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

THE PRESIDENT'S LETTER

2016 Will Be a Year of Important Developments

by William L. Saunders, Esq.
Senior Vice President and Senior Counsel
Americans United for Life

Friends:

As I write this letter, we have entered into the third week of Advent. We continue to prepare for the Nativity and the celebration of the Christmas season. By the time you receive this, we will have certainly entered into 2016.

2016 will certainly be an important year. This is so for many reasons, not least of which is that we will elect a new president. The new president will have, to say the least, a significant impact in shaping the future of the country, not least by his or her nominations to the Supreme Court. The Court will review the HHS mandate cases (i.e., lawsuits filed to challenge the mandate by the Department of Health & Human Services that every insurance plan cover “preventive services,” including contraception and sterilization and certain abortifacients). Many religious organizations believe they can comply neither with this mandate nor with the “accommodation” for “opting-out” without being morally complicit in the underlying moral evil. The Supreme Court will rule on the case by the end of June. Likewise it will rule on a challenge to a Texas law that requires (1) that abortion facilities comply with the standards all other “ambulatory surgical centers” follow and (2) that abortionists have admitting privileges in a local hospital (in case the woman needs to be admitted to a hospital following the abortion). The Court will decide if such local laws are permissible under its decision in *Gonzales v. Carhart* in 2007. It is the first abortion-related case to reach the Supreme Court since then and the outcome will indicate what can and cannot be done by state legislatures regarding abortion. The *Gonzales* case indicated state legislatures could act as they do in all other situations, i.e., when rationally related to a legitimate governmental purpose.

Currently, four members of the Court are either in their late seventies or early eighties—Ruth Bader Ginsburg, Antonin Scalia, Anthony Kennedy, Stephen Breyer. It seems certain that, because of age-related and/or

health issues, at least one of them will leave the Court during the four years of the next presidential term. Since the Court often splits five votes to four on decisions related to the right to life (eg, *Gonzales v. Carhart* is an example), new justices will have a decisive impact on the balance of power. We can only pray that the next president will be one who recognizes that the role of a Justice is not to make up the law, or to put in place his or her policy preferences, but is to apply the Constitution and other federal laws as written. Otherwise, the American people—you and I—lose the right to govern themselves.

As I write, we have concluded our annual convention in St. Paul, Minnesota. It was held in the historic St. Paul Hotel in the lovely city of St. Paul. We had

Sunday mass in the historic and beautiful cathedral. We had a wonderful time and enjoyed a challenging and stimulating program put together by our program committee. Awards were presented to Bishop Thomas Olmstead of Phoenix (for public witness), to Matthew Levering (for scholarly work), and to our past president, Father Joe Koterski (for service to the Fellowship and the Church).

Next year's convention will take place in Washington D.C. The theme will be "Science and Religion." With the 2016 convention, we will return to our usual practice of holding our annual meeting during the last full weekend of September, i.e., September 23-25. I look forward to seeing you there! Please make plans to attend. ✠

Resisting the Death Movement

Compassion for the sick and elderly shouldn't lead to assisted suicide

by *William L. Saunders, Esq.*
Sunday, May 3, 2015 for the Washington Times

Spring may be here, but death is in the air. At last count, more than 20 states have introduced bills to legalize assisted suicide this year. For comparison, at this time last year, only seven states had done so. That's a jump of three times the number. What explains the increase?

No doubt some of the increase is connected to the case of Brittany Maynard, whose tragic situation received a great deal of media attention throughout the fall. Brittany was a young woman diagnosed with brain cancer who moved from California to Oregon for the express purpose of taking advantage of Oregon law permitting assisted suicide—she went to Oregon to have assistance in killing herself. Before ending her life, though, she engaged in a social media campaign to advocate for the right to assisted suicide throughout the United States and to record her journey toward death.

It's important first to note that no federal or state-

wide right to assisted suicide exists in the United States. In fact, the Supreme Court issued two landmark rulings in 1997 that established that our Constitution does not provide such a right, even as "implied" from the "liberty" right in the 14th Amendment.

Most Western courts have refused to imply such rights, until Canada became a recent outlier in February. Courts have understood that recognizing such a right has widespread consequences for society, such as undermining the healing role of the medical profession and giving credence to the notion that some people are "better off dead." It has been understood that undue pressures may be brought to bear on the sick and elderly if life was not held out as the goal of treatment.

The second thing to notice about the large number of bills seeking to legalize assisted suicide is that this is a move in the opposite direction from our previous choices as a society. Assisted suicide is usually criminalized. In other words, in the overwhelming majority of times and places, most citizens have recognized that making legal the killing of one person by another, even

at that person's request, is a bad idea.

Only three states in the United States have legalized it, one of which is Oregon. To state the obvious—but important—corollary, that means more than three-quarters of the states still prohibit it to this day. Therefore, it is clear that advocates of assisted suicide still have a long way to go to convince the American people that legalized assisted suicide is a good idea.

And it is not a good idea. Despite the empathy we all feel for a suffering person, we should not abandon them. That is what assisted suicide does—it abandons the sufferer to his fate. No doubt, many people who support legalizing assisted suicide think that doing so helps the suffering patients. But in the end, it doesn't. All it does, sadly, is kill them.

Clearly, many people were justifiably moved by the case of Brittany Maynard, but how many know of Kara Tippetts? Kara, like Brittany, was a young woman diagnosed with an aggressive form of breast cancer. Like Brittany, Kara went on social media to record her struggle with the disease. And like Brittany, Kara eventually succumbed to the disease. But unlike Brittany, Kara chose not to seek death through assisted suicide. Instead, she chose to open her suffering to the loving actions of others. She urged Brittany in an open letter on the Internet to walk through her experience to the very end with loving people by her side.

Consider Kara's moving appeal to Brittany: "Dear heart, we simply disagree. Suffering is not the absence of goodness, it is not the absence of beauty, but perhaps it can be the place where true beauty can be known. In your choosing your own death, you

are robbing those [who] love you the opportunity of meeting you in your last moments and extending you love in your last breaths."

Kara treasured every moment of her life, urging Brittany to do the same. And Kara allowed her doctors to accompany her in her journey and to provide her with gentle care in her last moments, as doctors have done for centuries pursuant to the ancient Hippocratic Oath.

None of this is to criticize Brittany or those who loved her; indeed as fellow Americans and as people who also one day will die, our hearts go out to them. But it is to say that when it comes to making public policy, Kara's was a deeper wisdom. Our obligation as citizens is to help, to heal, to reach out to those who suffer and who face death. This, after all, is the meaning of "compassion," which means, simply, "to suffer with."

Assisted suicide, whatever the motives of its proponents, amounts to abandonment. In the public space rightly left by the Supreme Court to the people to decide this momentous issue, we should reject the legalization of assisted suicide. ❧

William Saunders is senior vice president for legal affairs and senior counsel for Americans United for Life, and a member of the Supreme Court bar.

Since the date of this article, California became the fourth state to enact a right to assisted suicide through the legislature. It should be further noted that Montana, by means of a judicial decision, occupies an anomalous place—assisted suicide is not prohibited there, but neither is it recognized as an affirmative right.



Carpaccio's Mysterious Painting

by Joseph W. Koterski, S.J.

Why would a painter put into one of his works a considerable quantity of Hebrew letters that seem to be mere gibberish? There is much fruit that can come of posing this question for Vittorio Carpaccio's *Meditation on the Passion*.

It is a small painting (27 3/4" x 34 1/8") and currently hangs in the Metropolitan Museum of Art in New York City.¹ As its title suggests, it not a narrative painting but a scene for meditation. Ever since Claude Phillips's exposure of the spurious Mantegna signature and his identification of the painting as by Carpaccio,² its attribution has been generally unquestioned. Yet, there is much about this painting that remains under debate in the scholarly literature. Even the proper identification of the two figures who flank the dead body of Jesus was for a long while in question,³ and the significance of the composition as a whole has long seemed mysterious. Paradoxically, even the apparent unintelligibility of the Hebrew text can shed some light here.

1. The Painting

At the center of the painting is a stone throne in red and cream marble on which we find the corpse of Christ. The upper right corner of the throne (that is, on the left, as we see it) has been broken off and lies on the ground. Seated on stone pediments to the left and right of the throne are two living figures. One faces the enthroned Christ, the other looks out towards us. Behind one of them is a rough landscape, with an outcropping of rocks and a cave, along with some wild animals (a doe eating grass, a leopard attacking a deer, and a wolf). Behind the other is a tilled landscape, again with animals (a pair of rabbits, a stag pursued by a leopard), and in the distance, a small group of people. On the ground there are various human bones and small chips from the upper portion of the throne that has cracked off, and a crown of thorns has been propped against the pediment. There is a darkly colored bird flying upwards and away from the dead body of Christ and a red bird sitting on the side of the throne facing Job.

Why is the body of Jesus shown on a stone throne?

The Gospel accounts make clear that after the deposition from the cross His body was wrapped in a linen shroud and laid in a rock-hewn tomb that had never before been used.⁴ In the absence of any suggestion in the historical record that His body was placed on a throne, we can readily recognize in this placement that the painting is making a symbolic statement of some sort, but what does it say?

The figure on Christ's right has been variously identified, but the current interpretation takes him to be St. Jerome, especially in light of the books that are at hand, the prayer beads made of bones, and the lion.⁵ If the explanation that will be offered here for the mysterious Hebrew letters on the throne is correct, there will be additional reason to think that this figure is indeed Jerome. Among the various suggestions that have been supplied for the identification of the figure on the left side of the throne, the prevalent view points to Job,⁶ and here too it may be possible to provide additional confirmation by consideration of the curious Hebrew lettering on the pedestal where he sits. Why are these two figures in the painting, and how are we to read them?

2. Theological Considerations.

There are various theological considerations that may help us to understand the relationship of the elements within the painting to one another. In particular, we would do well to consider the following themes: the interpretation of the Scriptures through the tradition of the four senses (suggested by the figure of Jerome); the covenant, in general, and more specifically, the covenant with King David (suggested by the throne); and the significance of innocent suffering (suggested by Job). In the final section of the paper we will use the theology of recapitulation in and by Christ to integrate the various elements of the painting and the theological ideas they suggest, with special focus on the dead body of Christ resting upon the throne in relation to Job and Jerome. Within this section of the essay we will see that the mysterious lettering plays a role of some importance by suggesting that neither the promise made to David nor the divine permission that allows the suffering of Job makes sense, unless seen in light of the Christ.

2a. Jerome and the Four Senses of Scripture

In the figure of St. Jerome we have the image of the reclusive scholar who produced not only the Vulgate translation of the Bible but also numerous commentaries.⁷ The frequency with which Jerome is portrayed in early modern art is astonishing.⁸ Some of the renderings of St. Jerome are truly endearing, for we often see in his company the lion from whose paw he had plucked a thorn (no coward, this curmudgeon!), and there are numerous paintings of his last reception of Holy Communion. Often, as here, he is shown living in the wilderness as an iconic way of expressing the ascetical discipline required for his scholarship. In recognition of his scholarly service to the Church as the translator of the Scriptures and as a prodigious commentator on them, we regularly see him with the red galero of a cardinal (despite the anachronism, for the office of cardinal was only created much later⁹).

For deeper insight into Carpaccio's painting, my suggestion is that we take Jerome to be engaged in contemplating the figure of the dead Christ as the new David, his dead body resting upon the throne of David, and as the new Job, his own suffering a recapitulation of the innocent suffering of Job. Interestingly, there is no Hebrew lettering on the pedestal where Jerome sits, but his dexterity in employing the four senses of Scripture provides a crucial interpretive key for resolving what seems mysterious about the placement of the dead body of Christ on the throne and for the very presence of Job in this painting. On both the throne and Job's pedestal we find the mysterious Hebrew lettering as an artistic way of suggesting the unintelligibility of these figures without the interpretive key.

