-down mortgages, the growing gap between the rich and the poor, and even the excessive debt that plagues not just government on every level, but many individual households?

Theologians need to explore this problem of monetary policy as a social justice issue. Heretofore it has been little emphasized, and most of us have never viewed it as crucial. This is not an empty academic

issue. Just as philosophy is the handmaid to theology, economic theory is the handmaid to social justice. Just as true philosophic principles lay the foundation for fruitful theological efforts, economic theory is foundational for achieving social justice on behalf not just of the poor and the middle class, but on behalf of all.

Several historians and Austrian economists, including Thomas Woods, have done excellent work on this and many other economic topics, and their researchs deserve closer study from the perspective of social justice concerns.[18] Pope John Paul often spoke of *structures of sin* in his social encyclicals, while others would speak of *social sin*. Call it what one likes, the underlying reality is the same. As socially conscious Christians, we need to look closely at our currency and ensure that it constitutes for our society part of the structure of order and justice, rather than that of sin.[19]

ENDNOTES

1 Joseph E. Dorner is pastor of Holy Family Catholic Church in Marinette, Wisconsin. He has degrees in philosophy and theology and has read widely in the Austrian school of economics and the social teachings of the Catholic Church. *Trading Economics, Unemployment Rates, List by Country*, http://www.tradingeconomics.com/unemployment-rates-list-by-country.

2 John William, *Shadow Government Statistics*, http://www.shadowstats.com.

3 *Catechism of the Catholic Church* (Vatican City: Libreria Editrice Vaticana, 1997), 2431.

4 Am 8:5.

5 Is 1:22.25.

6 Prv 6:11.

7 Prv 20:10.

8 Prv 20:23.

9 Prv 11:1.

10 Zep 1:11.

11 Ez 45:10-12.

12 It is interesting to note that in three of the gospels, the Lord not only rebukes their disruption of the prayerful atmosphere of the Temple, but also makes reference to the existence of some form of theft. Only the gospel of John lacks the accusation that the Temple was being turned into a den of thieves. See Mt 21:12-13; Mk 11:15-19; Lk 19:45-48; Jn 2:14-22.

13 Jesus was not the first Jewish religious leader to courageously address this justice issue. This is also pointed out by William Barclay, *The Gospel of Matthew*, vol. 2, revised edition (Philadelphia: The Westminster Press, 1977), 244-46.

14 There is wide agreement on this point in the Austrian school as it applies to fiat money. There is disagreement and work being done in regard to the applicability of this axiom to commodity money when the changes to such a money supply are made voluntarily by individual market participants. In such a case, a strong argument is made that there can be a social benefit to the increase or decrease of the quantity of money. I would refer those interested in this important discussion to William Barnett II and Walter Block, "On the Optimum Quantity of Money," *The Quarterly Journal of Austrian Economics* 7, no. 1 (Spring 2004): 39-52; and Murray N. Rothbard, *Man, Economy and State: A Treatise on Economic Principles* (Auburn, Ala.: Ludwig von Mises Institute, 2004), 766-67.

15 Thomas E. Woods, Jr., *Meltdown* (Washington, D.C.: Regnery Publishing, 2009), 74-75.

16 Ibid., 113.

17 Doug French, *Smart Money*: gold price "run-up has been amplified by the tinfoil underpants crowd," http://archive.mises.org/17839/smart-money-gold-price-run-up-has-been-amplified-by-the-tinfoil-underpants-crowd/.

18 See, for example, Thomas E. Woods, Jr., *The Church and the Market: A Catholic Defense of the Free Market* (Lanham, Md.: Lexington Books, 2005).

19 I want to thank Dr. Walter Block and Very Rev. John F. Doerfler for their encouragement and direction that made the publication of this article possible. Any errors or shortcomings are solely mine.

Altera opinio de consuetudine

by Eduardus N. Peters, JD, JCD, Ref. Sig. Ap.
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Hoc consilium breve offertur in opinionem Margaret Poll Chambers, "Canon 1241, Right of Ownership and Administration of Catholic Cemetery," *2007 Roman Replies and CLSA Advisory Opinions,* 92-93. Breviter, abhinc plusquam centum annos, maiores familiae dederunt, in forma sub lege civili valida, agrum episcopo caemeterii catholici instituendi causa. Postmodo, transtulit episcopus agrum parochiae et, annis sequentibus, progenies familiae administravit caemeterium pro aliis pastoribus. Dominium parochiae in caemeterium (olim certe agrum familiae) numquam familia disputavit, sed nuper familia coepit manifestare desiderium cautionis seu promissi administrationis in familiae favorem pro futuro recipiendi. Petivit familia a canonista, utrum adessent argumenta pro familiae positione. Respondit canonista supra citata consuetudinem cum legis vi hac in causa pertinere, quoniam familia administravit caemeterium cum tacita pastorum et episcoporum approbatione per multos annos. Ergo—secundum canonistam—consuetudo cum legis vi orta est.

Timeo ne opinio canonistae in errorem fortasse ceciderit. Censeo consuetudinem posse oriri solummodo per *communitatis* actionem; praeterea, actio communitatis agi debet *cum intentione ipsius* communitatis ligandae. Neutra condicio videtur mihi affirmari hac in causa.

Imprimis, canon 1241 fulcit neque petitionem familiae neque argumentum canonistae, quoniam canon 1241 tantum vindicat ius parochiae ad caemeterium tenendum. Hac in causa, non disputatur ius paroechiae super caemeterium. Sed canon 24, quod non invocavit canonista, est majoris momenti in hac disputatione. Statuit canon 25 Quia nulla consuetudo vim legis obtinet, nisi a communitate legis saltem recipiendae capaci cum animo iuris inducendi servata fuerit. Ex canonis verbis, sequuntur duae theses: I) consuetudo est operatio *communitatis*, et II) *intentio* communitatis maioris momenti est.

Scribit D. Augustine Mendonça Quia mera actionis repetitio non creat consuetudinem, nedum creet consuetudinem cum legis vi [et praeterea] communitas debet adsumere hoc onus *intentionaliter*, id est, cum intentione sese ligandi.[1] Expresse excludat egregius magister *meram repetitionem* tamquam fundamentum consuetudinis; loquitur immo de actu *communitatis*, et non refert doctor de actu *pastoris* vel etiam *episcopi*, quoniam neque pastores, meo iudicio, neque episcopi possint in communitatem *consuetudinem* introducere.

Interpretatio huius magistri non nova est. Exempli gratia, scribens de lege consuetudinis in Codice Pio-Benedictino, D. Stephanus Sipos opinatus est Quia consuetudo significat tum frequentiam actuum similium a communitate vel saltem maiore ejus parte libere cum animo se obligandi aut deobligandi, et cetera. Addidit quoque Doctor Clarissimus Ungariorum Quia consuetudinem inducere potest *communitas*, non autem persona…[et] Requiritur insuper ex parte communitatis, ut consuetudo inducatur *a maiore parte communitatis*.[2]

Simili modo, scripserunt canonistae Abbo et Hannan Quia consuetudo sit repetitio frequens actuum, quae procedat *ex voluntate communitatis liberae* capacientis legem recipiendae.[3] Apud canonistas anglice scribentes de Codice 1917, quis habent honorem maiorem quam John Abbo et Jerome Hannan? Non multi. Equidem, nullum auctoritatem inveni qui approbat introductionem consuetudinis factam *a ductore* communitatis.

Verum est pastores, et a fortiori episcopos, in utilitatis vel necessitatis casu, posse uti altera moda statuendi normas. Sed, ius est solummodo *communitati* consuetudinis introducendae, salvo tantummodo iure auctoritatis competentis *vetandi vel abrogandi* normas novas sic introductas. Hac in causa, *communitas* non egit actionem, et certe non egit actionem communitas cum *intentione* requisita.

Mihi videtur desiderium familiae melius vindicari posse utendo lege praescriptionis, non consuetudinis. Salvo meliori iudicio.

Endnotes

1 "Mere repetition of something does not create a custom, still less a custom with the force of law. The community must adopt this behavior *intentionally*, i.e., intending to bind itself." G. Sheehy, et al., eds., *The Canon Law: Letter & Spirit* (Liturgical Press, 1995), 23, emphasis originalis.

2 Stephanus Sipos, *Enchridion Iuris Canonici* (Herder, 1954) §16, p. 46, 47, emphasis originalis.

3 "Custom [is] . . . the frequent repetition of acts emanating *from the will of a free community* capable of being subject to law." John Abbo & Jerome Hannan, *The Sacred Canons*, in 2 libris, 2nd ed. (Herder, 1960), I:50, emphasis mea.

Kilpatrick, William. ***Christianity, Islam, and Atheism: The Struggle for the Soul of the West.*** San Francisco: Ignatius Press, 2012. xiii + 316 pp.

Reviewed by Dr Jude Dougherty, The Catholic University of America.

As the title indicates, this is a serious book. Kilpatrick finds Christianity to be under siege on two fronts, and he sets about engaging the enemy on both. In the early pages of the work, Kilpatrick quotes Rabbi Aryeh Spero, who laments, "How distressing it is that so few are willing to accept, and engage in, the confrontation necessary to preserve our culture." Kilpratrick accepts the challenge with an admirable store of experience and information. His may be considered a wake-up call, given that something we have always taken for granted and is virtually immune to serious criticism is now under assault.

On one front Christianity is under attack from the secular intellectual, omnipresent in the universities and major media, and on the other from radical Islam and its enablers. The secular attack is centuries old and goes under the names of "empiricism," "Darwinism," and "scientific materialism," among others. Nietzsche long ago pronounced the death of God. Indeed, Christianity has been under attack from the academy for more than 200 years. Hilaire Belloc and George Santayana, in their day, not only recognized that the shell of Christendom had been broken but foresaw the gathering storm from the East. Still, as Kilpatrick notes, many in the West can't bring themselves to admit that it (Christendom) is engaged in a cold war with Islam. "On the rare occasions when we hear anything about Islam, we are likely to hear that Muslims worship God (just like us), that they hold to Abrahamic faith (just like us), and that they value the moral life (just like us). But trying to fit Islam into a preconceived Catholic/Christian format makes for a very rough fit." Ignored is the divine mandate of Islam to subjugate the world in the name Allah. The driving force behind Islamic aggression, Kilpatrick reminds his reader, is Islamic theology. The Islamic faith is grounded on a blunt rejection of basic Christian beliefs. On both sides of the Atlantic, excessive emphasis by the well-intentioned on tolerance and sensitivity has resulted in a dangerous lack of knowledge of Islam on the part of Christians. Although the Koran and the New Testament contradict each other on essential matters, the cult of cultural relativism or multiculturalism has resulted in many churchmen taking a benevolent attitude toward Islam. In fact, criticism of Islam has come to be regarded as a hate crime in both Europe and North America.

Kilpatrick notes that for much of the twentieth century the militant side of Islam was kept in check by secular rulers, but in the recent past, notably since the Arab Spring, al-Qaeda and the Muslim Brotherhood have come to power. "The face of Islam that now presents itself very much resembles the supremacist religion that once threatened Christendom." Western Christians in their ignorance of the origins, nature, and history of Islam, Kilpatrick fears, are unprepared for the kinds of persecution the Christians are enduring in Egypt, Indonesia, Pakistan, and other parts of the world.