In his commentaries on various books of the Old Testament that Jerome translated into Latin, including his *Prologus* on the book of Job,¹⁰ he reflects on the problems of biblical interpretation. His views are complex and often subtle, but of special note here is his commitment to the ancient rubric that has come to be known as the four senses of Scripture. For this view, the Bible is taken to have four levels of meaning ("four senses"). There is (1) the literal sense (*viz.*, what the human author under divine inspiration intended) as well as the three spiritual senses (so called because intended by the Holy Spirit who inspired the scriptural author). In the traditional terminology, the spiritual senses have the following names: (2) the allegorical (but perhaps better, the typological), (3) the tropological (*i.e.*, the moral), and (4) the anagogical (the sacramental).

Whatever the divergence of opinion among scriptural commentators on just how each of these senses is to be understood,¹¹ there is widespread consensus among patristic and medieval authors about the normative standing of the four senses for proper biblical interpretation,¹² and they often provide a crucial interpretive key for sacred art.¹³

For present purposes, let us concentrate on just two of these four senses, the literal and the allegorical (*i.e.*, typological). They are particularly important for understanding this painting, but since both of them are commonly misunderstood, we would do well to discuss them briefly in a general way before using them for the interpretation of this painting. It is common coin with patristic and medieval authors to assert that every text of Scripture has a meaning at the literal level. Understandably (but mistakenly), the literal sense is often contrasted with what is called the "figurative meaning" and then taken as if it were always asserting some historical claim.¹⁴ When readers find it impossible to believe that a given text could be making an historical claim, they are inclined to conclude that not everything in the bible can or should be taken literally. This conclusion, however, is misguided—not because everything in the bible should be taken historically, but because of a misunderstanding about the meaning of the term "literal sense."

What the term "literal sense" designates is the meaning that the human author under divine inspiration intends. Thus, in some books (*e.g.*, the Gospels of the New Testament, or books like *Exodus*, *Judges*, 1 and 2 *Kings*, 1 and 2 *Chronicles*) the human author may be intending to make an historical statement, but often what the human author intends is not an historical claim but a metaphor or some other figure of speech (*e.g.*, "The Lord is my rock..."¹⁵). Likewise, the author may be using some literary form (*e.g.*, midrash, parable, etc.) to tell a story. These elements of human literary creation are still part of the literal level of the Scriptures. When the human author intends to tell a story, whether for some purpose germane to the historical account (*e.g.*, Nathan's tale to David at 2 *Samuel* 12: 1-14 about the poor man and his beloved lamb) or for some allegorical purpose (*e.g.*, the parable about the trees in *Judges* 9: 6-15), the plain sense (the story as a story) is the proper interpretation of the words at the literal level. It is only when we grasp that the term "literal sense" includes such things as metaphors and similes, stories, ironies, and even complex literary genres like allegories that we will be able to appreciate the recurrent patristic and medieval affirmation that everything in the Bible has a literal sense.

What the tradition calls the allegorical sense might be better named the typological sense. In fact, recognition that the literary genre called allegory is actually part of the literal sense helps to make clear why it is preferable to use some different sort of terminology here, even if the term “typological” involves technical difficulties of its own. The general notion operative here is that the life of Christ recapitulates¹⁶ the lives of the figures of the Old Testament (as if the whole series of individuals were parts of a single lifetime, that of God’s chosen people), but at each point completing what is incomplete, perfecting what is imperfect, and sanctifying what is sinful. For this approach to biblical interpretation, the Old Testament figure or event is the “type” and the corresponding part of the life of Christ is the “antitype,” using the term “anti-” in order to focus on the “correspondence” of one thing to another. This typological understanding of what is traditionally called the allegorical sense is thus not merely a recognition that there are individuals, details, and events that are somehow symbolic of other things, but that there is a normative pattern to the way in which the symbolic communication works. It is the life of Christ that is the regulative principle here, and it is he who is the New Adam, the new Isaac, the new Moses, and here the new David and the new Job.

What is particularly relevant about this hermetic for the question of our painting is that the typological sense often begins with seeing Christ as the fulfillment of something prefigured earlier in the Bible. Yet, it is not limited to the notion of prefiguration and fulfillment, as if the controlling narrative were the chronologically earlier account and as if New Testament authors were busy about the project of showing how Jesus fulfilled something predicted or prefigured.

In order to grasp why patristic and medieval commentators were so insistent that the whole of the Bible has a literal sense, we needed to correct a popular misconception about the proper meaning of the literal sense. There is also a need to stress a technical point about the relationship between Type and Antitype in order to understand why these authorities are equally intent on the claim that the life of Christ gives meaning to the earlier figures and events.¹⁷ It is not that the writers of the New Testament were shaping their account of Christ to fit some need to ensure that Christ fulfilled what had been prefigured, let alone that Christ himself slavishly followed the script that he found in what had preceded him.

Rather, the understanding that is at work here is

that the Holy Spirit inspired the earlier writers to compose their account at the literal level in such a way as to be the Type of what Jesus the Antitype would say and do to bring to completion God’s plan for redemption. Appreciating the typological sense of the Bible means seeing in the life and actions of Christ the ways in which God is completing what is incomplete, perfecting what is imperfect, and sanctifying what is sinful. Further (and perhaps an implication relevant to the significance of the painting here in question), our task as believers is to learn to recapitulate in Christ the Antitype rather than to recapitulate in the incomplete, imperfect, and sinful patterns that are present in the Type and that Christ took up in his own life.

Jerome’s commentaries are replete with evidence of his attentiveness to this style of exegesis. For present purposes, let us consider but one telling example. In his *Expositio interlinearis in librum Job*, Jerome begins by writing: “Job dolens interpretatur: typum Christi ferebat” (“If the grieving Job would be [rightly] understood, He bears the type of Christ”).¹⁸ Jerome then compares Job and Christ as two innocent men who were punished and suffered for their faith. Yet his point is not simply that there are parallels, but that by His death Christ chooses to suffer fully what Job was made to undergo.

2b. The Stone Throne and the Promise to David

The body of Jesus at the center of the painting rests on a badly damaged stone throne. Frederick Hart helpfully suggested that the iconography here should be read by taking the throne as “ruined Israel.”¹⁹ But, as we will see below, the presence of Jesus, so often called “the Son of David,”²⁰ gives us reason to think that Carpaccio would have us read this image of a large stone throne even more specifically as the throne of King David. It is a symbol not only of his power and authority in general but also of his covenant with the Lord and the promise made as part of that covenant that there would always be a descendant from his loins to occupy that throne. In choosing to represent the throne as made of stone, the artist lets the durability of the material represent the everlasting nature of the promise that God made. But in having the upper right corner of the stone broken off, the artist has found a pictorial way to raise the question

about this promise that is posed by the non-Davidic kings who occupied the throne after the return from the Babylonian exile in 539 B.C.

At this point we encounter a question about the literal meaning of certain texts. In regard to the texts about the covenantal promises made to David, it seems reasonable at the literal level of meaning to presume that there is warrant for expecting that God had promised an unbroken line of succession for David's posterity. One might, for instance, come to this conclusion from the giving of this promise in *2 Samuel* 7: 1-17. The making of this covenant is part of the Lord's response to David's plan to build a Temple. The prophet Nathan is initially inclined to think that this will be pleasing to God. But, because there is so much blood on the hands of David from his many wars, the LORD directs Nathan to defer even the beginning of its construction until the time of Solomon. God does, however, assure David that He will continue to use for His dwelling among the people the same tent that He was content to use since the time He liberated them from servitude in Egypt. Nathan further explains that, instead of having David construct a house for God, "the LORD declares to you that the LORD will make you a house" (*2 Samuel* 7:11b)—not a physical building but a lineage.

The promise that there will forever be a descendant of David upon the throne of Israel is thus described to David in terms of the successors to his son (i.e., Solomon): "When your days are fulfilled and you lie down with your fathers, I will raise up your offspring after you, who shall come forth from your body, and I will establish his kingdom. He shall build a house for my name, and I will establish the throne of his kingdom forever" (*2 Samuel* 7:12-13). Not only does the LORD speak of the covenant relation that is being created here in the terms of greatest intimacy ("I will be his father, and he shall be my son"—*2 Samuel* 7:14), but the LORD promises never to remove His merciful love, even when it will be necessary to give some chastisement for sin. The promise is then repeated directly as a promise to David about the perpetuity of his descendants on his throne: "And your house and your kingdom shall be made sure for ever before me, your throne shall be established forever" (*2 Samuel* 7:16).

In addition to this account of the promise as part of God's covenant with David in chapter seven of *2 Samuel*, there is a parallel description in *1 Chronicles* 17: 1-27 as well as similar references in the *Psalms*, including Psalm 45 [44]: 6-7 (a passage that is taken up in the New Testament at *Hebrews* 1: 8-9), Psalm 89 [88]: 3-4,

27-29, 34-37, and Psalm 132 [131]: 11-12 (taken up at *Acts* 2:30). The account of David in the book of *Sirach* also contains a reference to this promise (see 47:11 and 47:22).

To appreciate the seriousness of this covenantal promise, it may help here to consider briefly the centrality of the covenant for biblical religion. The idea of the covenant is foundational for all biblical theology, both in the account of God's relation to the whole of nascent humanity (the covenants with Adam and with Noah) and more specifically in regard to His chosen people (the covenants with Abraham, Moses, and David).²¹ In addition, there is a promise recorded in *Isaiah* and *Jeremiah*²² that God will make a new and eternal covenant—a covenant that Christians understand as the New Covenant that is at the heart of the New Testament, the new and eternal covenant in Christ.²³

Interestingly, the use of the term "Testament" in the phrases "Old Testament" and "New Testament" risks inadvertently obscuring the centrality of the notion of covenant. At issue here is the bifurcation in English and many other modern languages of terminology that united in a single term for expressing the ideas of (1) the sacred relationship between God and His Chosen People (covenant) and (2) the group of books that record this relationship and its history. In Hebrew the term is *berith*; in Greek, *diatheke*, and in Latin, *testamentum*. But in a language like English we differentiate between *covenant* and *testament*; Spanish similarly differentiates between *alianza* and *testamento*. In fact, the reason why we call the first collection "the Old Testament" is that it is a group of biblical books (scripture) that record what has been handed down (tradition): the relationship (covenant) of God and the people He has chosen (divine self-disclosure, revelation).

Among the many issues that would invariably emerge in the study of so complex a notion as covenant is the question of whether there is just one covenant, two covenants, or many. Without entering into that debate here, let it suffice to say that there is merit to each of these answers. In the course of history, there were many covenants (with Adam, Noah, Abraham, Moses, David). If we take the pre-Christian covenants together in juxtaposition with the new and eternal covenant made in Christ, one may rightly say that there were two. But by focusing upon the way in which the definitive covenant made in Christ includes and perfects everything that came before it, one may rightly speak of a unity in regard to God's creation of the covenant.

In the painting under consideration here, the cracked

throne seems to me to suggest not only ruined Israel, but the unintelligibility of the texts that record the promise of an everlasting line of successors upon the throne of David. At very best, the Hebrew on the headboard and the footboard of the throne is obscure, for God's covenantal promise seems to have failed. It becomes intelligible again only when the spiritual senses of scripture championed by figures like Jerome are brought to bear. Like a kaleidoscope coming into focus, it is the dead body of Jesus resting upon the throne. Here is one who was regularly called "Son of David" in the Gospels, and one whom New Testament writers often designate in this way.²⁴ Unlike Israel's previous kings—especially those who fell into idolatry and whose conduct earned the reproaches of God through the prophets—this Son of David has done the royal deed of dying on behalf of His people. His crown is a badge of honor for His sacrifice, and it can rest at His feet like He rests upon the throne. By His sacrificial death Jesus is worthy to be recognized as the eternal king who fulfills the promise God had made.

2c. The Suffering of the Innocent Job and the Expiation of Sin by the Shedding of Blood

The biblical version of the perennial question of theodicy²⁵ is suggested by the figure of Job. Job regularly maintained his innocence when questioned by his conversation partners.²⁶ What justification can ever be given for the suffering of the innocent? A satisfactory answer to this question only comes by bearing in mind the equally biblical notion that sin is expiated only by the shedding of blood.²⁷ Once again here the spiritual senses of the scriptures so much associated with the figure of Jerome allows us to understand the relationship of the figures of Jesus and Job in this painting.

The figure of Jerome—at the left as we view the painting—faces in the direction of Job as well as the dead body of Christ upon the throne. He looks outside of the painting toward us, but by catching the observer's eye, he draws us into his perspective. The figure of Job faces Christ from the other side. Read symbolically and theologically, the painting invites us not only to consider the promise of God to David that there would forever be a descendant of his house upon that throne but also to recognize that Jesus is one who is completely innocent and suffering not for His own sins but on our behalf.

Like the mysterious texts on the headboard and footboard of the throne, there is also the obscure He-

brew text under the feet of Job. Whether we accept the partial reading suggested in Hartt's article²⁸ or simply accept it as unintelligible as it stands, it seems reasonable to take the presence of this obscure writing as indicating that there is something not able to be understood about the suffering of the innocent. The mystery disclosed by the book of *Job* will only make sense in Christ, much as the promise of God to David seemed closed off to intelligibility once kings of David's line ceased to rule Israel at the time of the Babylonian exile. The resolution is not a philosophical theodicy (as if there a way somehow to uncover the justice in allowing the innocent to suffer), but a theodicy of redemption. The forgiveness of sin comes only with the shedding of blood, and the merciful plan of God calls for the suffering of the one who is perfectly innocent to be the redeemer.

3. Recapitulative Theology and the Mysterious Writing

The central idea of the recapitulative theology at the heart of the typological reading of scriptural texts is that Jesus recapitulates the life of Israel—at every step, completing what is incomplete, perfecting what is imperfect, and above all sanctifying what is sinful. It seems to me that this painting is a meditation piece about the recapitulation of David and of Job by Jesus.

The warrant for this conclusion is suggested by the position of the dead body of Christ on the throne. The figures of Job and of Jerome are involved in contemplation. Job has indeed suffered, and the book of *Job* has asked the question about innocent suffering in a dramatic way. David is not present as a figure, but the covenantal promise made to David is at the center of the painting by virtue of the broken, damaged throne. What is surprising is to find the throne occupied, and what is more, occupied by the dead body of Jesus.

The reason for the mysterious lettering has come into focus. The covenant promise to David seemed unintelligible to Israel so long as there were no descendants from his line on the throne of Israel after the Babylonian Exile. Likewise, the suffering of the innocent—then and now—seems unintelligible on purely human terms. But having Christ at the center gives new meaning. For this, the interpretive key is the figure of Jerome—a figure with whom no Hebrew text is associated, but one who can read these texts in the light of Christ.

As a descendant of David (as the genealogies of

Matthew and *Luke* take such pains to make clear), Christ has done the truly royal deed of dying for His sinful people. He thereby sanctifies them and makes the grace of sanctification available for all of humanity. He is the new Job—the one who completes and perfects what is noble and inspiring about Job, but still incomplete and imperfect. His shedding of blood effects this purification and sanctification. The shedding of His blood, once and for all, is the replacement of the entire tradition of animal sacrifice, not by a return to the sinful practice of child sacrifice but by the voluntary shedding of His own blood.

With the artist who saw these things, we viewers should adore Him. ✠

ENDNOTES

- 1 In the Metropolitan Museum of Art, it may be found in Gallery 606.
- 2 Claude Phillips, “An Unrecognized Carpaccio,” *Burlington Magazine* 19 (1911): 144–52.
- 3 The question is discussed at length in Frederick Hartt, “Carpaccio’s Meditation on the Passion,” *Art Bulletin* 22/1 (1940): 25–35.
- 4 See *Matthew* 27: 57–60; *Mark* 15: 42–47; *Luke* 23: 50–56; *John* 19: 38–42. See also *Acts* 12:29.
- 5 Phillips uses these items for his identification of the figure as Jerome, and subsequent scholarship has been in agreement.
- 6 Hartt credits the work of Gustav Ludwig’s insight about the connection between the *Sacred Allegory* of Giambellino and the *Pèlerinage de l’Âme* of Guillaume de Dégueville for making this identification possible, for the representation of Job in these works gives warrant for taking him to be the figure on Christ’s right hand in this painting. See Gustav Ludwig, “Bellinis Religiöse Allegorie,” *Jahrbuch der Königlichen Preussischen Kunstsammlungen* 23 (1902): 163f.
- 7 See J. N. D. Kelly, *Jerome: His Life, Writings, and Controversies* (New York NY: Harper & Row, 1975); Eugene F. Rice, Jr., *Saint Jerome in the Renaissance* (Baltimore MD: The Johns Hopkins University Press, 1985).
- 8 For instance, Georges de la Tour’s *Jerome* (Nationalmuseum, Stockholm). From the brush of de la Tour we also have the luminous *Job raille par sa femme* (Musée départemental d’Art ancien et contemporain, Épinal).
- 9 See “Cardinal,” *New Catholic Encyclopedia*, 2nd ed. (Detroit MI: Gale, 2007 [2003], 3: 103–08.
- 10 Jerome [Hieronymus], *Prologus in libro Job de Hebraeo translato* (Turnhout: Brepols, 2010), based on *Biblia sacra iuxta Vulgatam versionem*, ed. B. Fischer, J. Gribomont, H.F.D. Sparks, W. Thiele et R. Weber (1975). Pp. 731–32.
- 11 The most complete treatment of the four senses of Scripture that I know is that by Paul M. Quay, S.J., *The Mystery Hidden for Ages in God* (New York: Peter Lang, 1995), which builds on the understanding of this hermeneutic in Henri de Lubac, S.J., *Medieval Exegesis*, translated by Marc Sebanc and Edward Macierowski, 2 vols. (Grand Rapids MI: Wm. B. Eerdmans, 1998; original French text, *Exégèse Médiévale* (Paris: Aubier, 1959). For a brief statement of the four senses in ecclesial context, see *Catechism of the Catholic Church* §115–30.
- 12 The *Catechism of the Catholic Church* makes clear the abiding relevance of these four levels of meaning for biblical interpretation. See §117 for the *Catechism*’s acceptance of the traditional terminology and §§127–29 for its helpful replacement of the term “allegorical” with the term “typological.”
- 13 For instance, in the set of four paintings that Georges de la Tour did of the conversion of Mary Magdalen, the sacraments of reconciliation and baptism are suggested in the composition of the painting, used biblical images understood anagogically.
- 14 Caution is needed here, of course, in order to respect the various things that can be meant by “history” and “historical claim.” The term “history” is not one-dimensional or purely univocal. The Synoptic Gospels, for instance, are historical accounts, yet each one has a distinctive perspective. It seems clear that providing an exact chronological account of the things that Jesus says and does is more a concern of Luke than of the others, and yet they are each composing an historical account. The basic outline of the important events in the life of Jesus remains the same as in Luke, but the main focus of Matthew and Mark seems to be not particularly on the chronological order of events but on various things that Jesus himself did or said (e.g., the five great sermons of Jesus in Matthew, the power of Jesus to do various kinds of miracles in Mark).
- 15 Psalm 18:2; see also 2 *Samuel* 22:3.
- 16 The term recapitulation (Greek, *anakephalaiosis*) comes from Ephesians 1:10.
- 17 See, for instance, Gregory of Nyssa, *Life of Moses*, which is divided into the *historia* (the literal sense) and the *theoria* (the divine plan of redemption and salvation brought about by Christ as what the Holy Spirit intends when guiding the historical Moses, the events associated with Moses, and the writing of the account of the life and actions of Moses in the Pentateuch).
- 18 Jerome, Letter 53 in J.P. Migne, *Patrologia latina*, vol. 23, col. 1408.
- 19 Hartt, p. 31 et passim.
- 20 For instance, the two men whom Jesus heals in *Matthew* 20: 29–34. See also *Mark* 10: 46–52, and *Luke* 18: 34–43.
- 21 To be sure, the covenant-making described in full detail in the Old Testament is the covenant God made with Moses. This event is at the center of concern in *Exodus* and *Deuteronomy*. See, e.g., *Exodus* 24: 3–8, a passage about the sacrifice that Moses offers to seal the covenant with the shedding of oxen blood after reading “the book of the covenant.” Half of the blood is sprinkled on the altar, and half used to sprinkle the people who are being consecrated as the Lord’s own while Moses says “Behold the blood of the covenant which the Lord has made with you in accordance with these words” (*Exodus* 24:8).
- 22 See *Isaiah* 59: 21 and *Jeremiah* 31:31–34; see also *Jeremiah* 32: 38–40.
- 23 For instance, at *Luke* 22:20.
- 24 There are many New Testament examples (often invoking Psalm 2), including *Matthew* 3:13–17, *Mark* 1:9–11, *Luke* 3:21–22, *Acts* 13:29–35, *Hebrews* 1:5 / 5:5.
- 25 In my judgment, the sapiential portion of the Old Testament (e.g., *Proverbs*, *Job*, *Qoheleth*, *Sirach*, *Song of Songs*, *Wisdom of Solomon*) has the theodicy question as one of its central themes. See my course on *Biblical Wisdom Literature* for The Teaching Company.
- 26 Chapters four through thirty of *Job* feature three cycles of speeches by one or another of the three friends who come to comfort Job, each one followed by a speech from Job. Again and again he insists that he is not guilty of sin, or at least not of the grievous sin that would merit such dire punishment as he has been made to suffer. The reasoning of Job’s friends reflects the provisions of the covenant with Adam, viz., that the expectation of punishment that fit one’s crimes. Job’s replies, on the other hand, reflect the covenant with Noah: even though there will be a final judgment by which God will set all things right, God will shine His sun upon the just and the unjust alike, and will likewise send His rain upon them both—a symbolic way of explaining that often the wicked will prosper and the innocent must suffer, but that in the end God’s judgment will prove perfectly just, and that in the meantime we depend entirely on His mercy.
- 27 Throughout the New Testament we find presentations of this doctrine, including *Matthew* 26:28, *Colossians* 1:14, *Ephesians* 1:7, *Hebrews* 9:22.
- 28 Hartt (op. cit.) mentions four suggestions about possible ways in which to construe the Hebrew text on the basis of his consultation with Dr. Ralph Marcus of the Institute of Jewish Religion and Columbia University. The extremely limited nature of even these identifications makes me skeptical about any claim to be able to read the text in the picture, let alone to identify it with specific biblical passages.

Review Essay on John Corvino's *What's Wrong with Homosexuality?*

John Corvino. *What's Wrong With Homosexuality?* Oxford and New York: Oxford University Press, 2013.