The author finds many parallels between what he calls "the messianic faith of the secular left and the apocalyptic faith of Islam." Confronted by adversaries on two sides, Kilpatrick maintains that Christians need to get a firmer grasp on the truths they hold dear, why they hold them, and why they are worth defending. Not only that, but they need to know the truth about Islam. He decries the tendency of the secular left to disparage the cultural achievement of Christendom at the same time it uncritically accepts the Islamic version of things past. He finds even more disturbing the naiveté of those who believe the Christian thing to do is to seek common ground with Islam, overlooking the brutal side of Islamic law, the fact that Islamic law stipulates that a woman caught in adultery should be whipped or stoned to death, that Shariah also punishes thieves with amputation, permits forced marriages of youngsters, allows honor killings for wayward wives and daughters, treats women and children as property, and punishes apostates with the death penalty.

A well-informed reader is not likely to find anything startlingly new in this treatise, but what he will often find is a nuanced or sophisticated analysis of something he has encountered first in daily newspapers or media sources. *Christianity, Islam, and Religion* provides a Christopher Dawson-like grasp of the cultural whole and the interdependence of its component parts. Thus in the course of his study, Kilpatrick finds it necessary to devote a chapter to the similarity between Christianity's war with the secular culture and Islam's war with a decadent West. From an Islamic perspective, the Western world, America in particular, is the source of a steady supply of obscenity and vice that it exports to the rest of the world. Given the incessant Western intellectual attack on religion and traditional morality, it is no wonder that a Pew Global Attitudes Survey reveals that Muslims feel their religion is threatened by Western secularism. As Kilpatrick points out, history attests that a militant Islam did not await a post-Christian West.

Leo J. Elders, ***Éducation et instruction selon saint Thomas d'Aquin: Aspects philosophiques et théologiques***. Les presses universitaires de l'IPC, éditions Parole et Silence, 2012. 157 pp. 17 euros.

Reviewed by Anne Gardiner, Professor Emerita of English at John Jay College of the City University of New York.

The subject of this book is Saint Thomas and his views on education. Father Elders observes that Christian education developed from the earliest centuries of our era because the fathers saw our Christian faith as the education of humanity. Saint Benedict designed his abbeys to be schools as well as places of prayer and meditation, and so his monks contributed greatly to the education and civilization of Europe. As centers of learning multiplied and intellectual activity flourished, the Church remained the inspiring force behind Christian education, always working to deepen our understanding of the Bible and to bring people to a greater knowledge of creation in all its magnificence.

The word "education" means the fundamental formation of a person as accomplished by parents and teachers, while "instruction" means a more specialized formation. Father Elders notes that we need to revive interest today in the treasures of a true spiritual culture, for there is a tendency now to bring our intelligence and free will under the rule of chance and necessity, as well as to let the ideology of materialism tyrannize over us.

Saint Thomas sees the Old Testament as God's education of Israel. Like a good

teacher, God guides His people in the midst of successes, failures, and doubts to make them discover their limits and raise their eyes to Him. The point of departure is natural law, from which they gradually travel to a more perfect knowledge of truth. God provides them with the Mosaic Law to protect them from idolatry and immorality, as well as to prepare them for the coming of Christ, since in their many ceremonies they celebrate the mysteries of Christ under a veil. In the New Testament, Saint Thomas sees Christ as the incarnation of the education He provides. Our Savior teaches us by His hidden life, prayers, and parables. Everything He says, does, and suffers is designed to educate us in humility, love, patience, and obedience. The end of our education is that we should adore the grandeur of divine mercy and trust, in the midst of the suffering which is also part of our education, that God loves us and will give us eternal consolation.

Saint Thomas regards teaching and learning as among man's most important spiritual activities. He explains that when a teacher imparts learning, his students attach new concepts to those they already have. The teacher's words elicit in students' minds representations—just as exterior things do—leading to new concepts. Thus, growth in knowledge requires the active collaboration of students with their teachers. Yet God remains their principal teacher (Mt 23:8), since students understand the truth thanks to the first principles known by the mind's natural light. In this light what is true is approved, and what is erroneous, repulsed. Incited by a teacher's words, these principles become the starting point for intellectual activity and the acquisition of knowledge.

Saint Thomas teaches that the education of others is required by our social nature. He compares it to giving alms to the needy. Of course, a teacher must work with fidelity and zeal and take care not to harm his students. Although man has a natural inclination to acquire knowledge and impart it, intellectual work means effort; so the moral virtue of zeal for study is needed to persevere, conquer laziness, and avoid what is superficial or worthless. Too much attention today is paid to the media, with the result that students fall into the vice of vain curiosity and find it hard to study what is truly important.

Saint Thomas proposes a distinctive method for teaching each of the following: natural philosophy, ethics, metaphysics, theology, and sacred Scripture. I can give only a glimpse of these methods in a brief review. As a realist, the Angelic Doctor takes as his fundamental method the submission of the intellect to the study of things and the patient analysis of what is given. First, natural philosophy. The proper method for teaching this may be called "rational," a term that well expresses the activity of the human intellect as it moves from what is known by the senses to the comprehension of intelligible essences. The word "rational" is also fitting because in this study the intellect is led from the knowledge of one existing thing to another. The subject of natural philosophy is being that moves, or things that change, and its fundamental supposition is that the world exists, for no science demonstrates the existence of its subject. Here one learns to distinguish between conclusions based on facts and hypotheses that explain what we have observed but may be replaced.

Second, ethics. This must be taught as both a speculative and a practical science: speculative, in that it determines our true end, defines the principle passions and virtues, and shows what is required for an act to be free and the carrier of morality; practical, in that it helps us acquire virtues that let us act with facility and joy in view of our end. Certainty in morality is difficult to attain, since morality entails the application of universal principles to individual acts that may have a deficit of freedom or knowledge. In our time, Father Elders notes, the precepts of the natural law have been obscured with regard to marriage, abortion, and active euthanasia.

Third, metaphysics. This study cannot be undertaken without first having arrived at the certitude that immaterial being exists, a certitude that may be attained in natural philosophy by studying man's intellectual life, where the immateriality of thought and of its substantial base, the soul, may be grasped.

Saint Thomas's method for teaching metaphysics is resolution or reduction, by which he takes us on an odyssey toward what is most profound in things. The subject of metaphysics is neither God nor immaterial beings, but what is present to our senses and is, by a purifying analysis, considered in abstraction from its materiality. For Saint Thomas, language is not an absolute but a product and an expression of thought, which in turn reflects reality. His philosophical analysis does not depend on the study of language to the point of enclosing his reader in linguistic structures. Rather, he leads us in metaphysics beyond language to something more fundamental—to the direct grasp of things through our external senses and to the fundamental principles that the intellect sees in this grasp. In this way we discover the transcendental properties of things: their unity, truth, goodness, and beauty.

Fourth, sacred theology. To start with, Saint Thomas assigns three functions to reason in theology: 1) to give the preambles of the faith, that is, natural truths like God's existence, free will, and the soul's immortality; 2) to illustrate the truths of the faith by analogies; and 3) to refute arguments against the faith. To develop theology into systematic form and to explicate Scripture, theologians may borrow concepts from philosophy, and if this use of philosophy be proper, Saint Thomas says, it is like Our Lord changing water into wine. Theology, for Thomas, not only surpasses all speculative sciences, in that it rests on divine revelation and its object is God, but it also surpasses all practical sciences, in that it directs us to our final end, the beatific vision. The little that theology knows of God, he says, is more valuable than all we know of nature. Sacred doctrine, the highest wisdom, may judge all the rest of human knowledge.

Since it receives its foundational knowledge from divine revelation, theology uses as its principal mode of proof the argument *ex auctoritate*, that is, it shows that a certain doctrine is indeed contained in revelation. Now the principal source of revelation is the Bible as received and proposed by the Church. After this comes the authority of the fathers and doctors, but since their teaching does not have the infallible certitude of the Bible, Catholics must submit to the Church rather than to this or that father. Authority is also found in the declarations of councils and popes. Our first task in theology, then, is to listen and meditate on revelation. For this reason, the theologian tries to acquire *intellectus fidei* and arrive at a systematic presentation. The content of the faith is summed up in the articles of the faith which, in theology, have the same role as first principles in philosophy. Sacred doctrine is formulated using the structures of natural things just as God made them, because there is an analogy between the natural order and the supernatural order. Rejecting the

opinion that just any philosopher can be used in the elaboration of her doctrines, the Church highly recommends Saint Thomas, and rightly so, for when the Angelic Doctor speaks of "sacred doctrine," he means at once the content of the Bible and the teaching of the Church. Theological work is profoundly religious when marked by a submission both to God and to the Magisterium.

Fifth, Sacred Scripture. In teaching us how to read the Bible, Saint Thomas presupposes inspiration, revelation, and unity, that is, that Jesus Christ is hidden in the Old Testament. He also presupposes that the Bible is the book of the Church and must be read *in medio Ecclesiae*. Without the Church, biblical texts cannot be rightly interpreted, especially the Christological texts which must be understood in the light of the definitions of the great councils.

Thomas gives primary importance to the literal sense of Scripture on which the three spiritual senses rest. The literal sense is not in the words, but rather in their meaning, and he insists that every text has a literal sense that is fundamental to its interpretation. Thomas also provides rules for drawing out the spiritual sense of biblical texts and sketches a theory of literary genres in the Bible. Like the fathers, Saint Thomas regards Scripture, for its inexhaustible depths, as our rule of faith and the food for our spiritual life. Christ's words surpass our intellect's capacity to understand them, he says, unless He reveals their meaning to us. In one sermon, Thomas speaks of Scripture as containing the whole world, adapting to all people, and telling each what he needs to know in his state. Those outside the Church may think the Church has added to a biblical text when the Holy Spirit has simply revealed a sense more profound.

The final chapter of Father Elders's book is on the *Summa theologica*, a work he calls the most profound, the most Catholic, and the best organized theological treatise in Christian tradition. All the books of the Bible are cited in it, except for two minor prophets, and Saint Thomas also draws from nearly all the philosophical and theological literature of antiquity and the Middle Ages. The subject of St. Thomas's *Summa* is God. Its simple design lets the reader consider everything that exists from God's viewpoint. The first part is on God and His creatures as they were before the Fall. For his method Thomas chooses a simplified version of the academic *quaestio*; his arguments *sed contra* are mainly *ex auctoritate*, that is, taken from the Bible, the fathers, and the sacred doctrine and customs of the Church. The second part of the *Summa*, in two tomes, focuses on man's free acts insofar as they lead toward happiness. Saint Thomas depicts the divine image in man, an image which man must conserve and develop in the moral life by the use of free will and attentiveness to his end. In the first tome, Thomas studies human acts in general, and in the second, human acts in particular, examining and organizing the "universe" of virtues and vices and brilliantly linking the theological and cardinal virtues with the beatitudes and seven gifts of the Holy Spirit. Father Elders gives special praise to Saint Thomas's treatise on natural law. The third part of the *Summa* describes the return of man to God. Here Christology extends into the theology of the sacraments which lead us to a progressive assimilation of eternal life. Father Elders calls the treatise on the Eucharist one of the most beautiful sections of the entire work.

In conclusion, a good education must offer a formation in the moral life and propose a vision of man. Our Christian vision differs sharply from those circulating in the world today, since for us a Christian education includes discipline, prayer, and an emphasis on free will, responsibility, and charity. Therefore, while the state has a great responsibility to ensure and provide the means whereby citizens may receive a sufficient education, its assistance must be in accord with the principle of subsidiarity. The primary and fundamental right remains with parents to raise their children and transmit their values to them. Parents must be free, Father Elders insists, to choose for their children a school in accord with their conscience. The defense of the right of Christians to have their own schools is all the more pressing in that a strictly neutral education does not exist.

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Posner, Eric A. and Alan O. Sykes. ***Economic Foundations of International Law***. Cambridge, MA: Harvard University Press, 2013. vii + 372 pp.

Reviewed by Jude P. Dougherty, The Catholic University of America.

In selecting this book for review, I was motivated in part by the desire to understand how nations such as Britain, France, and the United States could agree to bring down the regnant government of a nation such as Syria without a public outcry. If there is such a thing as "international law," or some internationally recognized principle, such as national sovereignty, Western support of an insurrection would surely violate that law to the disapproval of the so-called global community. Disapproval is indeed rare or nonexistent. Paul Stenhouse, editor of *Annals*, an Australian monthly, provides a clue regarding its absence. The Assad government of Syria has been so demonized by the international media that the destruction of Syria's present government appears to be the moral thing to do. One may be appalled that the foreign policy of Western nations seems built upon that apprehension. While still president of France, Nicolas Sarkozy, meeting with the Patriarch of the Maronite Catholics (who visited the Elysee Palace to express reservations about the anti-Syrian and anti-Assad rhetoric flooding world media), reportedly banged his fist on the table and declared, "Assad is finished." Last year on December 11, President Obama granted U.S. recognition to a Syrian opposition coalition as the legitimate representative of the people, a move aimed at increasing pressure on the Syrian president to leave power. British officials have argued that "there is no worse alternative" to Assad. With Father Stenhouse let us examine the truth of some of those reports.

Stenhouse has long been convinced that for democracy to thrive in Syria, its president, Bashar al Assad, needs a chance to address admitted failures. Stenhouse concedes that Bashar's father, former president Hafez al Assad, may have been a hard-nosed dictator of the old school, but in the words of the Patriarch of the Syrian Orthodox Church, "Bashar is not his father." Stenhouse, in a December 2012 essay published in the *Quadrant Online*, writes: "There appears no doubt in many people's minds that the Syrian regime under Bashar al Assad is 'beastly,' 'monstrous,' murdering its own people, and guilty of 'crimes against humanity.' The opposition on the other hand is supposedly the voice of the masses in leading a popular revolution against a hated and feared police state." Stenhouse, a long-time student of Middle Eastern affairs and suspicious of media accounts, visited

Syria in late 2011 in an effort to get to the truth of things. Less than a month after one journalist had criticized NATO for not being prepared to devastate the regime's 8,000 tanks and military vehicles as they besieged the country's cities, Stenhouse saw no sign of the reported tanks or other military vehicles.

On that occasion while traveling with a friend, Stenhouse reports: "Moving all around Damascus and Hama, I saw no soldiers except outside some government offices. . . . The only police in evidence were directing traffic. No attempt was made to obstruct our movement, and no one stopped us or asked us for identification or questioned our being where we were." Stenhouse did observe that on French television, several correspondents who were presented as eye witnesses to alleged atrocities were living at the time in Dubai, Jordan, and Kuwait.

Stenhouse also reports that prior to his visit, a delegation of foreign journalists went to the Alawite neighborhoods of Homs expecting to see peaceful demonstrations. Instead they found local security forces under siege from unidentified gunmen and impact damage from rocket-propelled grenades. "They were able to gather testimonials from the local populace who had suffered atrocities at the hands of the insurgents, but they did not publish these facts fearing they would be criticized by mainstream media for breaking with the generally accepted narrative."

Now to the Posner and Sykes book, *Economic Foundations of International Law*. It was written, the authors tell us, for law students, professors of law, and others who might need a refresher course on "international law." I return to my opening inquiry: If Western powers, Britain, France, and the United States, can intervene in the Middle East and the Maghreb and bring down authoritarian rulers disfavored by the Western ruling class and the world media, does international law mean anything? Where is the international disapproval of the Syria intervention?

If the term "international law" is not an oxymoron, what then is international law? In short, it is the system of laws that governs the relationship of states. States make international law by entering treaties with each other and by recognizing customary norms. International law creates obligations primarily for states, the exception being criminal law. States may decide whether to comply with or violate international law and may demand and pay reparations for violations. Unlike domestic law, international law must be self-enforcing. "The self-enforcing constraint is the major analytic distinction between international law and domestic law where it is usually safe to assume that parties can rely on government to enforce the law." There are bodies of law that are organized by substance, e.g., the law of the sea, economic law, trade and investment law, principles respecting the treatment of aliens, tourists and business people, refugees, and then there are various treaties addressing climate change. Yet international law lacks most of the institutions of domestic law, including a legislature, an executive with general powers to enforce the law, a hierarchically organized judiciary, a significant bureaucracy, and an army.

In the final analysis, international law may rest on a handful of weak international institutions. No international legislature or executive exists with the very limited exception of the United Nations Security Council. True, a handful of international courts exist but most of them are weak and frequently ignored. A small number of institutions like the World Trade Organization and the International Labor Organization help coordinate negotiations and the setting of common standards. The World Bank and the International Monetary Fund provide financial assistance to nations under certain circumstances, but these institutions have very narrow missions and are clearly controlled by powerful states. The General Assembly of the United Nations gives small states a voice but little else.

Perhaps the strongest part of the Posner/Sykes volume is the section on international trade, investment, antitrust, and monetary law. Clearly international trade law is the most elaborate and detailed body of international law in existence, consisting of dozens of bilateral, regional, and multilateral treatises. The World Trade Organization has 150 members, and before its forum come issues such as free trade, subsidies, anti-dumping policy, and related aspects of disputed intellectual property.

We come back to the fact that states are the primary agents in international law. They make international law, and they create for themselves the legal obligation to comply with the law so created. This leads Posner and Sykes to digress mid-book to a discussion of what constitutes a state. They ask: "Does a particular group of people who live in a geographic territory constitute a state?" The answer must be: not without a government that has the capacity to conduct international relations and to enter treaties. A successful state is one that has a continuous government. Government matters for international law when a state wants to enter a treaty with another state because it must be able to identify the relevant officials and their authority, for government at *Time One* binds government at *Time Two*. In this context, Posner and Sykes address the "odious debt" problem, and discuss the question of whether governments should be bound to the repayment of loans used for bad purposes by earlier authoritarian regimes.

Economic Foundations of International Law may claim an audience far beyond the authors' modest intent. It is a clearly written factual account of the issues and institutions that are likely to come up in any discussion of international law. In the end one may conclude that "international law" is a fiction, usefully invoked at times as states pursue their own objectives. Perhaps the closest Posner and Sykes come to recognizing real law is an inadvertent comment when they say, "States make international law by entering treaties with each other and by recognizing customary norms." Those "customary norms" may be in fact a universal moral order faintly recognized beneath all positive law.

Christine Overall, ***Why Have Children? The Ethical Debate***. Cambridge MA: The MIT Press, 2012.

Reviewed by Mary Shivanandan,
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Christine Overall is a professor of philosophy, holding the Queen's University (Toronto) Research Chair. She specializes in feminist philosophy, applied ethics, the philosophy of religion, and the philosophy of education. Publication of *Why Have Children?* by the prestigious MIT Press confirms the view of many that she is "one of the greatest feminist scholars of our time." Not being a philosopher, I approached her book with respect. Nevertheless my first and continuing problem with her book is philosophical and has to do with her

imprecise use of the term "procreation" and its confusion with "reproduction."

Collins English Dictionary (Harper Collins Publishers 2003) derives the origin of the term "procreation" from Latin, *pro* and *creare*, which together mean "bring forth." It gives two English definitions (1) to beget or engender offspring and (2) to bring into being. The word "beget" in turn means "to be the father or sire of" (Webster and New American Heritage Dictionary) as the first meaning, and to procreate or bring into existence as the second. A phrase like "bring forth" implies that something is brought forth from somewhere. In human procreation this means a child is brought forth from the union of a man and a woman in conjugal embrace, which is initiated by the man. Different terms are used when the child is conceived through assisted reproductive technologies such as in vitro fertilization or assisted donor insemination. In these cases the word "reproduction" is appropriate, but "procreation" is not. Similarly, when a child is prevented from "coming forth" as a result of abortion, the process cannot be called procreation.

In this review I shall examine how Professor Overall's basic philosophic premise as well as her anthropology are flawed from this confusion. Her basic premise is that the decision (in her terms) to "procreate" a child rests only with the woman because a fetus is part of her body until it is brought forth, at which point it becomes a child with a life and identity of its own. There is almost no mention of the father's role in engendering the child. In fact Overall explicitly states that the book is not about a father's relation to his child. In the few instances when a father is mentioned it is as a financial provider, nothing more.

Right at the beginning Overall says that: "A woman's choice whether to procreate can be made independently of being in a relationship with a man—indeed with the assistance of insemination, it can be made independently even of sexual interaction with a man" (10). Yet she uses the term "procreative decision" and maintains that women can be "self-determining decision-makers." Given the general availability of contraception, Overall does not think this at all far-fetched. She focuses primarily on procreation through heterosexual intercourse and on assisted donor insemination (AID), but not other reproductive technologies. While this limitation would seem to entail a major distinction between a reproductive technology and actual "procreation," in reality, as stated above, Overall obscures this distinction. In a true procreative act, a man and a woman make a decision together to engage in sexual intercourse, from which the child is the superabundant fruit, a gift. Instead, what Overall is talking about is a unilateral decision on the part of a woman either to produce a child or not, and the means, that is, heterosexual intercourse or AID, are immaterial, as is the presence of the father, except for his sperm and possibly later his financial support. The father is treated as a means to an end, and the child ceases to be a gift.

In chapter 2 Overall discusses moral reproductive rights. She defines a right as "an entitlement that we have good reason to accept . . . that is an expression of one's humanity and belongs to an individual by virtue of his or her being a human person" (20). Reproductive rights fall under such a foundational category. Along with the right to reproduce comes the right not to reproduce. It is significant that Overall does not talk about procreative rights. Rather, she affirms that reproductive rights provide the foundation for the ethics of procreation (21). In other words, what she is really talking about is not true procreation, where the child is a superabundant gift of sexual intercourse; instead, the child is the product of a self-interested individual decision in the Lockean manner. In fact, she says that reproductive rights are grounded in general human interests (32). Yet at some level Overall recognizes that procreation per se is not a matter of rights and can never be. She actually says that "the right to reproduce does not guarantee a baby to anyone" (32).

In chapter 3 Overall deals with other philosophers' solutions to prospective parents' disagreements about having children. Here she attempts to tackle head-on the problem of men's "procreative asymmetry." In order to reduce the asymmetry she posits that the fetus inside the womb is not a child but merely an appendage of the woman's body that can be disposed of at will. Only when it is born does it become a child entitled to a father's financial support. Overall holds men financially responsible even when their sperm has been stolen (46)!

Chapters 5 and 6 deal in turn with deontological and consequential reasons for having children. Here, as in later chapters, Overall's confusion about whether the child is a gift and wanted for its own sake is on display. She wants to say that the child both is and is not a gift, that the child has intrinsic value but cannot exist for its own sake. Countering the argument that the child cannot be a gift because a gift needs a recipient and the child did not exist to receive the gift of life before the parents created him, she grants that not all gifts have a specific target in mind. Charitable donations are an example. Yet she argues that since the parent creates the child, it cannot be brought into existence for its own sake. From that she concludes that child-bearing is not intrinsically worthwhile but has worth that derives from other values, namely, the parent-child relationship that develops over time.

Based on these premises Overall dismisses most deontological arguments. With regard to religion she rightly holds that philosophy cannot know what God wants (67), but in her rejection of any religious argument she comes down on the side of the nonexistence of God rather than leaving the question open. She rightly calls consequentialist arguments utilitarian. In opposing savior siblings she comes closest to seeing the child as a disinterested gift. Since savior siblings are inseparable from the reasons for their existence, "the needs of others pre-exist and generate the child's interests" (84). "No child," she concludes, "should be a means primarily to his parents' and siblings' ends" (86). Here again we see Overall's ambivalence flowing from her faulty logic and deficient anthropology. She argues that while the child cannot be *created* for its own sake, after birth it can be *valued* for its own sake.