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This book bears a dust jacket blurb written by Professor Robert George of Princeton University, in which he describes its author, John Corvino, as “a worthy intellectual opponent in the debate over the ethics and meaning of sex and marriage.” Professor George goes on to note that Corvino shows a willingness to engage with those with whom he disagrees, and in doing so refrains from name-calling and from impugning the motives of his critics. These are, to be sure, just the qualities that one would want to find in anyone who is prepared to discuss serious subjects seriously, and they are in fact manifested with fair consistency throughout *What's Wrong With Homosexuality?* The first task of any reviewer is to provide a reliable summary account of what the book under review is all about. This I will endeavor to do. But because this book represents a developed, many-faceted argument in defense of the position assumed by the author, it strikes me that the most appropriate response to the book, by way of doing it full justice, is to subject the argument it sustains to close analysis, and, in the spirit of what one hopes to be productive dialectic, to meet argument with argument. That will be the principal task I will attempt to accomplish in this review. My desire is that out of this exchange of arguments between author and reviewer a helpful clarity will be brought to the various issues under discussion. In saying this I have in mind that the first meaning of the Latin *arguere*, the root of our “argument,” is “to make clear.” With clarity we can better see the pathway to truth.

John Corvino, who is a professor of philosophy at Wayne State University in Detroit, identifies himself as “an *apologist* for the Gay community” (8, emphasis his), and indeed “an outspoken gay-rights advocate” (2). He tells us that his book “responds to arguments against homosexuality,” and “in particular addresses the claim

that same-sex relationships are *morally* wrong” (5, emphasis his). The book is divided into seven chapters, in the first of which Corvino explains the book's basic rationale and the general approach he will take to its subject. While stressing the importance of relying on rational arguments in the discussion of homosexuality, he makes allusion in passing to the venerable Christian attitude which has it that we should love the sinner (in this case, the homosexual) while hating the sin (homosexuality itself), then, rather oddly, he remarks that this attitude “tends to trivialize sexuality's importance” (12). No arguments are provided to explain this rather puzzling assertion. Needless to say, the whole question of homosexuality is inextricably bound up with morality; indeed, it is a preeminently moral question. Corvino is obviously keenly aware of this fact and accordingly gives much emphasis to morality throughout the book. I think it fair to say that the elaborated argument he mounts in defense of homosexuality is at base a moral argument, or, at any event, what he genuinely believes to be a moral argument. This being the case, the ultimate success of his enterprise will depend directly and heavily on the coherence and strength of his notion of the nature of morality. Because of the critical importance of this subject, then—I believe that it is in fact central to a right understanding of the book—I will in subsequent paragraphs devote a great deal of attention to it. If it can be demonstrated that there are serious problems with regard to Professor Corvino's understanding of the nature of morality, which is the task I set for myself, the argumentative force of the entire book is adversely affected in no small degree.

In chapter two Corvino launches into a spirited exercise in Biblical exegesis, the general trend and tonality of which is reminiscent of the work of another prominent scriptural scholar of modern times, Professor Richard Dawkins of Oxford University. Corvino lists three approaches that can be taken toward the Bible, especially with regard to what it has to say about homosexuality: the traditionalist approach, the revisionist approach, and the skeptical approach. Not surprisingly, given the fact that he describes himself as a “nonbeliever” (though having been once, he tells us, a “devout

Roman Catholic”), he opts for the skeptical approach. The overall conclusion he arrives at after providing us with his interpretation of various texts is that it must frankly be acknowledged that the Bible is simply wrong on any number of salient issues, especially, needless to say, with what it has to say on the subject of homosexuality. So much for Sacred Scripture. Chapter three of the book treats the question whether, apart from the moral objections that can be raised against homosexuality, and viewed simply from the point of view of human physiology, it is not a practice which jeopardizes the physical health of its practitioners. Corvino spends a good deal of time in the chapter, justifiably, exposing certain scientific studies clearly based upon shoddy research and questionable methodology which are offered in support of the thesis that homosexual practices are in fact dangerously health-threatening. However, the concentrated attention he gives to these studies tends to distract attention away from the unambiguously proven connection between homosexual activity and a whole range of serious health problems, both physical and mental. That the practice has shown itself to be dangerous, even deadly, cannot be gainsaid. Bad science does not negate the findings of good science. With regard to the mental and emotional disorders associated with homosexuality, Corvino would seemingly want his readers to believe that these are to be mainly, if not exclusively, attributed to the fact that homosexuals are not accorded due recognition and support by family, friends, acquaintances, and, for that matter, society at large. Here we have the anecdotal serving as substitute for the scientific. But there is another negative effect of habitual homosexual activity to which Corvino gives no mention at all, and that is the spiritual damage it can do. Again, given his status as a nonbeliever, this is not surprising, but to ignore this factor is to ignore altogether too much. It is to assume that man is to be fully explained in terms of the physical and affective, which is only to diminish him precisely as man, to neglect to take into account the full implications of human personhood. Given his stated intention to keep arguments regarding homosexuality entirely within the realm of the “secular,” it is understandable that Corvino is reluctant to enter upon any discussion of the deleterious spiritual consequences of homosexual activity, it nonetheless remains a serious omission. Once the dimension of the spiritual is given due recognition, and its central importance acknowledged, then the whole subject of homosexuality, or any other subject bearing on human behavior, opens up an entirely new and provocative

realm of discourse. Questions regarding the very essence of man are not to be avoided.

In chapter four Corvino deals with the natural law and how it figures in a discussion of homosexuality. I shall later have more to say about his understanding of the natural law, which I find to be significantly deficient. However, Corvino should not be singled out for special blame on this score, for misapprehensions regarding the natural law are rife, even among some of its more ardent advocates. In chapter five we read of Corvino’s treatment of, among other things, the essentialist/constructionist debate regarding homosexuality, which has to do with the question whether it is something that has its root explanation in the very biological and psychological make-up of a person, or, conversely, whether homosexuality is at bottom a social construct, something whose formative forces come more from without than from within. As far as I can discern, Corvino takes the position that it is a bit of both, though in any individual one factor might weigh heavier than the other. In the end, however, he feels that it doesn’t matter all that much how one decides the issue. Tellingly, however, he claims in this chapter that “sexual orientation is not a matter of voluntary choice” (116). This is another point to which I want subsequently to return. Chapter six deals with the argument that holds that homosexuality, bad enough in itself, will eventually lead to yet more dire aberrations, namely, to polygamy, incest, and bestiality. The upshot of Corvino’s position is that this is not necessarily so, but he does not offer especially compelling counterarguments to the one he is addressing. The final chapter of the book provides summarizing commentary on various aspects of Corvino’s position, and is particularly noteworthy for the case it attempts to make on behalf of so-called same-sex marriage.

Each of the book’s chapters contains any number of particular arguments, addressed to this or that specific issue, all of which, taken together, constitute the general argument of the book as whole; this general argument is two-pronged, one prong devoted to defending homosexuality, the other devoted to countering arguments which condemn homosexuality. The many particular arguments making up the book vary in quality, with respect to their conceptual heft and their capacity to compel. By and large, in any given argument Corvino admirably sticks to the point and cannot be called out for making any egregious offences against logic. For all that, however, he is not at times above making questionable or unwarranted assumptions, indulging in sweeping generalizations, and occasionally making

rather bold assertions which are unaccompanied by specific supporting data. While saluting his concerted effort to avoid indulging in distracting irrelevancies, at which he is for the most part successful, it does have to be said that he has a decided penchant, departing from his self-imposed rule of keeping to the narrow road of rational argument, for lapsing into the fallacy of appealing to the emotions. Also, though he may never overtly lapse into the *ad hominem* fallacy, he has a subtle, oblique way of suggesting that the integrity of his opponents is not quite what it should be, and that the condition may be chronic.

The principal question before us, acknowledged as such by Corvino himself, may be stated as follows: Is homosexuality morally good or bad? In order properly to address the question, the focus must be kept on homosexuality itself. That someone engaging in homosexual activity might feel himself to be insufficiently recognized and appreciated—an issue to which Corvino gives undue attention—might be of some sociological or psychological interest, but it is quite beside the point with regard to the principal question at hand. The single most important issue with regard to this book, in my opinion, has to do with Corvino's understanding of the nature of morality, for this will be a key factor in determining the success of the whole argumentative approach he has chosen to take to his subject. Corvino calls the reader's attention repeatedly throughout the course of the book to the fact that he is examining homosexuality and all that pertinently relates to it from a decidedly moral point of view. In order to arrive at a sufficiently clear idea of Corvino's understanding of the nature of morality, I will begin by citing examples of the various ways he employs the relevant terms—"moral," "morality"—in the text, adding comments here and there. He refers to "the moral status of homosexuality" (48), and to its "moral value" (17). Clearly he is here not simply making the innocuous claim that homosexuality, as a type of human behavior, is to be considered to be within the moral realm and thus open to be judged according to moral standards—we would all agree that it is very much a moral issue—but rather he is making the much stronger claim that homosexuality is in fact morally good, that is, it is moral (in the more restricted sense of the term) rather than immoral. However, because this is precisely the point he has set himself to prove, he often borders on begging the question by assuming that what calls for demonstration is virtually self-evident. In one place Corvino avers that "sexual expression"

must be "morally balanced against other features of human life" (125), which could be construed as meaning that the manifestations of human sexuality must be consonant with a life which, as a whole, is being lived in accordance with virtue. But "sexual expression" can cover a multitude of activities, some of which are clearly aberrational. In another place he refers to "the moral evidence of homosexuality," which is his way of saying that the evidence shows that homosexuality is morally appropriate, but, again, it is just that point which is contestable. He must show us that homosexuality is moral in this restricted sense, which is to say that it meets specific moral standards. What then are those standards? The larger question is: What is Corvino's understanding of the nature of morality?

An examination of a couple of statements Corvino makes regarding morality will aid us in getting closer to an accurate idea of his understanding of it. He writes: "The whole point of claiming that some action type is *intrinsically* immoral is to say that its immorality does not depend on the wrongness of other action types; its wrongness does not derive from some general principle" (129). The first part of that claim is in one respect sound enough. A particular "action type," such as homosexuality, can be identified as intrinsically immoral in the sense that, as the type of action it is, it is inherently disordered; it is wrong, we would say, in and of itself, and its wrongness can be seen without referring to another type of action. But the second part of the claim needs to be challenged. Corvino seems to believe that every particular type of human action stands in splendid isolation from every other type, which is not at all the case. Man's moral life is all of a piece; one cannot be genuinely in possession of a particular virtue while at the same time be burdened by a particular vice. The second part of the claim is especially revealing of Corvino's whole point of view with regard to morality, and represents no small defect in his understanding of it. While we can properly judge any particular act to be intrinsically immoral, this does not mean that in order to make that judgment we do not in an important sense go beyond the act itself; indeed, we must do so, in order to appeal to general moral principles in the light of which a particular kind of act is seen to be intrinsically disordered. Any particular human act is judged to be moral or immoral in terms of objective criteria, such as those, for example, spelled out by the Ten Commandments. But just here we run into a major difficulty as far as Corvino's understanding of morality is concerned, for he is clearly uncomfortable with the whole idea of

moral standards. He tells us. “I don’t like talking about THE standard. . . . I think moral standards are a function of human well-being” (21). It is hard to know what he means by “THE standard.” One would not want to think that he is implying any discomfiture on his part with the first principle of all moral reasoning—that good is to be done and evil avoided. His assertion that “moral standards are a function of human well-being” puts a heavy strain on the interpretative powers of the best-intentioned reader. A phrase like “human well-being” is telltale, indicating a very cloudy and indeterminate notion of what can count as a standard. I will have more to say about Corvino’s language as we proceed.

Later in the book Corvino makes the following statement: “But it doesn’t follow that we can *never* revisit moral traditions” (137). What he has in mind in saying this is the idea that of course we can “revisit” something like homosexuality, with the result that we will cease to look upon it as immoral. In giving us an example of what he means by that claim, he cites the “taboo” against interracial relations. But this surely does not count as an example of “moral traditions,” if, as seems to be the case, he intends to say that there was once a time when interracial marriage was reasonably regarded as immoral, but now it is no longer considered to be such, as if morality, properly understood, were a fluid phenomenon which changes with the tastes of the times.