From these considerations Overall considers it very difficult to justify having a child that passes three moral tests: (1) concern for women's and children's well-being, (2) respect for women's autonomy, and (3) refusal to use the child for another good, that is, as an instrument. Note again that the father is absent. This brings Overall to argue for the decision, and even the obligation, not to have a child if the proper circumstances for its flourishing do not exist. But she refuses to consider single or same-sex parenthood as not conducive to a child's or a mother's flourishing. With regard to the children of mothers who are impaired due to disease or disability, she says that "it is sometimes evident that not existing is *sometimes* better," but she does not discriminate across the board against

mothers with impairments, preferring instead to consider first their competence to mother (170).

On the question of "overpopulation" Overall advocates a voluntary one-child-per-adult policy as the ideal. She does not see "a moral duty to resist human extinction . . . founded on the basis of our collective happiness or the alleged intrinsic value of human life" (199). Paradoxically, she sees human cultures worth preserving but questions whether the continuing existence of human beings is necessary to preserve them. "I have not found adequate reasons to show that the extinction of the human species—provided it is voluntary—would inevitably be a bad thing." Since it is a burden on women to have to reproduce, Overall hopes that the human race will gradually evolve into a higher species, one that presumably does not involve the child-bearing role of women.

In the final chapter Overall sheds her academic identity and reaches into her role as a mother, which she acknowledges is not wholly rational. Being a parent has been a profoundly satisfying experience, and it has brought her to see her child as an end in himself, not as a mere artifact. She describes parenthood as a transforming experience in which the parent grows and changes along with the child. This experience has counteracted at every turn her unequivocal endorsement of reproductive rights and shaped her ambivalent and ambiguous arguments. The best reason for choosing to have a child, according to Overall, is the parent–child relationship. "The lifetime of parent–child interactions," she says, "is key to understanding what is good about procreation" (212). Yet, in the final analysis, her feminist academic self prevails. It is morally risky to have children, and the burden of proof must always rest on those who choose childbearing. In her own case, judging by her use of the pronoun "I," not "we," it appears the decision was a unilateral one, arrived at absent the father's input.

It is disturbing to find so much muddled thinking on the nature of the human person and the ethics of procreation from a philosopher who has obviously devoted years wrestling with the topic and who has influenced countless students in the process. A healthy antidote is the philosophic writings of Karol Wojtyla, especially his book, *Love and Responsibility*. Only after understanding the true nature of the person as an incommunicable spiritual being, composed of a unity of body and soul, can one treat of the communion of persons of which the conjugal relationship between a man and a woman is a unique form.

In the marital sexual relationship the body of the other is an object of desire; this object of desire, however, is not just a body but an incommunicable person who can never be treated simply as a means, either for sexual pleasure or for conceiving children, although the conception of children is the natural, superabundant end of the sexual act. (In theological language sexual intercourse is by nature ordered to procreation.) Wojtyla agrees with Overall that there is an asymmetry in the sexual relationship between a man and a woman; even so, this asymmetry cannot be overcome through unilateral actions that violate the integrity and personhood of the man, woman, or child. Rather the man is called to respect both the woman in all her bodily uniqueness and the relationship of love between them. This he does by espousing a true ethics of procreation, one which places his own sexual desires at the service of life and love and honors their joint fertility. This does not always happen, as Overall points out, with great detriment especially to the woman, but the remedy does not lie in so-called reproductive rights which make children, men, and women objects of manipulation and not persons valued in their own right. Overall's prescription for the human race contrasts vividly with the Christian ethic of hope for the future expressed in the child as a superabundant gift of the love between a man and a woman.

David Alvarez, ***The Pope's Soldiers: A Military History of the Modern Vatican***. Lawrence: University Press of Kansas, 2011. 444 pp., 22 photos and 3 maps. $34.95.

Reviewed by Anne Gardiner, Professor Emerita of English at John Jay College of the City University of New York.

David Alvarez, who teaches at St. Mary's College of California, has produced an unprecedented military history of the Vatican, from Julius II to John Paul II. In *The Pope's Soldiers* he recounts how, between 1796 and 1870, the Vatican was involved in six military campaigns. Citing war diaries, letters, and documents from secret Vatican archives, Alvarez tells a riveting story. Half the book is devoted to the battles of 1848–1870, when Italian nationalists used military force to annex the Papal States.

By the eighteenth century the pope's army—then used only for parades and internal security—had become "the worst" in Europe. That changed with the French Revolution, when hundreds of bishops and priests came into the Papal States fleeing persecution. After that, the papacy was "threatened or attacked by foreign governments, including their proxies, or domestic armed groups at least thirteen times" and "involved in six wars or significant military campaigns." Pius VI and Pius VII were kidnapped, Pius IX escaped from Rome in disguise, and Pius XII faced possible kidnapping. Just since 1971, there have been three assassination attempts against a pope. And so, the history of the papacy in recent centuries has been "as much a military history as an ecclesiastical or a political history."

In 1796, after conquering the Austrians and Piedmontese, Napoleon invaded and occupied most of Romagna and demanded from Pius VI the transfer to Paris of numerous works of art and Vatican manuscripts. Pius VI increased the papal army to 10,000 men, but his soldiers ran from the French at the River Senio. In 1798, General Berthier entered Rome, arrested Pius VI, and imprisoned him in Valence, where he died a year later. In 1801 Pius VII signed a Concordat with Napoleon, but when the pope insisted on his neutrality in the war of 1806–7, Bonaparte ordered French troops into Rome, arrested and deported cardinals, and evicted monks and nuns to quarter his soldiers. Pius VII was dauntless: "You may tell them at Paris that they may hack me to pieces; that they may skin me alive; but always I will say no." In 1809, Napoleon decreed the end of the pope's temporal sovereignty. Pius VII would not consent, replying that he was obliged by his oath "to maintain all the rights of the papacy, secular as well as spiritual." And so, he was arrested, imprisoned, and finally released in 1814.

In 1831, during the reign of Gregory XVI, revolution broke out. Many of the pope's soldiers "defected," but the rest "stood and fought" the 6,000 revolutionaries who marched on Rome. In the end, though, it was the Austrian army sent by Metternich that saved the pope's temporal sovereignty. As Alvarez explains,

the papal soldiers who ran away at the Senio, dispersed in the face of invaders in 1798 and 1808, and joined the insurgents in 1831, were not so much "outnumbered" as "outclassed" in equipment, confidence, and discipline. "The popes had armed men in uniforms, but they had no soldiers."

All that changed in the reign of Pius IX, who became pope in 1846. Resentment against Austria was growing, along with a nationalist desire for the unification of Italy. This would result in the First War of Italian Independence in 1848. Pressured to send his army to expel the Austrians from Lombardy, the pope replied that he could not "declare war against any of his spiritual children." Even so, volunteers joined the papal army in large numbers chiefly to fight the Austrians. Seizing the initiative, General Durando led these men at Cornuda in "the most spectacular action by a unit of the pontifical army since the sixteenth century." At Treviso and Vicenza, too, they stood up to some of the best troops in Europe. In return, Austria invaded the Papal States, occupying Ferrara and Bologna.

The war of 1848 spread to Rome as well. Pius IX's chief minister was killed, a mob besieged the papal palace, and the pope had to escape in the night disguised as a simple priest. Garibaldi led 1,200 Red Shirts into the Eternal City, "abolished" the papal monarchy, and proclaimed a Republic. However, he had to leave Rome soon after, defeated by the French.

In 1860, a genuine papal army started emerging. Monsignor de Mérode, the pope's new minister of arms, had a military background. He invited French General de Lamoricière, whom he had known in Algeria, to be commander-in-chief of the pope's soldiers. Mérode dreamed of creating "a multinational force of pious and loyal believers recruited from the Catholic countries of Europe for a new crusade"—a crusade that would defend the papacy against "the new 'religions' of nationalism and secularism." Among others, a thousand Irish volunteers formed a "Battalion of Saint Patrick" in the pope's service. Soon there were 13,000 men available for combat, with Italians comprising 57 percent of the whole.

Years would have been needed to prepare this new army for battle, but only months were granted. The Piedmontese were eager to unite Italy under the Savoyard dynasty. Prime Minister Cavour—the Piedmontese Machiavelli—secretly subsidized Garibaldi to instigate revolts and provide him with an excuse to annex the Papal States. In the summer of 1860, the Piedmontese had 38,000 men ready for combat, three times what the pope had, not to mention that most of the pope's soldiers lacked modern rifles and artillery.

On September 11, 1860, in the name of King Vittorio Emanuele, the Piedmontese marched into the Papal States. The French ambassador told Pius IX not to worry, that France would help him, but he was "an unwitting accomplice in imperial duplicity." He was unaware that Napoleon III had entered into a secret agreement with Cavour. Alvarez recounts the ensuing battles of 1860 with great vividness. Here is one example: at Spoleto a garrison of 670 men under the command of Major Myles O'Reilly, including two companies of the Irish Battalion and other multinational recruits, withdrew into a fourteenth-century fortress and for twelve hours fought off a better-armed and numerically superior Piedmontese force, O'Reilly declaring "that duty required him to defend the position entrusted to him." He asked only that four women be allowed to leave. After an hour the bishop came to ask him to capitulate, but O'Reilly replied that he "could not surrender his post so long as there was a reasonable prospect of defending it." When the garrison finally surrendered the papal officers kept their swords, "a particular point of honor in nineteenth-century armies," and General Brignone included this statement in the capitulation: "the officers and men will everywhere be treated with that courtesy which is due to troops that are honorable and brave as they have shown themselves to be during the fighting today."

Alvarez's account of the battle over Ancona is also gripping. General Lamoricière was seriously outgunned, but he refused to surrender without a fight, so as not to "stain" the reputation of his army and of "every officer in the command." He rallied his troops, declaring that even if Europe's kings had abandoned them, the Catholic world was watching, so they could not "without dishonor refuse to continue the fight so long as the ramparts and fortifications are intact."

The War of 1860, which lasted nineteen days, reduced papal territory by three-quarters and papal income by more than half. Pius IX was too weak to do more than issue "formal protests." Peter's Pence would now be collected around the world to maintain the papacy. As Alvarez observes, this war showed that the Piedmont government was "politically willing and militarily prepared to fight to annex the territorial patrimony of the papacy." Ironically, many in the Vatican thought the debacle of 1860 showed "the irrelevance of the military option," so by 1864 the Vatican was spending half of what it had spent on the papal army in 1859. Cardinal Antonelli, the pope's secretary of state, insisted that the Vatican had to rely on international law and that the pope's soldiers were only designed to maintain "internal order." Lamoricière returned to his castle in France, and the Piedmontese moved their capital from Turin to Florence, though still intending to make Rome their capital.