Those preliminary considerations stated, let us see if we can now fully identify Corvino’s understanding of the nature of morality. In the early pages of the book he properly recognizes a need to define what he means by “morality,” given the role it is to play in the whole approach he will take to his subject, and in a section entitled “Where Does Morality Come From?” he endeavors to do so. The results are far from satisfactory. He handles the task in a halting, undisciplined manner, and comes up with what can be called a definition only in the loosest sense of the term, for what he provides is markedly insubstantial, vague, and elusive to the extreme. For Corvino, the heart of morality is that it is “an active process” (18). It is not to be taken as a permanent and stable set of standards or rules which serves as a framework and guide for human conduct. Rather, morality should be looked upon as something which is never fully actualized, but is perpetually potential; furthermore, its actualizations are always partial, and temporary, for they will give place over time to new partial and temporary actualizations. These partial actualizations are brought about by ourselves, in and

through the actions of our day to day lives. It might be put this way: morality is not so much a being as a becoming. We “figure out” what it means to be moral simply by living out our lives. In effect, we make morality up as we go along. “Trying to define morality in advance of that process,” he writes, “is likely to stack the deck in one direction or another” (19). By this he seems to mean that we do not want to allow ourselves to be guided beforehand by any preconceived notions of what constitutes moral good or evil. Morality, then, would seem to be, in Corvino’s estimate, a deliberately chosen, directionless living out of one’s life, a process without a preconceived purpose, presumably nourished by the hope that by so living one can maintain a more or less steady state of mental and emotional equilibrium. Seemingly the only reasonable standard by which one could be guided in pursuing such a program would be the confirmatory dicta of one’s feelings. What we are here left with, then, is a purely subjective understanding of the nature of morality. Significantly, Corvino appeals in one place to an “*independent* moral sense” (47, emphasis mine). The independence indicated in the phrase is an independence from objective moral standards, from ethical criteria that are applicable to all human beings, criteria that transcend the individual and his affective inclinations, and against which he is to measure the moral quality of his life and actions.

Plainly, and to state the situation in its broadest terms, what Corvino is doing is rejecting an objective moral order, an order which is not of human devising. The practical consequence of this rejection is that he is left without any stable support for the very enterprise to which he has dedicated himself, to show that homosexuality is morally permissible. If morality is an “active process,” a “becoming” rather than a “being,” something we work out as we go along, then one person’s “active process” is just as good as any other person’s, and if the respective “moralities” that any two persons arrive at are in radical contradiction to one another, there is no means by which they can be reconciled, or by which one can be determined to be superior to the other. Corvino, to his satisfaction, has concluded that homosexual actions are moral, but nothing prevents someone else, just as intelligent and sensitive as he, from coming to just the opposite conclusion, having been guided in doing so by exactly the same understanding of the nature of morality as Corvino’s. Given his amorphous, exclusively subjective notion of morality, there is no way whatever that the question of the moral status of homosexuality can ever

be definitively settled, one way or the other. It is simply a matter of one man's feelings over against those of another. Corvino's project fails, then, as judged by his own understanding of the nature of morality. Not only does he not show that homosexuality is moral, on the one hand, nor, on the other, that those who claim homosexuality to be immoral are wrong; he is unable, given his presuppositions, to succeed at either task. He wants to give bull's-eye placement to the arrow of his argument, but he is working with a stringless bow. Once we adopt an exclusively subjective view of morality, we concomitantly and unavoidably commit ourselves to moral relativism, within the ambit of which any moral claims we choose to make can never rise above the level of purely personal opinion.

Just above I made allusions to Corvino's willingness to accept standards only insofar as they can be said to contribute to "human well-being." In another place he tells us that morality "is about how we treat one another"; it is "about the ideals we hold up for ourselves and for others. It's about the kind of society we want to be" (6). Like examples can be found scattered throughout the book. We can see that we are here fairly awash in vague generalities. Phrases like "human well-being," and "how we treat one another" are on the far side of specificity, and provide us with no clear and distinct ideas. Statements such as these may have a resounding ring to them, but that is because they are virtually empty. When we indulge in language of this kind, ethical discourse ceases to be anchored in concrete realities, and meanders rudderless on a broad sea of gray indefiniteness.

The moral subjectivism/relativism which informs this book is of course nothing new; it is a spawn of the hyperindividualism which has been a prominent feature of Western culture for at least 200 years now. The individualist tends to look upon himself as the generating source of morality. It is something which, as Corvino would have it, a person weaves together out of the warp and woof of his ongoing experiences. What is at the heart of moral subjectivism/relativism is the rejection of an objective moral order, a universal moral law to which all human beings are subject, and which is traditionally known as the natural law. Corvino clearly does not want to deny outright that there are basic ethical structures in place and which are importantly constitutive of any given culture, but given his understanding of the nature of morality, he cannot consistently lay claim to any fixed principles which would serve as a basis for a rational defense of the moral status of homosexuality. If morality is a matter of process rather than a matter of

fact, then, once again, any moral claim, positive or negative, regarding homosexuality or anything else, floats without a foundation in mid-air, to be blown away by a change in direction of the cultural winds. Ethics or moral philosophy ceases to be a science, as classically understood, and is reduced to a loose aggregate of warring opinions out of which it would be impossible to fashion a coherent body of thought.

It is precisely standards, fixed, objectively grounded ethical principles, the strategic significance of which Corvino is reluctant to acknowledge, that represent the *conditio sine qua non* without which morality in any meaningful sense is simply impossible. In measuring any given human act against the standards constituting a particular moral code or system, one determines the moral value of the act. If, on the other hand, moral reasoning is founded upon a constant Heraclitean flux of individualistic affective propensities, it then in fact has no foundation, and what we would hope to be serious moral discourse over specific issues becomes unintelligible babble. I do not intend that as a gratuitous caricature of Corvino's position; I am simply maintaining that this is what it is unavoidably reduced to, given the sandy premises upon which he attempts to build his conclusions.

Professor Corvino devotes an entire chapter to attacking arguments against homosexuality based upon natural law principles, or perhaps I should say what he takes to be natural law principles, for as with his understanding of the nature of morality, his understanding of the natural law is considerably wanting. He rejects the very idea of the natural law, which follows logically from his ideas regarding the nature of morality. On the largest scale, as noted, he rejects the fact that there is an objective moral order, and this would entail the rejection of the natural law, which may be regarded as the elementary core around which the particular tenets reflecting the objective moral order are formed. Corvino's misunderstanding of the nature of morality goes hand in hand with his misconceptions regarding the natural law. But as I observed earlier, confusion concerning the natural law is not uncommon, for there has been for well over a century now a systematic attempt on the part of our intellectual elites, representing a variety of fields, to disestablish the natural law, to wash the very idea of it out of the collective Western mind, and this has met with considerable success, to the point where today many regard the natural law as a mere fiction.

What then is the natural law? St. Thomas Aquinas provides us with a precise and succinct definition of

it when he tells us that the natural law is simply the eternal law of God as it is known by the human intellect. The eternal law of God is imbedded within and concretely manifested by the whole created order; it is integral to and constitutive of nature, understood in the largest sense. The eternal law of God is, we may say, what makes nature what it is, an ordered whole, and man, who is part of nature, has, precisely by reason of his status as a rational creature created in the image and likeness of God, immediate access to, can come to a productive knowledge of, nature's comprehensive orderliness, and in that knowledge he has the foundation for his efficaciousness as a moral agent. In sum, we can say simply that the natural law is the knowledge on the part of a rational agent of the universal moral order.

One of the surest ways to misconstrue the natural law, and this is what Corvino does, is to interpret it naturalistically, which is to say, to divorce it from the eternal law of God. It is then viewed in exclusively anthropological or sociological terms, and is seen as little more than the sum total of various dominant cultural customs and habits that lend a distinctive character to any given era of human history. The "natural" thus becomes the set of governing opinions and behavioral practices of a given culture; these change over time, so that what is "natural" in one century for a given culture may not be in the following century for the same culture.

It is helpful to treat "the natural law" and "the universal moral law" as synonymous terms. We are speaking then of a law whose basic principles are intended to guide human behavior so that man might attain his proper end as a rational agent, a creature with an eternal destiny. Corvino is quite right in noting that terms like "natural" and "unnatural" are often tossed about carelessly, but he does not help matters in this respect when he identifies wearing glasses, flying planes, cooking food, and using iPhones as "unnatural in some sense" (79). They are certainly not unnatural in a sense which reflects anything like a sound understanding of the natural law. None of the things he enumerates are in the least bit contrary to the moral principles which are constitutive of the natural law. The unnatural should not be confused with the unconventional, or with innovations in technology which today allow for practices which were not possible in the past. Flying planes is perfectly consonant with the physical laws of nature, and therefore not at all unnatural; if that were not the case, it couldn't be done.

To the extent that Corvino suggests he is willing to concede that the "natural" has significantly to do with

finality he is very much closer to the mark. Any entity is behaving naturally if its actions are ordered toward achieving the ends which are inherent to its nature. A human being lives in accordance with the natural law if his actions are ordered toward the ends proper to him as a rational agent. It would be unnatural, therefore, that is, contrary to the natural law, if one were to eat for the principal purpose of deriving the pleasures which come from eating, making it a practice of vomiting up what one has eaten so that one can immediately return to the banquet table to satisfy the demands of one's gluttonous appetite. This would be to behave in a completely irrational manner, for the obvious purpose of eating, its natural finality, is to provide sustaining nourishment to the body. That is its principal purpose; the pleasure that accompanies eating is subsidiary. The decadent Romans were frustrating the natural finality of eating, and in an especially repugnant way. By the same token, human sexuality, specifically the coital act of male and female, has a clear and unambiguous finality. It is naturally ordered toward something very definite, the generation of progeny, the perpetuation of the human race. That is what human sexuality is *for*, first and foremost, its principal purpose. This is so basic and obvious a fact that one is embarrassed even to have to call attention to it, but we live in an age where the obvious, for many people, has lost its obviousness. To frustrate the purpose of human sexuality is to undermine its very rationality, to vitiate its intrinsic meaning. A fortiori, then, to engage in sexual actions which have nothing at all to do with the finality of human sexuality is to subvert in a most radical and emphatic way its intrinsic intelligibility; it is to engage in egregiously irrational activity, activity which runs directly counter to the very nature of things. To call such activity unnatural, then, is by no means a reckless misapplication of terms, nor, as Corvino wants us to believe, has it ever had anything to do with an attempt to dehumanize homosexuals, but it is simply to state the truth of the matter. Any act can be considered to be unnatural, in the literal sense, that contravenes the fixed and invariable ends of nature. Such an act represents a vain effort to reconstitute reality itself, and for that reason "unreal" could fittingly be substituted for "unnatural" in describing the act. To denominate homosexual acts *contra naturam*, against nature, is to call attention to the elementary fact that such acts are a direct violation of a natural finality, an affront to the basic meaning of being.

Much of the confused and radically erratic thinking regarding human sexuality that abounds today

has its roots in a pervasive ignorance, even among the educated, of the basic principles of metaphysics, prominent among which is the principle of finality, already alluded to several times. The rich reality and wide-ranging implications of this principle are quite beyond the ken of many today, in great part because, on a yet more basic level, they have lost anything like an operative sense of the very concept of nature. They lack, in other words, a practical awareness of the fact that there is an objective order, moral as well as physical, of which all of us are a part. There are certain moral givens that are not subject to ad hoc alternation, not to say peremptory dismissal, in order to suit the contemporary *zeitgeist*, but which are to be recognized as the guidelines the following of which enable us, in Pindar's phrase, to "become what we are," that is, to become truly and fully human, people who measure up to their elevated status as rational creatures.

Corvino points out that sex has purposes other than procreation, among which he cites "the expression of affection; the pursuit of mutual pleasure; and the building, replenishing, and celebrating of a special kind of intimacy" (86). There is something askew about that list, something sadly missing; it lacks any explicit reference to the comprehensively human, which would include everything that rises above a preoccupation with what are dominantly hedonistic considerations. To be sure, human sexuality has purposes other than procreation, but if we lose sight of that as its principal purpose, or, worse, if we allow its subordinate purposes to supplant its principal purpose, then we are toying with reality itself; here we have a genuine instance of the trivialization of human sexuality. Corvino wants to set aside the principal purpose of human sexuality, as if it were something peripheral rather than central. This move seems best explained by a deep and governing unawareness on his part of the foundational reality of finality, of its commanding and grandly consequential presence in nature, and, specifically, of its application to human sexuality. Here we are faced with what looks like a willful determination to ignore the very roots of the real, and that brings us back to the problem of the conditions which must be met if there is to be a rational discussion of homosexuality. Unless there can be a mutual recognition of the existence and importance of the fundamental truths of metaphysics, such as the principle of finality and how it figures pervasively in human acts, Corvino's desire to reach "common ground" for productive discussion of homosexuality can never be realized. Absent a shared respect for and understand-

ing of metaphysics, any "debate" over the morality of homosexuality would be reduced to belabored chatter over the superficial and the incidental. Not even the first step could be taken toward mastering the science of geometry if one is not prepared to recognize and accept its basic axioms and postulates.

But why all this talk about metaphysics? Our concerns here have chiefly to do with morality, and what does morality have to do with metaphysics? A great deal, as it happens, for morality is grounded in metaphysics, the science of being, the study of real existence in all its many manifestations. To be moral, then, is simply to be rational with regard to the deepest realities; it is to act consistently in accord with how things actually are, not how, under the coercion of the ever pushy passions, we would want them to be.

There is an incongruity between Corvino's declared intention to take a moral approach to his subject and his desire that the arguments over homosexuality be conducted in "secular" terms. Morality, as rightly understood, and secularism, that is, a worldview which seeks to preclude anything that transcends the natural order, are incompatible. By wanting to keep the discourse on the secular plane he supposedly means that the arguments should be conducted in such a way that they remain entirely within the realm of the natural, and that no appeals should be made to the supernatural. And yet he clearly wants the subject of homosexuality to be treated from a distinctly moral point of view. What he obviously has in mind, in order to overcome the incongruity, is the possibility of a purely secular or naturalistic morality, a morality that, so to speak, comes from below rather than from above, a morality that has its source in man, not in God.

But despite how secularists might fondly believe otherwise, morality divorced from what transcends the human leads inevitably to a degradation of the human. Morality is not a human invention, and whenever humans attempt to replace it with their ideologically inspired rules for right and wrong behavior, the consequences have always been dire. The attempts to do this date back to ancient times, with Epicurus making the first systematic try at coming up with what can be described as a purely secular morality. Modern times have produced any number of attempts to do the same. Witness the French Revolution's brave efforts to reinvent a morality founded on "Reason," and the sanguineous irrational aftermath to that ill-advised experiment in living. With the Enlightenment the lights went out. In the nineteenth century we have August Comte's

Religion of Humanity, which offered about as convenient a belief system as our fallen nature could ever want, where man is both the worshiper and the worshiped—a closed circle of a most cozy kind. No need to worry one's head about the transcendent. Other proposals for a secular morality, offered by the likes of a Jeremy Bentham, John Stuart Mill, Friedrich Nietzsche, Karl Marx, Sigmund Freud, and John Dewey, were considerably less comical. Consider Marxism, for one, and the devastating effect that would-be ethical system had on the twentieth century, the inhuman havoc it wreaked among those upon whom it was brutally imposed. It is always a most dangerous game when man takes it upon himself to play God, by supposing that he can replace the moral standards we have been given by those of his own devising.

In a sense it is understandable that man would want to reject morality as given, and to replace it with standards—notice that it is never a matter of completely doing away with standards—which are more “user friendly” for a people which has become effectively alienated from the transcendent, and who are so immersed in a secularized culture that they find it difficult to think beyond the limits of the purely natural. Now, Corvino admits that “it would be impractical, even foolhardy, for each generation to invent morality from scratch” (137). Quite right, and to that observation it needs to be added that any such attempt would be plainly impossible, and that is because, morality is not, as he clearly wants to suppose, merely a human invention in the first place. But are not Corvino himself and those who share his beliefs committed to a project whose aim seems precisely to replace a moral stance toward homosexuality which is as ancient as systematic moral philosophy itself? And what else would count as an attempt to start “from scratch” as the rejection of something as foundational as the natural law, which is inseparable from the Judaeo-Christian tradition? Corvino tells us that he cannot simply divorce himself from his cultural context. Granted. But it is appropriate to ask, to what “cultural context” he is referring? In terms of the larger culture of which he is a part, in which, it seems reasonable to say, there is still prevalent, if not dominant, a view that stands in opposition to the one he espouses, is he not attempting to divorce himself from *that* cultural context, while proposing marriage to a subcultural context which is consonant with his view of reality?

Any response to a book like *What's Wrong With Homosexuality?* must make at least passing reference to the kind of language with which it is replete. We are

offered a steady diet of words and phrases the merit and meaningfulness of which are supposedly intended to be accepted without question, but the supposition is not justified. Today the language of public discourse can sometimes smack of the positively surreal, as the integrity of words is subject to ceaseless battering. The poet Archibald Macleish once oracularly proclaimed, in a poem, that “a poem must not mean but be.” That has a memorable catchy quality to it, but it is pure poppycock. A poem is an artifact made up of words, and the very reason of being for words is to be bearers of meaning. A poem that does not mean, that does not convey discernible thought and feeling, is a non-poem. A word and its meaning are inseparable, and if we use a word in such a way that betrays its meaning we do violence to the word, and we make war on language as a whole. Language ceases to be a means of communication and becomes, among other misuses, a vehicle for the advancement of ideologies of all sorts. Our ears have today grown so used to hearing the various versions of George Orwell's Newspeak that we have become tone deaf to language that earnestly seeks to mean. We have become stupidly uncritical in our listening and reading habits. Newspeak has become the lingua franca of contemporary culture.

By way of some specific examples of what I am talking about, taken from Corvino's book, let us consider the word “rights,” which appears often in the book. Now, “rights” is an altogether respectable word which comes invested with a quite specific meaning, but for decades now, especially in this country, the word has been systematically subject to severe abuse, to such an extent that it has been rendered virtually devoid of intelligible sense. “Rights” are now recklessly manufactured almost on an ad hoc basis, to suit the political exigency of the moment. A very large portion of the rights many people passionately lay claim to are entirely specious; they are rights in name only, just as a bad law is a law in name only. Perhaps the most egregious case in point is the supposed right to an abortion. There is no such right; there never was nor can there ever be, for there can never be a right to kill an innocent human being. And to those who would want to justify such a bogus right by calling attention to the merely legal status of abortion, they would do well to remind themselves that slavery was once perfectly legal in this country. Did that mean that one human being had a genuine right to own another human being? The question has only to be asked to have its answer.

Corvino makes heavy use of the term “gay-rights”

in his book (on page 133 it shows up no fewer than three times), and the reader is supposedly to accept that phrase as referring to an incontestable matter of fact, to something which, the clear suggestion is, enjoys the status of a self-evident truth. But the reader has every right, if I may so put it, to balk at such a suggestion. Just what is the term “gay-rights” supposed to refer to, since its referent is in fact anything but self-evident? To answer that question we have to advert to the established meaning of a right: it is a moral power or capacity, to possess something or to engage in a particular kind of action, which others have a duty or obligation to respect. Given that definition of a right, in what, concretely, are we to understand the so-called gay rights to consist? It is up to those who claim such rights to explain precisely what they mean by them, but such explanations are hard to come by. Today people promiscuously claim a right to this, that, or the other thing without feeling any obligation at all to explain the precise contents of, much less provide justification for, what they are laying claim to. It is clear enough, however, that what is being claimed in the name of “gay-rights” is not simply the freedom to engage unobstructedly in a certain kind of sexual activity, for that has already been given legal sanction, but rather something much more comprehensive, and controversial: that a peculiar kind of identity, homosexual identity, be granted some sort of public recognition and approbation, that it be accorded not only legal sanction but “moral” sanction as well. This is the end toward which many of Corvino’s arguments are directed, and because it misses what should be the central focus of the whole discussion, I shall return to it. But first we need to say a few more things about the true nature of rights.

To begin, it is necessary to make a distinction between natural rights and what can aptly be identified as legal rights. Natural rights are those which are encompassed within the natural law; they are God-given rights, possessed by human beings by reason of their very identity as such, and they are therefore inalienable. Three of the most basic of these natural rights, commonly cited, are the rights to life, liberty, and property. (Jefferson, in *The Declaration of Independence*, altered the last to read “happiness.”) It would not do to consider the so-called gay rights as natural rights, for that would make them part of the natural law, and Corvino could not be comfortable with that arrangement, rejecting as he does the very concept of the natural law. The only alternative is to put gay rights within the category of legal rights, whose sanction would then be positive

law, the product of human legislation. This necessarily makes those rights quite tenuous, for what is legal, and thus generally considered to be acceptable and “moral,” in one generation, can be declared to be illegal, hence “immoral,” by a later generation, which has happened more than once in this country. Though a legal right can and should be rooted in the natural law, this often is in fact very much not the case. And so it was with slavery, which was contrary to the natural law, and therefore did not have the status of a bona-fide positive law; it was a pseudo-law. If a positive law does not have its roots in the natural law, then any law that would seek to establish the so-called gay rights, which cannot appeal to the natural law for sanction, would necessarily be put in a permanently precarious position. There would be nothing beyond political power that could keep it in place. That the whole concept of rights is being treated in an unstudied way in Corvino’s work is indicated by a reference he makes, on page 116, to the “rights” people have to whatever feelings they choose to entertain. Does this mean that other people have a duty and obligation to acknowledge and honor my feelings, because I have a right to them? I would feel oppressively guilty if I thought such a “right” would impose upon them so onerous a burden.

Another word much abused today, and which appears regularly in Corvino’s book, is “community,” as when he alludes to the “gay community” or the “LGBT community.” A community, like a right, seems nowadays to be something that can be created with a quick snap of the fingers, an entity that apparently has a mushroom-like ability to pop up fully developed over night, while all the world is asleep and not noticing. What is being referred to in this throwaway usage of “community” is more fictitious than real, a fabrication engendered by wishful thinking, an attempt to confer concrete identity upon something which in fact is diffuse and amorphous, to confer ontological status upon a mere idea. What is being named, then, is quite artificial. A genuine community, by contrast, is something natural; it has the character of the organic. It does not come into being by arbitrary fiat, but is the result of growth, not by accretion as with crystals but as the result of a vital internal impetus; and almost always community is associated with a specific geographical locale. The members of a genuine community are bound to one another at the deepest and most enduring level by something more than shared practices, merely by what they do. Perhaps the most salient feature of a genuine community—one thinks of the ideal political communities envisioned by Plato and Aristotle

and Aquinas—is that there is a common commitment to virtue. None of this applies to the so-called communities referred to by Corvino.