Pius IX selected Hermann Kanzler to be his new minister of arms. Born in Baden, Germany, in 1822, General Kansler had been in the papal army since 1844 and was well liked by the Italian troops. Between 1860 and 1870, he would create an all-volunteer army of 13,000, of which a quarter to a half would be comprised of "Zouaves," Catholics from other lands who wanted to defend "Il Papa Re" (the Pope King). The Zouaves were not mercenaries, as anti-Catholic propaganda claimed, but rather pious Catholic volunteers from France (mostly), Austria, Belgium, Canada, Holland, Germany, Ireland, Spain, and Switzerland. They included men like the Marchese Aldobrandino Rangoni Santacroce, scion of an old and wealthy family in Italy, Duke Ladislao de Dabrowa Garwanowicz of Poland, and Count Victor de Courten of Switzerland. Social standing and previous military office did not privilege them, as when Count Sormani Calcaghi resigned as a major in the Austrian army and came to serve the pope as a common rifleman. The pontificals attended daily Mass and treated each other "with respect, regardless of rank and social background." Though they headed a small military force, the pope's officer corps was "probably the equal of any in Europe." All the senior and most of the junior officers had recently seen combat.

The year 1867 was an eventful one in which the pope's soldiers cleared papal territory of swarms of brigands. Then a cholera epidemic broke out in Albano. The mayor and town officials absconded, while the bishop and the nuns ministered to the dying. When Pius IX heard that

bodies lay in the streets and filled houses, he sent a unit of Zouaves on a "mission of humanitarian relief." After taking in the horror of the situation, Zénon de Résimont led his men by heroic example: he "strode up to a body that was lying in the street, lifted the corpse over his shoulders, and began walking toward the town cemetery."

There were also other heroes that year in a campaign that lasted from September 30 to November 2. Few historians mention these battles, and when they do, they privilege the Red Shirts, although Kanzler's army actually won the campaign. The pope's soldiers stopped an insurrection in Rome, fought over a dozen battles in the field, and defended several towns against the Garibaldians. They fought against great odds, too, as at the fierce battle of Montelibretti, where the Englishman Collenridge and the two Belgians Rebry and Mijthenaiere distinguished themselves before falling under slashing sabers, and Pieter Jong, a huge Dutchman, was last seen covered in blood "swinging his rifle like a club, in a circle of Red Shirts."

The government in Florence still wanted to create an "insurrection" in Rome as a "pretext" for invading the remaining Papal States, so it secretly funded the Garibaldians in 1867, gave them weapons, subsidized their propaganda, and bribed officers in the papal army and police. While they sparked no insurrection, the Red Shirts set off various bombs, one of them killing twenty-five Zouaves in their barracks.

The Battle of Mentana marked the end of the 1867 campaign. There Kanzler personally led 3,000 papal soldiers, with 2,000 French troops in reserve at the back. The pontificals bore the brunt of the day. Only at the end, when they were perilously outnumbered and outgunned, they called on the French army, which arrived carrying "the new breech-loading *chassepot* rifle." The Red Shirts surrendered and were taken to the frontier, after more than 1,000 of them had been killed or wounded, and 1,400 captured with their weapons. Garibaldi himself fled to the frontier, then went back to Caprera.

In chapter 5, "The Last Stand of the Papal Army," Alvarez recounts how the papal lands were reduced to Vatican City in 1870. This involved a massive betrayal by a number of European rulers. At the time, Napoleon III was engaged in the Franco-Prussian War and had withdrawn his troops from Civitavecchia, near Rome. He sent a secret envoy to Florence "to secure Italian assistance in the form of an expeditionary force of seventy thousand men" and told King Vittorio that he could ask whatever he liked in return. The implication was that he would not object if the Savoyard king invaded the Papal States. Vittorio also received assurances from Berlin, Bern, London, Madrid, and Vienna that nothing would be done to prevent his occupation of Rome.

As a prelude to invasion, Vittorio advertised that he was going to enter the Papal States to "prevent revolutionary excesses in a land torn by disorder." No European government protested as he massed his troops on the border. Then he made Nino Bixio one of his commanders, a Red Shirt who had once called "for the pope and all his cardinals to be thrown into the Tiber." Kanzler warned Cardinal Antonelli to use "intensified diplomatic efforts to secure European intervention in favor of the papacy," but the cardinal trusted in the false assurances of papal nuncios that France or Austria would protect the status quo. As for the pope, he placed his trust in God. The First Vatican Council had just declared the doctrine of papal infallibility, and he believed "that God would once again steer the boat of Saint Peter through troubled waters."

When Vittorio Emanuele sent him an "ultimatum," Pius IX was "outraged by the mendacity and hypocrisy" of a king who said an invasion was necessary to stop a nonexistent insurrection. Even so, the pope told Kanzler that his army would have to surrender without "defensive measures." The general pleaded that the pope's soldiers wanted "to fight and die," but Pius IX replied, "We choose to surrender. Not to die is sometimes the bigger sacrifice." He did not want to spill blood in a war that was unwinnable, or to expose Rome to destruction for the sake of "military glory or honor." Kanzler regarded nonresistance as "dishonorable," however, and he managed to persuade the pope that Rome should be defended for two reasons: first, to force Vittorio's army, in full view of the world, to assault the Eternal City, and second, to gain time "to secure diplomatic intervention to maintain the territorial rights of the papacy." Pius IX relented and agreed that "a bit of resistance" was permissible.

The attack began on September 11. By September 14, the papal garrisons had fallen back into Rome. Straining at the leash, Kanzler avoided offensive operations, but his "war diary" is full of references to "missed opportunities to strike." On September 18, the invaders had encircled Rome. The next day, Kanzler pressed the Holy Father to allow him a more "substantial resistance," and the pope agreed to let him resist till the invaders breached a city wall, in order to show the world "that their seizure of Rome was based on violence." On September 20, the battle erupted before dawn. All the prelates and diplomats in Rome gathered inside the Vatican, where the pope celebrated Mass. The Noble Guards arrived in uniform to protect the pontiff, and the Swiss Guards stood at their posts.

Meanwhile papal troops fought with the cry "Viva Pio Nono!" as they defended Rome's fourth-century walls—walls suited to resisting medieval spears rather than artillery. After several hours a wall was breached. Then Kanzler read to the defense committee Pius IX's order to surrender, but General Zappi protested that no enemy had yet entered the breach. When a messenger told a major to raise a white flag near the breach, he refused to obey without written confirmation of the order. Doubtless the most memorable moment of the army's "last stand" occurred at the Salaria Gate. As the invaders advanced toward the breach, the defenders' voices rose in song, and the song moved along the wall as one company after another took it up. The Zouaves were singing their regimental song, "Onward, onward, noble sons of France. Sons of Crusaders, it is God who guides you." They sang as the enemy infantry bore down on them in three columns and cried "Viva Pio Nono!" as they fired their rifles. By now Pius IX "had had enough." He caused a white flag to be raised over the cupola of Saint Peter's and told the diplomats in attendance: "Further defense would be impossible without great bloodshed, and that I refuse to accept."

After the surrender, the papal army gathered in Saint Peter's Square, and General Kanzler addressed them thus: "Rome has fallen, but thanks to your valor, your loyalty, and your admirable duty, it has fallen honorably." Pius came to the window to say goodbye to his army. They shouted, "Viva Pio Nono!" and then marched out of Rome to demobilization.

Alvarez notes that historians have "downplayed the defense of Rome" as

if the pope's army had surrendered instantly. He adds that the "preferred narrative of Italian unification" is that it was supported "by all right-thinking Italians and resisted only by the representatives of reaction and obscurantism who were so out of touch with national sentiments that they could turn for their defense only to unreliable and ineffective foreign mercenaries." They will not admit that there was "sustained resistance from highly professional troops, the majority of whom were Italians who were loyal to the Holy Father and committed to the maintenance of his temporal power." Alvarez insists that the army that defended Rome in 1870 was "the best army the papacy had fielded in almost three hundred years" and that in their "last stand" the pope's soldiers showed a "discipline, professionalism, and courage" equal to almost any contemporary European army. "The cause was no less honorable because it was lost."

In chapter 6, Alvarez recounts the history of the Swiss Guards. We learn that in 1527, their commander Kaspar Roeist and 147 halberdiers died on the steps of Saint Peter's in order to allow Clement VII to escape; that in 1571, they fought at the Battle of Lepanto and captured two enemy flags; and that in 1848, they defended the Quirinal Palace against an armed Roman mob. We learn of the importance of the Pfyffer von Altishofen family in providing commanders, and how Jules Repond, who arrived in 1910, was the "father" of today's Swiss Guard.

In chapter 7, we learn that Mussolini had a number of informants in the Vatican and that all communications with the world beyond the Vatican had to go through "Italian postal and telegraph channels." Sealed diplomatic pouches were opened and resealed; some Vatican codes and ciphers were cracked, due to the subornation of a layman in the Vatican's cipher office; and Giovanni Fazio, chief of the Vatican unit charged with catching spies, was himself a spy.

By July 1943 "hundreds of thousands of Italian soldiers, sailors, and airmen were dead, wounded, or prisoners of war," the king had been restored, and Mussolini was imprisoned. By September, Hitler's troops had occupied Rome and created "the worst crisis of the war for the Vatican." Since he believed that Mussolini's fall was due to "the duplicity of Pius XII," Hitler had ordered "an assault on the Vatican and the seizure of the Holy Father." Although the order was not carried out, on September 9, 1943, all gates to Vatican City were shut, along with those to the Library, the Museums, and Saint Peter's, and sensitive archival documents were hidden away. The volunteer Palatine Guards were mobilized to protect the Vatican radio station, railway station, museums, and workshops. These Palatines—who saw themselves as a religious confraternity distinguished "by their devotion to their faith and their loyalty to their pope"—served six hours a day, a heavy burden for men with families and jobs. Their work was dangerous, too, for assailants once threw grenades at them as they stood before Saint John Lateran, which alone hid some 200 anti-Fascists. From 1943, Allied air attacks were also a threat: bombs fell on Vatican property in March and June of 1944.

In chapter 8, we learn that in the wake of Vatican II, it was thought the pope no longer needed personal guards. All that changed in Manila on November 27, 1970, when a disturbed Bolivian artist disguised as a priest attacked Paul VI with a long knife. Then in Rome on May 13, 1981, John Paul II was shot by Mehmet Ali Agca, and in Fatima on May 13, 1982, a Spanish Lefebvrist priest attacked the pope with a bayonet, shouting "Down with the pope!" There were more attempted assassinations from 1984 to 1995, as well as numerous foiled plots. As a result there are now152 men guarding the pope, men trained in bomb disposal and counterterrorism.

Alvarez mourns the fact that Lamoricière is remembered only in French history, not in papal history, and that Hermann Kanzler is completely forgotten. If these heroic men had served another government instead of the Vatican, he says, their memory would be alive today. In sum, Alvarez has written not just a learned and well-documented history, but a splendid and inspiring book. If a papal army existed today, this would surely be an effective tool for recruitment!

The Legacy of Avery Cardinal Dulles, S.J.—His Words and His Witness. Edited by Anne-Marie Kirmse, O.P. and Michael M. Canaris. New York: Fordham University Press, 2011. 152 pp. $45.00.

Reviewed by Dr. Clara Sarrocco, the long-time secretary of the New York C. S. Lewis Society and a graduate of Fordham University

In the chronicles of twentieth-century United States history, the name Dulles holds a renowned position. John Foster Dulles, the eldest son of a Presbyterian minister and the grandson of a Presbyterian missionary in India, whose great-grandfather and uncle had served as Secretaries of State, had himself been the Secretary of State under President Dwight D. Eisenhower from 1953 to 1959. Before that, he served in the United States Senate from New York after many years of other public service. His brother, Allen Dulles, was the director of the Central Intelligence Agency and his sister, Eleanor Lansing Dulles, was a special assistant in the Department of State.