And then there is “homophobia,” an always ready-to-hand term of pointed opprobrium by which to brand anyone who has the temerity, the unconscionable audacity, even to suggest something negative about homosexuality. As neologisms go, it is more than usually ugly; its etymological origins are Greek, a language the knowledge of which the inventor of the term obviously had but a tenuous grasp. In the manner and in the contexts in which it is commonly employed, it is usually to be understood as meaning “antipathy toward or hatred of homosexuals,” which, if that is correct, has little to do with its Attic roots. It is most accurately translated as “fear of the same,” or as one Greek scholar suggested to me, by way of offering a freer but defensible translation, “self-loathing.” Another peculiar use of language which seems to be part of the standard vocabulary of the advocates of homosexuality is “straight,” a blanket term intended to cover all non-homosexuals; homosexuals themselves are then presumably to be regarded as the opposite of straight. This turns out to be an unfortunate choice of terms, however, given the fact that the opposite of straight is crooked.

In the final chapter of *What's Wrong With Homosexuality?* Corvino makes several observations which invite comment. He notes, for example, that college students “tend to be more gay-friendly than their elders” (138). This is hardly something to marvel at; in fact, given the ideological atmosphere that prevails in our third-level institutions today, this is precisely what one would expect. And Corvino himself is aware of this and admits as much. The vast majority of young people now in college have been carefully schooled, sometimes beginning as far back as their kindergarten years, to be sympathetic toward and accepting of the general worldview which Corvino represents. When he addresses college student audiences it is safe to say that in more cases than not he is but preaching to the choir. In another place Corvino makes reference to “the powerful right-wing organizations” (142) which oppose the righteous cause to which he has dedicated himself. This makes it sound as if he is defending a severely beleaguered rear-guard position and is surrounded on all sides by legions of hostile forces, which is rather amusing. The fact of the matter is that the message of those seemingly powerful right-wing organizations comes from what may be likened to a faint voice crying in the desert, in comparison to the thunderous cheers for the

position Corvino advocates, coming from the professoriate, the media, the entertainment industry, and a large contingent of politicians on both sides of the aisle. The attitude revealed in that comment is one of the signal features of the homosexual movement, which, since its inception, adopted the tactic of classifying homosexuals as representing a woefully beset, even persecuted minority, thus qualifying them to be thought of in the same terms as those who have been the victims of racial discrimination in this country. Here reality is being forced to take a back seat to ideology, which is doing the reckless driving.

The active advocacy of so-called same-sex marriage, to which Corvino gives considerable attention in the final chapter of his book, reflects an altered strategy on the part of the homosexual movement; as Corvino explains, we have “changed our central public message from ‘leave us alone’ to ‘include us’” (149). He goes on to inform his readers that homosexuals are “asking for inclusion, affirmation, and equal respect” (*ibid.*). That is a big order, and a confusing one as well. One would not be surprised to learn that Corvino might regard those three items as “rights.” If so, that would raise some interesting questions. What would the right to be included include? What are the conditions that would have to be met for something to qualify as a fitting and proper affirmation of homosexuals? The term “equal respect” sets one to wondering. Is respect subject to strict quantification, so that it can be measured out in coffee spoons? It is hard to suppress the notion that there is something unavoidably adolescent about the demands the homosexual “community” feels free to make of the general public. In any event, we see where Corvino is heading with all this. What better way to achieve the “inclusion” homosexuals are hankering after than to attempt to invade the precincts of the most ancient of natural institutions, marriage. There is a certain desperation to this move, and it is not, I think, without its tragic pathos. Marriage, Corvino argues, gives “a kind of moral blessing to otherwise private commitments” (149). The institution of marriage, then, is to be used as a means, an instrument, an expedient, by which homosexuals seek to gain a legitimacy which they seem to feel they otherwise do not have. Those who clamber after the latest concocted “right” which they feel owed to them are clearly not comfortable in their condition. If they were, they would not be driven by this almost obsessive need to be accepted, to be respected, to be approved of, to be affirmed, to be included . . . to be loved. Whatever a “moral” blessing might entail, and

precisely who will confer it (the amorphous “public,” the Supreme Court?), it will have no transforming effects whatever on the ontological status of its recipients. Reality is intransigent; nature will not undergo protean contortions to accommodate our agenda-driven fantasies. The “marriage” of homosexuals can never be anything else but pure pretense, a bizarre let’s pretend shadow show which will be as insubstantial and fleeting as the “affirmation” and “equal respect” it is intended to elicit. For all the earnestness that one might want to put into the concentrated mimicry of marriage, it remains what it is. It is not amenable to our willful attempts to transform it into something it is not. To think otherwise can only be possible for those who reject the natural law, behind which lies that even more radical rejection on their part of the very concept of nature, the idea that there is an objective order of things to which all of us, willy nilly, are subject. The movement to legitimize so-called same-sex marriage was a quixotic venture on the grand scale. Those behind the movement were caught up in a fantasy world as vivid and erratically motivating as that which drove Miguel Cervantes’s great anti-hero, and whose efforts will prove to be, in the long run, as futile as Don Quixote’s. After the dust has settled and the air has cleared, the windmill will still be standing, unperturbed, and about its base will lie dozens and dozens of broken lances.

Corvino makes a statement near the end of his book which displays an attitude which presumably serves as a governing influence in his activities as “an outspoken gay-rights advocate.” He writes: “I want to tell young LGBT people: *There’s nothing wrong with you.* But the religious right cannot do that, at least not without reexamining some fundamental beliefs” (146, emphasis his). First of all, it should be said that to assure a group of young people, whose very identity, such as it is, is posited upon ambiguity with regard to their identity, that there is “nothing wrong with them,” is, well, not very smart. If the “religious right” cannot make such an assertion, as he says, maybe that has as much to do with their possessing a modicum of common sense as with their fundamental beliefs. But, ah, it’s just those fundamental beliefs that are the problem for homosexuals, for those beliefs are unalterably opposed to their own. It would seem, according to Corvino’s way of thinking, that all contentious differences would be quickly dissolved if only those benighted souls who oppose his position would abandon their obstinacy and sign on to the whole homosexual agenda. But is there not another possibility which might be politely sug-

gested to a disinterested debater, one whose principal interest is the pursuit of truth? Is it only those recalcitrant types on the religious right who should consider the possibility of reexamining their fundamental beliefs? One thinks of Socrates. The only way he was able, after considerable internal struggle, to give satisfactory interpretation to the disturbing Delphic oracle that singled him out as the wisest of men, was to come to the conclusion that the heart of wisdom was intellectual humility. This allows us, among other things, always to keep alive the possibility that our point of view on any given subject might be wrong, and that an opposing point of view might be right.

Corvino is confident that the arguments he presents in his book carry the day. He believes he has shown that the standard arguments against homosexuality “fall apart under scrutiny” (126), and, giving that point greater emphasis, he asserts that “the arguments for judging homosexual conduct immoral simply *don’t work*” (131, emphasis his). The author’s confidence in this respect is, in my opinion, considerably overextended, as I hope I have succeeded in showing. Again, my main contention is that the principal intent of the book, to make a moral case for homosexuality, fails, and that is because morality, as Corvino understands it, is effectively reduced to feelings, to the affective propensities of the individual, and therefore he is left without any objectively grounded criteria on the basis of which substantive arguments could have been mounted in rational support of his position.

But there are two items, brought up in the early paragraphs of this article, to which I now must return. I had quoted Professor Corvino’s assertion to the effect that he had established that “sexual orientation is not a matter of voluntary choice” (116). In another place he makes the claim that the desires of homosexuals—these would be persons having what he describes as “a genuinely homosexual orientation” (42)—“are usually not ‘voluntary’ in any meaningful sense” (114). These claims are rather remarkable, and if taken at face value, they serve, perhaps more emphatically than the points I have raised thus far, thoroughly to undermine the stability of Corvino’s attempt to make an intelligible case for the moral rectitude of homosexuality. If, as he avers, homosexual desires are not voluntary, and if homosexual desires are the necessary prelude to homosexual acts, and it could not be otherwise, then neither are open to moral assessment, and, what is more, those who entertain those desires and engage in those acts do so in effect as automatons, and not as responsible human

beings. In classical ethical theory another name given to a fully human act is a moral act; in other words, a human act and a moral act are one and the same. But there is yet a third term which is virtually synonymous with the first two, and that is voluntary act. So what we have is: human act = moral act = voluntary act. The critical qualification for a genuine human/moral act is voluntariness. If an act performed by a human being is not voluntary, if it is not the outcome of a conscious, volitional move on his part, then it is not, in the ethical sense, a human act, and therefore does not meet the critical conditions which allow us to ascribe any moral value to it, as either good or bad.

To act in such a way that we are in complete accord with our essential nature as moral agents, we must know what we are doing and we must will what we are doing. If, as Corvino claims, and given the bond between desire and act, the acts that the homosexual engages in are involuntary, this is tantamount to saying that he is not in command of his own actions; he has no rational control over his behavior. Corvino takes offense at homosexual behavior being called unnatural, for he believes that this denigrates the homosexual as a person, but by describing homosexual activity as essentially involuntary he has himself, though doubtless quite unwittingly, deprived the homosexual of full human status. But more pertinent to the central point I have been developing regarding Corvino's whole argument, he, by regarding homosexual desires and acts as involuntary, entirely deconstructs his project of making a case for the morality of homosexuality. If homosexual desires and acts are involuntary, it is simply irrelevant to discuss them in terms of morality, for they are not apt subjects for moral analysis, and that being the case, there would be no basis at all for considering them to be moral in the restricted sense, that is, as being moral rather than immoral, which is what Corvino desires to do. In this analysis is correct, then the lamentable and perhaps inescapable condition in which the homosexual finds himself, granting that his desires are beyond his volitional control, is that of a helpless pawn under the tyrannical governance of drives in relation to which he is entirely passive, a condition, it would seem, where "orientation" is destiny.

In discussing earlier what I took to be the principal intent of Professor Corvino's book, I maintained that his project was aimed, not simply at justifying homosexual acts, but, more ambitiously, at effectively raising homosexual identity to stratospheric elevation, and giving it something very much like ontological

status. He attempts to make the case for the notion that the homosexual is a special *kind* of human being, and to the very core, as if standing in relation to the species as a sub-species. Corvino is thus engaged in propagating what I will call the mystique of homosexuality. The propagation of this mystique serves the important purpose of keeping the focus off homosexual acts themselves, and thereby exonerating them by indirection, in a manner I shall explain presently. Now, Corvino is not unique in propagating the mystique of homosexuality, for this has been a standard ploy of the homosexual movement since its inception in the 1960s, when it emerged as one of the several ramifications of that frenetic decade's vaunted sexual revolution, a social phenomenon that has unhappily bequeathed to our culture a monomaniacal preoccupation with all things sexual. The basic idea was to propagate the narrative that a homosexual was not to be regarded so much in terms of what he did as by what he *was*, deep down and ineradicably. This, his primal identity, was antecedent to how he behaved, and was the existential explanation for his behavior. Being "gay" had to do with his essential self; it meant that he bore something like an indelible mark on his soul, designating him from all eternity as a homosexual, as "gay." Homosexual identity, not praxis, was what took precedence. Perhaps for a time, as he was growing up, the "genuine" homosexual was unaware of his proper identity, but then, somewhere along the line, he has an epiphany and, much like Cinderella discovering herself to be a princess, discovers himself *to be* "gay"; his fate is sealed. Once he recognizes himself as *being* in a certain basic, inalterable way, and accepts it as his "natural" condition, then of course the activity which is consonant with, which is the logical consequence of, what he perceives to be his foundational identity, will follow soon enough. Homosexuals act as homosexuals are, after all; they cannot do otherwise. But because his homosexuality identity was not something he chose, but rather was conferred upon him by the mysterious workings of the universe, it could not be considered to be something bad, and, consequently, neither could the type of behavior which it logically entails.