It was into this famous family that Avery Cardinal Dulles was born, the youngest of three children of John Foster Dulles and Janet Avery. Cardinal Dulles's older brother was a professor of history at the University of Texas and his sister became a Presbyterian minister. After a crisis of faith he entered the Catholic Church in his late twenties, and he joined the Society of Jesus several years later. This scion of a prestigious political dynasty was himself a most remarkable individual. He authored many books, articles, and reviews. Dulles's works are translated into fourteen languages and are disseminated worldwide. Although recognized for his great contributions to the intellectual culture of the Catholic Church, his life was marked by his modesty and humility. He was known to have remarked about his many writings that some "escaped into print."

In *The Legacy of Avery Cardinal Dulles, S.J.—His Words and His Witness*, Sister Anne-Marie Kirmse, O.P. (Cardinal Dulles's research associate and executive assistant for ten years) and Michael Canaris (administrator at Fairfield University's Center for Faith and Public Life) have carefully researched, edited, and compiled an important bibliography of all of Cardinal Dulles's writings. It is an important research guide for scholars and students studying theology and philosophy as well as anyone interested in the influence Cardinal Dulles had on the Church in the United States and the universal Church after Vatican II.

During his fifty-year career Cardinal Dulles wrote twenty-five books, 800 articles, in addition to many essays, reviews, letters to the editor, forewords, introductions, and translations, which appeared in the most eminent theological and philo-

sophical journals. He was a past president and member of the Catholic Theological Society of America as well as a member of many other societies from which he received numerous honors.

His bibliography begins in his student days at the prestigious Choate school (published poem entitled *Waves*, 1932) and terminates with his last book published in 2009, the very forward-looking *Evangelization for the Third Millennium* (Paulist Press). Anyone who desires to do research or satisfy an interest will welcome such a carefully annotated listing of all Dulles's writings collected in one place.

Theodore Cardinal McCarrick, archbishop emeritus of Washington, D.C. wrote the foreword, recalling his days as a young student at Fordham University. He joined the Sodality that was moderated by the young scholastic Avery Dulles. As life went on, their paths crossed only slightly but they were eventually named cardinals at the same time. Father Dulles, as John Henry Cardinal Newman before him, was one of the few priests called to be a cardinal without first being ordained a bishop. Cardinal McCarrick recalled: "Greeting him as the new cardinals gathered was a real cause of joy for me and I suspect for him as well." In her preface, Sister Anne-Marie gives a short biographical sketch of Cardinal Dulles's career with her hope that this book will be a guide into "the splendid mansions of Dulles's thought."

Part 1, "Cardinal Dulles's Legacy in His Words," is chronologically ordered starting with "Choate School Writings," and ending when he graduated from Harvard.

The "Books" section contains all the titles of the books he published from 1941 onward, beginning with his first publication from Harvard University Press and ending with his last volume in 2009.

The "Articles and Essays" section is the longest, covering fifty-two pages. It records his thoughts from the most prestigious philosophical and theological journals such as the *International Philosophical Quarterly* as well as more quotidian publications such as *The Ladies' Home Journal* ("Is the Pope Unfair to Women and Should He Resign?"). "Leonard Feeney: In Memoriam," which appeared in 1978 in *America,* records the young Avery Dulles's first encounter with the Catholic Church through the efforts of this controversial Jesuit priest. A number of articles on John Henry Cardinal Newman recall Cardinal Dulles's regard for Newman as a mentor. Also referenced are essays about his famous father.

"Reviews and Letters to the Editor" form the next to last section. The first review is of William F. Buckley, Jr.'s *God and Man at Yale*, and the list ends with his letter to the editor of *First Things* in 2008—"Ecumenical Dialogues: Avery Cardinal Dulles Replies."

The final section of Part 1 is "Forewords, Introductions, and Translations of Other Authors' Works," which records Cardinal Dulles's writings on books by Yves Congar, Henri DeLubac, and Blessed John Henry Newman.

Part 2, "Cardinal Dulles's Legacy in His Witness," is more personal and contains writings with many touching recollections. These include: "Lectures to Sodality Alumni" (September 21, 1952); "Farewell Address as McGinley Professor "(April 1, 2008); "Response to Farewell Address" (April 1, 2008); "The Last Days of Avery Cardinal Dulles, S.J."; "Homily at the Funeral Mass at Saint Patrick's Cathedral," and "Homily at the Mass of Christian Burial in Auriesville."

Dulles's early 1952 lecture gives a small insight into what led him to the Catholic Church. He wrote: "I could not remain forever outside the Church looking in. . . . Such then is the story of how I, as a lonely individual, wandered toward the Church." The most poignant entry is his farewell McGinley lecture which had to be delivered by someone else. Cardinal Dulles was the Laurence J. McGinley Professor of Religion and Society at Fordham University for twenty years. Because of a recurrence of the polio he had contracted when in the United States Navy he could no longer speak and eventually became a prisoner of his body. He was forced to communicate and write using a stylus and a special computer—sufferings he bore with the courage and patience known only among the saintly. He had written in that last McGinley lecture: "As I approach the termination of my active life, I gratefully acknowledge that a benign Providence has governed my days. The persons I have met, the places I have been, the things I have been asked to do, have all coalesced into a pattern, so that each stage of my life has prepared me for the next. . . . It has been a special privilege to serve in the Society of Jesus. . . . The good life does not have to be an easy one as our Blessed Lord and the saints have taught us."

In the "Response to Farewell Address (A Labor of Love)," Father Robert P. Imbelli, associate professor of theology at Boston College, wrote in the foreword to the McGinley Lectures volume (*Church and Society*, Fordham, 2008), that he too recalled his early days as a student at Fordham University and his encounter with the young Mr. Avery Dulles, S.J., moderator of the Sodality. "If love for Fordham is a characteristic of the Dulles legacy, an even more defining feature is his love for the Society of Jesus, the brotherhood from which he has received much and to which he has given so much. . . . In the McGinley lectures, fruit of his lifelong labor of love, Avery Dulles has gifted us—not with the last word but with an authoritative, always enlightening work. And for this we are most deeply grateful."

"The Last Days of Avery Cardinal Dulles, S.J." is Sister Anne-Marie's most tender story. Because she worked with Cardinal Dulles for the last ten years of his life, she was able to give a first-hand account of the progress of his debilitating and crippling illness, the visits to doctors and physical therapists, his meeting with Pope Benedict XVI at St. Joseph's Seminary, Dunwoodie, and his final days of incredible suffering. Because Cardinal Dulles could no longer swallow he received the Holy Eucharist from the Precious Blood, which he received by means of an eyedropper. Sister Anne Marie understood all his signals, and so through her he was able to update a section of a book to which he had contributed several years before.

On the Feast of Our Lady of Guadalupe, December 12, 2008, at 6:30 a.m., Cardinal Dulles went to his eternal reward. Sister writes: "I was able to say my goodbyes in private. Cardinal Dulles looked so peaceful, and there was a slight smile on his face. His chin was resting on a throw pillow that bore the inscription: "Faith is being sure of what you hope for and certain of what you do not see."

Cardinal Dulles's body was taken to the chapel on the campus of Fordham University, where two funeral Masses were celebrated. His final Mass was at Saint Patrick's Cathedral, where his body had been in repose in the Mary Chapel. In his homily at the funeral Edward Cardinal Egan remarked: "Suffering had indeed figured mightily in the life of Avery Cardinal Dulles, a suffering accepted in loving union with the 'Suffering Servant'

on the cross, a suffering such I had once seen carved by a medieval artist into the left side of the face of the crucified Son of God."

Cardinal Dulles chose to be buried neither with the other cardinals in the crypt of Saint Patrick's Cathedral nor with his illustrious family in Arlington National Cemetery, but with his brother Jesuits in Auriesville, New York. Because of the inclement winter weather the internment could not take place until June 1, 2009. Father Patrick J. Ryan, S.J., the present McGinley professor, gave the homily at Auriesville. In that homily Father Ryan said: "Avery Cardinal Dulles of the Society of Jesus, after ninety years on this earth, has entered into the purifying glory of God. Throughout his sixty-two years as a Jesuit, Avery glorified God's name not the name of Avery Dulles. He lived his life *ad majorem Dei gloriam*: for the greater glory of God."

The Legacy of Avery Cardinal Dulles, S.J.—His Words and His Witness is a valuable research tool which inspires one to find and read Dulles's actual writings themselves, but it is also much more. It is a first-hand account of those who witnessed the noble life and an even nobler death of the man, the priest, and the cardinal whose motto was and is "*+Scio Cui Credidi*—I know Him in whom I have believed."

Will Many Be Saved? What Vatican II Actually Teaches and Its Implications for the New Evangelization by Ralph Martin [Grand Rapids, MI: William B. Eerdmans Publishing Co., 2012. xvi + 316 pp.]

Reviewed by Rev. Andrew McLean Cummings, Archdiocese of Baltimore

One might get the impression from recent indications of the Magisterium that the question in this book's title can be answered with a certain sanguinity. In his encyclical *Spe salvi* Pope Benedict XVI says we may "suppose" that "the great majority of people" will be saved (cf. n. 46). Speaking at a Wednesday audience, Blessed John Paul II had apparently gone further, raising the possibility that all might reach Heaven. The suggestion was deleted, however, from the official text, presumably at the pontiff's own request (see General Audience of 28 July 1999 in *Insegnamenti*, vol. XXII n.2, p.82, and all versions on the Vatican website except English). Leaving aside for a moment attempts to interpret these statements, there can be no doubt that for most Catholics—learned and unlearned alike—the fear of damnation went out with fish on Friday. Into the new culture of optimism steps Dr. Ralph Martin with a daring and powerful new book.

As the second part of his title indicates, the author is concerned not only with discerning the Magisterium's authentic teaching but also with fostering the New Evangelization. As Director of Graduate Theology Programs in the New Evangelization at Sacred Heart Seminary in Detroit and Consultor to the Pontifical Council for the New Evangelization, Martin has excellent credentials in this regard. He maintains that "one of the biggest obstacles to evangelization is the belief that all will be saved in their own way" (91), that is, without needing to hear and embrace the gospel.

It should be noted at once that Ralph Martin fully accepts the teaching of the Second Vatican Council on the possibility of salvation for those who do not know Christ. Indeed, the point of his book is to defend the full teaching of the Council, by highlighting a short but important passage that has fallen into oblivion. Aware that his efforts will appear to many as a rejection of Church teaching, Martin has taken the precaution of filling the first five pages of his volume with endorsements from high-ranking prelates and theologians known for orthodoxy.

The place in which the Council Fathers directly addressed the issue of the salvation of nonbelievers is *LG 16*. There it is affirmed that "those who have not received the Gospel" still have a relationship to the Church. Most closely related is the Jewish people, which "remains most dear to God." Then, recalling Saint Paul's affirmation of God's universal salvific will, the passage speaks hopefully of Muslims and of all who seek God, even those who may not have "arrived at an explicit knowledge" of Him. This key number concludes with two short sentences (in the original Latin), which Martin refers to as "16c." These two sentences place the preceding affirmations in perspective. We are reminded that *saepius* ("often" or "very often") those who do not know the gospel have "become vain in their reasonings," "exchanged the truth of God for a lie," and "are exposed to final despair." Consequently, "to procure the salvation of all these . . . the Church fosters the missions with care and attention."

The first goal of *Will Many Be Saved?* is simply to remind readers of the existence of these sobering lines. That *LG* 16c has been so generally ignored is an astonishing fact, which Martin brings to light. For instance, he notes that Karl Rahner avoids all mention of 16c, while commenting at length on sections 16a and b. This may come as no surprise, but similar omissions are shown to be nearly ubiquitous. Even the Navarre Bible, according to Martin, cites only 16b in its commentary on the question posed to Jesus in Luke 13:23, with the effect of appearing to rebut the Lord's stark reply. Indeed, a measure of the disregard into which *LG 16*c has fallen is the fact that merely highlighting its argument can make one seem out of step with the Church. For some reason, the Council's recognition of the *possibility* of salvation for those who have not accepted Christ was soon considered a *probability*, leading even to the widespread notion that virtually universal salvation is to be presumed. Martin suggests, on the contrary, that 16c was intended by the Council Fathers to forestall this very line of thought.

While Martin does not try to prove that an overly optimistic eschatology will hinder evangelization, he does record the drastic rollback of the missionary effort following the Council. He also cites various authors who have called for changes in the theology of mission in light of the cheery new outlook. For the most part, however, Martin simply considers it obvious that if one presumes that most or all will be saved without hearing the Word, then the motivation to preach it diminishes. After all, *LG* 16c clearly indicates (by the word *quapropter*) that a major reason for missionary activity derives from the uncertainty of salvation for those lacking the full range of helps provided by the Church. Support for Martin's stance has now appeared from a significant quarter: the participants in the recent Synod for the New Evangelization, held in Rome. High on the list of propositions which they sent to the Holy Father, one reads: "the Council reminds us, however, that evangelization is necessary for the salvation of all" followed by the complete quotation of the overlooked lines of *LG* 16.

Despite its pastoral relevance, *Will Many Be Saved?* is primarily a work of dogmatic theology. While making initial observations in chapter 2, Martin specifies his purpose:

"We are trying to determine what precisely the Church is teaching regarding one important question: What are the necessary conditions for and actual limitations on the possibility of non-Christians being saved without coming to explicit faith in Christ and membership in the Catholic Church?" (7). Toward this end, he proceeds in chapter 3 to trace the doctrinal development which culminated in *LG* 16, and in chapter 4 he examines the chief scriptural basis for the passage.

Martin's review of the development of the Church's understanding of the necessity of the Church for salvation is concise but well researched. He leads the reader through several stages, beginning with the application of the phrase *extra Ecclesiam nulla salus* to schismatic Christians. As the concept was extended to non-Christians, the possibility of salvation for those who came before Christ was always retained. Saints Augustine and Fulgentius of Ruspe provide particularly strict interpretations of the notion: now that Christ has come, faith is necessary, and those who have not heard—regardless of the reason—must fall short of heaven. This position is allied with attempts to grapple with the concept of original sin, leading Martin to include an extensive and enlightening footnote on limbo. While Saint Thomas introduces several insights upon which subsequent theologians will build, he himself cannot be considered an optimist on the question. Next, Martin points to the impulse given by the discovery of the New World. In particular, it was recognized that the presentation of the Gospel can be gravely deficient. By the mid-nineteenth century, it was generally accepted that, while faith was necessary for salvation, one needs to be personally culpable of a sin against the faith to be excluded. Martin records how Pius IX first formulated this doctrine as part of the papal Magisterium. Reiterated under Pius XII in the famous letter to Father Feeney, the same doctrine is found substantially in *LG* 16 which cites the Feeney letter in a footnote. In light of this gradual development, Martin plausibly concludes that only "huge leaps in logic" (56) can have produced the present day wave of salvation optimism.

Martin's examination of Sacred Scripture is mainly restricted to the first chapters of the Letter to the Romans, which is the primary reference point for *LG* 16c. Even this limited look at the Word of God reveals the Council document as a faithful echo of apostolic teaching. First, Martin recounts Paul's graphic portrayal of the woeful state in which fallen man finds himself, with a tendency to idolatry and slavery to sin. Nonetheless, the letter's reference to "keeping the law written on the heart" applies even to pagans, according to Martin, and corresponds to the "sincere seeking of God and attempting to do his will as they know it through conscience" of *LG* 16. Finally, however, Martin argues that Paul, like *LG* 16c, warns that finding salvation "through some response in faith to the revelation of God in creation or in conscience" (87) is a possibility fraught with hazards. Citing Joseph Fitzmyer, Martin notes that the gospel is needed to penetrate the darkness in which man finds himself. Indeed, he suggests that a "naïvely optimistic position" (90) on salvation provides evidence of this very darkness.

Chapters 5 and 6, which are respectively dedicated to the views of Karl Rahner and Hans Urs von Balthasar, account for almost a hundred pages or nearly half the text. Consequently, it is odd to find that Martin downplays them as an opportunity to "demonstrate the usefulness of a proper understanding of *Lumen gentium* 16" (93). In fact, the thorough analysis of the views of these two theologians is fully merited by the fact that observers of all persuasions will agree that they have done more than any other individuals to give life and voice to the culture of salvation optimism. Martin's treatment is meticulous, including an appendix on the theme. As a critique, it is measured yet effective. Martin shows that attempts to fit universalist aspirations into a Catholic framework produce cracks and bulges in other areas of theology: biblical exegesis, the image of God, and moral theology, for example. The determination of these theologians to resist arguments on all fronts begins to resemble a paranoiac putting off those who would reassure him. Tellingly, Martin quotes Rahner saying that "it is impossible to think that this offer of…grace made to all men… should in general (prescinding from the relatively few exceptions) remain ineffective" (122). One is reminded of Anthony Flew's insight about the persistence of atheists in their denial of God: they cannot conceive of any argument that might constitute a reason to reconsider the reality of God's existence.

One might imagine various possible root causes of this profound resistance to the traditional doctrine of the "two ways," yet Martin does not take time to speculate. However, the picture does emerge that the optimism of the latter half of the twentieth century may be a defensive response to the horrors of its first half. Balthasar identified the figure whose views on this issue most closely resemble his own as Edith Stein, who stood in the very midst of the maelstrom of evil. Likewise, Martin suggests that "Rahner is attempting to come to grips theologically with the shock of the collapse of Christendom" (110) and other realities that threatened to engender despair in thoughtful people. The irony of such a response to a bad situation is brought out by Martin: "How tragic if the promulgation of a theoretical or practical presumption that almost everyone will be saved actually became the cause of many people being lost" (189).

This explanation, at which Martin just hints, may be of help in understanding the seventh and final chapter of the book: "The Pastoral Strategy of Vatican II: Time for an Adjustment?". Here the author observes that Vatican II, in spite of the clear message of *LG* 16c, marked an abrupt end to the linkage of mission and salvation not only among leading theologians, but also in papal documents. While the suggestion of "a need for clarification" (284) of Pope Benedict's comment cited at the outset of this review has garnered most attention, in fact, Martin is respectfully requesting a much more far-reaching clarification. What accounts for the fact that, unlike *LG* 16c, no subsequent statement on evangelization, including the Council's own *Ad gentes*, Paul VI's *Evangelii nuntiandi*, and John Paul II's *Redemptoris missio*, affirms that the missions are directed to the salvation of souls? Does this signal a development of doctrine or simply a new pastoral strategy? Assuming the latter, Martin calls for a reassessment of that strategy. As anyone familiar with the history of missions in China and India knows, this wouldn't be the first time that an approach to mission needed rethinking.

Incidentally, the only ecclesiastic cited by Martin who also highlights the importance of recovering *LG* 16c is Bishop Thomas Mar Anthonios of the Syro-Malankara Catholic Church. Since this *sui iuris* Catholic Church has grown from five members to half a million in the last eighty years, its leaders just might know a thing or two about evangelization. So does Ralph Martin, and he deserves a hearing. *Will Many Be Saved?*, which is both accessible enough for a wide audi-

ence and deep enough for academic use, is already in its fourth printing. While there are some minor errors which new editions can remove, the work itself should endure as a classic in the field.

Robert Emmett Curran, ***Shaping American Catholicism: Maryland and New York, 1805-1915.***
Washington, D.C.: The Catholic University of American Press, 2012. vii + 308 pp. $69.95.

Reviewed by Thomas W. Jodziewicz, University of Dallas

Father Robert Emmett Curran is a careful scholar and an accomplished essayist. This book offers twelve of his essays, eight of which have been previously published (1978-2008). The selections are held together by an American Catholic historiographical framework that suggests the early (seventeenth through mid-nineteenth centuries) prominence of Maryland and the later shift of a Catholic center (remainder of the nineteenth century) north to New York. Featured in the Maryland half of the volume are explorations of Jesuit slave-holding and the slavery issue before the Civil War, as well as an essay that describes the issue of miracle cures in Washington, D.C., in the early nineteenth century. A theme to which Curran returns in the New York essays is the developing "devotional Catholicism" and ultramontanist flavor of American Catholicism appearing in the midst of an earlier Jesuit, republican, or Maryland tradition.

The New York essays describe not only a shift in the axis of the American Catholic community, but also the stirrings of a more "liberal" ecclesiology and a more modern approach to Church discipline, liturgy, and social activism. Father Edmund McGlynn, both as a member of a small set of "radical" Catholic clergy, the New York Acadèmia, and more famously as a champion of Henry George and his single-tax reform, is prominent in several of the essays. Setting himself sturdily in the way of such apparent heterodoxy is Archbishop Michael Augustine Corrigan, the subject of an earlier monograph by Father Curran.

Each of the various essays is interesting and Father Curran's prose and analysis are straightforward and informative. His narrative framework is deceptively simple since it might be argued that the passage from Maryland to New York which he discusses is really the enduring issue of self- and community-identification. The complex inculturation of the gospel in what would become the United States is perhaps even more of an issue today, given recent political developments. The tradition of suspicion regarding Catholics in the colonies and then in the new republic is not unknown. The ongoing, painful efforts to locate the old faith in a polity more open to the promise of the new than to the comfort of the old is not unknown either. The authentic calculus to apply to the challenge of finding a home for the faith in this democratic world, however, is not really democratic or the result simply of a majoritarian (and polled) consensus. A republican Catholicism as such is not possible if the modern touchstone is simply pro-choice, self-autonomy, and self-creation. The democratic solvent is powerful, but the *noun* remains Catholic and not American. And, yet, Father Curran's essays present a balanced appreciation of the reality, if not always the presence, of an acceptance of the American cultural imperative of discussion and explanation (and conflict) rather than simply the expression of authority. The challenge of the gospel in America is to listen and to respond, charitably and prudently, and even orally, from a hope that is informed and articulate and humble, and ever faithful. These essays offer the details of American stories that, through the nineteenth century, take their lead from the promise of a republican America that John Carroll imagined would be a blessed place for the faith and the faithful, as long as the faithful would embrace the faith.

Books Received

If you would like to receive one of these books to review for the Quarterly, please email Alice Osberger—osberger.1@nd.edu

Abandonment to Divine Providence: With Letters of Father de Caussade on the Practice of Self-Abandonment. Father Jean-Pierre de Caussade, S. J. San Francisco: Ignatius Press, (2011), 453 pp., paper.

Battle-Scarred: Justice Can be Elusive: Memoirs of John F. Kippley 1963-2010. John F. Kippley, (2011).

The Truth about the Good: Moral Norms in the Thought of John Paul II. Adrian J. Reimers. Ave Maria, FL: Sapientia Press, (2011), paper, 340 pp.

The City of God Books 1-10. Saint Augustine. Hyde Park, NY: New City Press (2012), paperback, 348 pp.

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Rev. Joseph. W. Koterski, S.J.
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EX CATHEDRA

Ross Douthat's *Bad Religion*

by J. Brian Benestad
Professor of Theology
University of Scranton

The *New York Times* columnist Ross Douthat is the author of *Bad Religion*: *How We Became A Nation Of Heretics* (1912). This is a book about the state of Protestant and Catholic Christianity in America. Douthat's thesis is that "America's problem isn't too much religion, or too little of it. It's *bad* religion: the slow motion collapse of traditional Christianity and the rise of a variety of destructive pseudo-Christianities in its place" (p. 3). These pseudo-Christianities, invented by individuals both well-known and unknown, justify just about anything that people want to do, even serious sins.

Douthat notes that American life has always given birth to heresies throughout the history of the United States, but until now orthodox Christianity always remained a strong presence despite the ongoing influence of the heresies. Since the 1960s "the river of orthodoxy has gradually been drying up" (p. 8). Douthat writes to make Americans aware of their new situation and to inspire them to recognize that the recovery of orthodox Christianity would benefit both individuals and the public life of the country.

Douthat suggests five catalysts for the decline of orthodoxy: "political polarization," "the sexual revolution," "the dawn of late twentieth-century globalization," "the religious consequences of America's ever-growing wealth," and the tendency of the movers and shakers in society to regard orthodox Christianity as déclassé. Political polarization occurred because

> [r]eligious leaders took too many positions on too many issues, indulged in Manichean rhetoric that overheated public policy debates, and generally behaved like would-be legislators or party activists instead of men of God. . . . Whether it was conservative Evangelicals hinting that the Holy Spirit had a strong position on the proper rate of marginal taxation, or liberal clergymen insisting that loving your neighbor as yourself required supporting higher levels of social spending, two generations of Christian spokesmen steadily undercut the credibility of their religious message by wedding it to the doctrines of the Democratic Party, or the platform of the GOP (p. 69).

From my study of the political activism of the U.S. Catholic bishops, I noticed that they tried to obviate the charge of partisanship by telling Catholic lay people that they sometimes speak as pastors and sometimes as political strategists. When they put on their strategic hat, say, in arguing for a certain amount of government spending, the bishops told lay people that they could freely disagree with their pastors. When they put on their pastoral hat, the bishops also taught the laity to give assent to their teaching because they spoke as pastors. The problem with this strategy is that most Catholics don't know their faith well enough to distinguish clearly between the pastoral teaching of the bishops and their political activism in areas where reasonable Catholics could legitimately disagree with one another. To make matters more complicated, the bishops rightly taught that all Catholics should be on the same page in opposing what Catholic doctrine called clear evils, such as abortion, euthanasia, and physician-assisted suicide (PAS). Recently in Massachusetts, the Catholic college presidents sent a letter to their alumni asking them to vote against the legalization of PAS this past Election Day. The student newspaper at Boston College objected, saying that the college presidents should have instead given the arguments for and against PAS and allowed Catholic alumni to make up their own minds. One can readily understand how students could get confused.

The second catalyst for the decline of Christianity's credibility was the sexual revolution. "Over the course of a decade or so," explains Douthat, "a large swath of America decided that two millennia of Christian teaching on marriage and sexuality were simply out of date" (p. 70). The birth control pill, by separating sex from procreation, enabled the poor, the middle class, and the rich alike to be "*safely* promiscuous" (p. 71). Many people stopped looking at marriage as an institution in which to have and raise children. "In 1960, more than 85 percent of American women agreed that 'almost all parents who can *ought* to have children,' but by 1980 only 40 percent agreed" (p. 71). Public approval of divorce and sex outside of marriage also became more prevalent. Many argued that things like contraception, abortion, and divorce were private matters about which the government should have no say.

> At the same time, a more sweeping idea gained ground as well—the conceit that many of Christianity's stringent sexual prohibitions were not only unnecessary but actively perverse. . . . So in the early years of the sexual revolution it was easy for many Americans, most of whom considered themselves good Christians, to decide that their faith's sexual ethic wasn't just outdated—it was repressive, cruel, and pernicious, a stumbling block to female advancement and a blight on healthy eroticism. This meant, in turn, that anyone who defended it must be either nostalgic for an age of sexual repression or else a helpless victim of false consciousness, unable to escape the burden of shame and guilt a religious upbringing had imposed (pp. 72-73).

When out of wedlock births and STDs increased, patriarchy was blamed for blocking access to sex education and birth control. Finally intellectuals and activists blamed Christians for opposing the spread of birth control, sterilization, and abortion in Third World countries and thereby condemning them to overpopulation.

The third cause of Christianity's decline is the perspective that arose from late twentieth-century globalization.

> The more the newfound global perspective exposed Americans to non-Western realms and cultures, the more skeptical they became about the idea that their particular faith (whether Catholic or Protestant) could claim to speak distinctively for God and truth. The more the world was swept up in the drama of decolonization and Third World empowerment, the more tainted Christianity seemed by its centuries of association with the now-discredited imperial projects of the European West (p. 77).

Christian doctrine found in the gospels, Saint Paul, and the Nicene Creed was blamed for fostering prejudice against Jews. The baby boom generation tended to believe that all religions were basically true. Even faithful churchgoers became less interested "in what their particular confession believed" (p. 77). Christian history was interpreted as an indictment of Christianity because of the Crusades, the Inquisition, Pius XII's alleged failure to deal rightly with Hitler, and the discovery of Anti-Semitism "in every era and in every institution" (p. 76). Of course, religious authorities were held in less regard and fewer people believed that the Bible was the actual Word of God. Only 34 percent of Catholics born in the 1940s or 1950s believed that the Catholic Church was "the one true Church" (p. 77). Douthat concludes his treatment of the new global perspective by noticing a striking irony: "Even as Western Christians were wrestling with their faith's complicity in racism, imperialism, and anti-Semitism, actual Third Worlders were embracing exactly the kind of dogma that their former colonial masters were suddenly desperate to get rid of" (p. 78). It is most probably true today that orthodox Christianity is more credible in Third World countries than in Europe or the United States.

Douthat describes the fourth cause of Christianity's decline as "the religious consequences of America's ever-growing wealth" (p. 78). Douthat contends that the growth of riches in America caused a decline of traditional belief, just as John Wesley predicted: "wherever riches have increased, the essence of religion has decreased in the same proportion" (p.78). The baby boomers wanted to fight poverty, but from a position of comfort. The ascetic ideals of the New Testament didn't appeal to many. To make matters worse, "the gospel [not a few] ministers preached tended to smile on Mammon and materialism" (p. 80). In short, love of money undercut orthodoxy.

The fifth cause of Christianity's decline stemmed from a sense of class. "[O]rthodoxy was less rejected than dismissed, reflexively, as something unworthy of an educated person's intellect and interest" (p. 81). Christianity became déclassé. The new breed focused on the "anti-Semitism, racism, sexism—and later, homophobia—that historic Christianity now stood accused of fostering" (p 81). It was still acceptable to have an interest in religion and spirituality, especially the exotic kind, but it was beneath one's dignity to take orthodox Christianity seriously. This attitude held sway in "the great universities and law schools, the major newspapers and networks, the powerful New York foundations and the upper reaches of the federal bureaucracy. . . . Among the tastemakers and power brokers and intellectual agenda setters of late-twentieth-century America, orthodox Christianity was completely déclassé" (pp. 81-82).

After describing all the bad religion in the United States, Douthat makes suggestions to overcome its harmful influence by proposing four touchstones for the recovery of Christianity: the "postmodern opportunity," an "ecumenical but also confessional" Christianity, a "moralistic but also holistic" Christianity, and finally, a Christianity "oriented toward sanctity and beauty." The meaning of these proposals is not self-evident on their face. By postmodern opportunity Douthat means that the rootlessness of modern life, widespread relativism and skepticism about the worth of the institutional church, could be a catalyst for Christianity to undertake the kind of reform that would enable it to

regain its former orthodoxy and standing. As examples of helpful developments, Douthat mentions the movement in theology known as radical orthodoxy (associated with John Millbank and other Anglicans) as well as the "emerging church" movement found among Younger Evangelical Christians. "In different ways, both of these movements are attempting to build Christianity from the ground up." Another movement, not mentioned by Douthat is the phenomenon of the New Evangelization in the Catholic Church promoted by John Paul II and Benedict XVI.

Another postmodern opportunity is for the Christian churches to withdraw in view of cultivating their own garden. Some have referred to this strategy as the Saint Benedict option. It "tends to assume that Christianity (whether Catholic or Protestant) must contract before it grows, with faithful believers forming communities that stand apart from postmodern culture and inspire by example rather than engagement" (p. 280). Pope Benedict has talked about this option in terms of faithful minorities. Other examples of a withdrawn Christianity given by Douthat are the actual Anabaptists (Menonites and Amish), the neo-Anabaptists associated with Stanley Hauerwas, who "envisions Christianity as a kind of parallel culture," Latin Mass Catholics, homeschoolers, and the self-segregating Mormons.

Still another postmodern opportunity is for the tired churches of Europe and the United States to draw inspiration from flourishing Christian communities in Africa, Asia, and Latin America. In other words, global Christianity could come to the rescue of the faltering Christianity in the developed world. "This looks like a new thing in world history—the developed West as a mission field; the Third World as the source of missionaries and parishoners, clergy and zeal" (p. 283). The other possibility envisioned by Douthat is that the heresies of the West become those of Third Word countries. Douthat implies that it is too early to tell which way things are going to go.

In the meantime, while the fate of Christianity on the macro level hangs in the balance, individual Christians can live the faith in their day-to-day lives. This faith should be "political without being partisan" (p. 284). Christians have an obligation to imbue the political and social order with good things. "The fact that there is no single model for a Christian politics, no uniquely godly leaders or nations or parties, doesn't absolve Christian citizens of the obligation to bring their faith to bear on debates about justice and the common good." (p. 284). In other words, Christians should imitate what Martin Luther King did, even in areas where there isn't agreement among Christians on the best way to proceed. Christians will inevitably disagree with one another on the best options in the present moment. Republican and Democratic Christians have to break with party lines that embrace harmful policies. Douthat mentions that libertarianism on the right "can shade into an un-Christian worship of the individual and liberalism on the left "can provide a warrant for libertinism" (p. 285).

The second major way to reform is for Christian churches to be confessional above all, but also ecumenical. The Christian churches must find a way to educate their members in the whole faith and not rest content with ecumenical cooperation on political causes. "The political causes that often unite believers from different churches cannot be allowed to become more important than the gospel itself" (p. 286). And, of course, the gospel should not be identified with this or that debatable public policy.

The third suggestion for reform is for the Christian churches to teach all of Christian morality, not just what people are willing to hear. The efforts to make Christian sexual teaching more palatable to "America's many millions of divorced people, [cohabiting] couples, and (especially) gays and lesbians . . . have usually ended up redefining Christianity entirely" (p. 288). In addressing sexual morality, the Church should not just focus on homosexual wedlock "and the slippery slope to polygamy beyond" (p. 289). "It is the *heterosexual* divorce rate, the *heterosexual* retreat from marriage, and the *heterosexual* out-of-wedlock birthrate that should command the most attention from Christian moralists" (p. 289). Another unpopular teaching that must not be omitted is that on greed. As a model for a priest's homily on the subject Douthat includes an excerpt from the fourth-century theologian Saint Basil the Great. "The bread that you possess belongs to the hungry, the clothes that you store in boxes, belong to the naked. The shoes rotting by you, belong to the bare-foot. The money that you hide belongs to anyone in need. You wrong as many people as you could help" (p. 289).

The fourth and final suggestion made by Douthat is for Christianity to focus on beauty and sanctity. Douthat quotes Cardinal Joseph Ratzinger on the subject: "the only really effective apologia for Christianity comes down to two arguments, namely, the saints the church has produced and the art which has grown in her womb" (p. 292).

Douthat doesn't get everything right, especially his interpretation of Vatican Council II, but he has written a fine book that is enlightening in many areas, not a few of which I could not discuss in this short article. ✠

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