Such is the homosexual mystique. What are we to make of it? To claim that there is some sort of elementary identity, enjoying quasi- if not actual ontological status, that is somehow superimposed, selectively, (some have it, others don't) upon our essential identity as rational beings, is recklessly gratuitous and completely unwarranted. It is an audacious feat of fiction. There

are, undeniably, propensities, inclinations, weaknesses with regard to a whole range of aberrant human behaviors, but to attempt to accentuate or exaggerate them to the point where they are asserted to have what amounts to essentially identifying status, is to distort human nature at its very roots. It is an attempt to take what has existence as what may be called an accident of an accident and to hypostatize it, that is, give to it substantial existence.

Early in his book Corvino makes the observation that “the division between *what we do* and *who we are* isn’t sharp: some actions and choices deeply affect identity and character” (13, emphasis his). This is precisely the point that has to be stressed in any discussion of homosexuality, for it represents a properly balanced way of looking at things. There is in fact the closest kind of connection between what we do and who we are, between human action and character. A man’s character, good or bad, is very much dependent upon how he lives his life. Good character is no accident. We are born with a certain temperament, a basic personality type, with its mixture of traits, positive and negative; this is the given, the raw material, as it were, we have to work with. Character, on the other hand, be it good or bad, is something made, not given, and we are its makers, for better or worse. Character is no accident, then; it is the summary result of what we do, as free agents, with the given. Good character is the happy result of a life lived in accordance with virtue, which is tantamount to saying, a life whose actions reflect our essential nature as rational creatures.

It is easily seen why Corvino should have missed what ought to have been the main point of any serious discussion of the moral quality of homosexuality—an analysis of homosexual acts in light of the principle of finality—for he is guided throughout his book by the presupposition that homosexual *identity* must be given primacy of place, accepted as a fixed and positive reality, and thus the acts following upon that identity are simply not subject to critical moral analysis. The type of reasoning in play here is not complicated: *modus ponens*, $P \supset Q$. The consequent of an antecedent which is positive necessarily follows as something which is also positive. The logic is impeccable, but only if the antecedent is accepted as true. One arrives at a quite different conclusion if one does not accept the antecedent of the above mode of reasoning, but takes an altogether different approach, giving studied attention to homosexual acts, for by doing so one clearly sees, short of denying that there is any finality or purpose in nature, that they

are inherently disordered, by reason of the fact that they directly and flagrantly violate the natural finality of human sexuality. But the very idea of natural finality is lost on someone for whom the larger and more basic idea of nature has no resonance. If one does not accept the fact that there is an objective moral order, then the designation of certain kinds of human acts as disordered would be quite unintelligible.

One can surmise, in reflecting on the line of argument Professor Corvino’s develops in his book, that he might have had an inkling that he could not hope to have success in his enterprise were he to focus on homosexual acts themselves, and it was that which prompted him to go down the road of ethical consequentialism in attempting to justify homosexuality, as the only alternative left open to him. He takes great pains to point out the positive results of homosexual activity. We can summarize the several particular things he cites under the general rubric of happiness. Homosexuality is good because it makes people happy—such is the nub of the argument. That might strike us as being a stable way of moral reasoning, but it isn’t. First of all, there are not a few challenges involved in dealing adequately with the subject of happiness. It is the commonest of terms, but it has to be handled with great care. What does it mean? In fact, it means many things to different people, and what some people claim makes them happy we would be reluctant to recommend for universal endorsement. But it would take us too far afield to get into the intricacies of the nature of true happiness. Our concern here is with ethical consequentialism, the basic argumentative structure of which is the very soul of simplicity: any act can be considered good if it produces good consequences. Act X produces good consequences, that is, it makes me happy; therefore Act X is a good act. We might describe this as bottom-line morality, the morality that assures us that it’s only the results that count. However satisfying such an ethical view might first look to us, we need only to give it a second glance immediately to see its deep deficiencies. Immanuel Kant was one philosopher who deftly put his finger on the basic problem, declaring that, in effect, consequences are irrelevant; they cannot serve as the final determinants of the moral quality of an act. What really counts, morally, are not the results of an act, but the quality of the act that brings about the results, the determination of which demands that we focus our analytic attention on the act itself. If I put all my eggs in the basket of consequences, I run the risk of falling into one of the most ancient (but still as popular

as ever) bits of faulty ethical reasoning known to man—supposing that the means, any means, justify bringing about what I consider to be a favorable end. If all one can do by way of justifying homosexuality is to say that it makes people happy, whatever that might be taken to mean, the basic issue has been dodged. And matters are not changed if one were to reel off a long list of putatively positive consequences of homosexuality; the basic issue is still to be faced. Act X might make me happy—what I consider to be happy—but Act X, might be, yes, intrinsically disordered, unnatural, and in that case I am paying too large a price for my cherished happiness.

What is singularly lacking in Professor Corvino's book is any discussion of, or even passing reference to, the good. It is as if what should be the most important concern for all of us is regarded as having little significance. I do not have in mind here particular goods, of the sort cited in the book—intimacy, pleasure, being accepted by others, being included, receiving equal respect—but *the* good, the foundational *raison d'être*

of human existence, the good toward which we, as rational creatures, are ultimately ordered, the governing good that confers goodness upon all particular goods, and without which they are empty shells. If we are not animated by a vibrant sense of the good, as regulative of all particular goods, then we find ourselves ineffectual when it comes to properly identifying the true value of those particular goods. If the pursuit and possession of certain particular goods proves to be counterproductive, because they run counter to how we are naturally constituted, then those goods are not real goods after all, but only apparent. Homosexuality, regarded from a metaphysical point of view, and this is how it must be regarded if any talk about its morality is ever going to make sense, can only be recognized as profoundly and irredeemably purposeless. It is not ordered toward that good the commitment to which makes radically purposeful everything we do, thus corroborating our rational nature. What's wrong with homosexuality? In a word, it is irrational. ✘

Preparation for Marriage: What Couples Have a Need and a Right to Know

by John F. Kippley
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Introduction

It is no secret that Catholic teaching about love, marriage, and sexuality has been challenged for more than fifty years right within the Church. From a Church that was guided by the teaching of *Casti connubii*,¹ which was hugely followed in practice for thirty years, we have become at a sociological level a Church both confused and divided. In a response to questions raised by chemical birth control, Pope Paul VI reaffirmed the received teaching in *Humanae vitae* in 1968. That was met by a rebellion led by dissident priests who were joined by large numbers of the laity.

The confusion about marital sexuality led to confusion about same-sex attractions and behavior, and that serious problem was made public in the great scandal of 2002.

The widespread acceptance of marital contraception has led to birth rates in some once-Catholic countries that are now below replacement levels. Many Catholic schools and churches have been closed, and in Europe some abandoned churches are now used as skateboard parks and trapeze schools.²

Before Margaret Sanger started the war against chastity in early 1914, the American divorce rate was one divorce for every eleven marriages. The combination of contraceptive behaviors and secularized attitudes has led to a current divorce rate of one for every two marriages in the United States. That is, the general societal acceptance of contraception that was supposed to be a help to marriages led instead to a 500 percent increase in the divorce rate, hardly an advertisement for marital happiness. Further, there is

secular evidence that the divorce rate of Catholics who have *ever* used systematic NFP is 53 percent lower than the rate of those who *never* used NFP³.

Articles and books have been written on these things. There may be some differences about the causes, but I am not aware of any informed and believing Catholic who argues that things are what they should be. In my opinion, there are two huge questions. First, *what do believing Catholics want* the Church to look like in ten, twenty, forty, and sixty years? I hope that many of today's thirty-somethings will be around to see a Church that is reunited in faith and practice. Second, *what can faithful Catholics do* to create once again a faith community that hugely accepts and lives by the actual teaching of the Church?

Most of this paper was written well before the end of the Synod on the Family that concluded on October 25, 2015. The concluding document makes it clear that the Holy Spirit prevented the bishops and cardinals from breaking away from the received teaching of Sacred Scripture and Tradition regarding the permanence of marriage and the non-reception of Holy Communion by those living in a biblically defined state of adultery. However, the Synod did not propose anything by way of a plan to help couples prepare for truly Christian, for-better-AND-for-worse marriages.

The question of *what to do* is so vital that the teaching of St. James could hardly be more relevant. "What does it profit, my brethren, if a man says he has faith but has not works? Can his faith save him? If a brother or sister is ill-clad and in lack of daily food, and one of you says to them, 'Go in peace, be warmed and filled,' without giving them the things needed for the body, what does it profit? So faith by itself, if it has no works, is dead" (2:14-17). Applying this to the Synod and its concluding document is an exercise in disappointment. While the avoidance of open heresy is a good result, certain statements could be more clear and are scarcely a cause for rejoicing. The lack of any prescription or agenda for supporting the Catholic family as faithful and fruitful is a cause of disappointment.

Proper preparation for marriage is absolutely essential for renewed marital commitment and family life. To put it positively, proper preparation for marriage can teach much of what young couples need to learn and have a right to learn. Negatively, without the proper teaching, this sort of renewal simply will not happen. The general argument in Romans 10:13-15

certainly applies. St. Paul wrote about Jesus in verse 13, "For 'everyone who calls upon the name of the Lord will be saved.'" He then continues,

"But how are men to call upon him in whom they have not believed? And how are they to believe in him of whom they have never heard? And how are they to hear without a preacher? And how can men preach unless they are sent? As it is written, 'How beautiful are the feet of those who preach good news!'"

Preparation for marriage and family life needs to permeate Catholic education at every level, but the primary subject of this paper is the immediate preparation for marriage and especially what can be taught in the right kind of course on natural family planning (NFP). I think there are at least seven areas of instruction that are so important that they can be deemed obligatory.

1. The New Evangelization.

We hear this term frequently, but what does it mean? When he was first introducing the idea, St. John Paul II noted that what is new about it is that it focuses on helping Catholics to understand and believe that Jesus himself is the author of Catholic teachings including those that apply in a very practical and sometimes counter-cultural way. I think that in the context of preparation for marriage, it means that young couples need to review the Last Supper promises of Jesus.

We are told to start with people where they are, and that applies here. If the couple is attending Sunday Mass, they are at least hearing the Nicene Creed and perhaps they are actively reciting it. But what happens when they ask themselves, "Why should I believe this? Why should I believe that the Nicene Creed teaches the truth about God?" And then, "Why should I believe *anything* that the Catholic Church teaches? Why should I believe what the Church teaches about marriage and birth control?"

How can any of us believe the Nicene Profession of Faith without first believing that at Nicea Jesus was keeping his Last Supper promises about the continued guidance of the Holy Spirit? The questions being raised today provide us with opportunity to affirm with faith and conviction that the Holy Spirit continues to lead the Church. We believe in the teachings of the Catholic Church because we believe first of all in the Lord Jesus

and his promises. We believe that Jesus continues to be true to those promises.

In meeting with couples for marriage preparation, I suggest that the Catholic priest would do well to open his Bible to the Last Supper account in the gospel according to John. His engaged couples need to read the threefold promises of Jesus to send the Holy Spirit to guide the apostles and their successors through the centuries and today.⁴ For many, this may be the first time they have read those promises. The next step would be to turn to the permanence-of-marriage passage in Mark 10:2-12 and perhaps also the corresponding passage in Matthew 19: 3-12. Couples will benefit from seeing that Catholic teaching on the permanence of marriage comes directly from Jesus. They also need to understand that the “except-for-unchastity” clause in Matthew 19:9 refers only to marriages that are invalid.

I grant that the effort to build faith in engaged couples is primarily a priestly responsibility, but couples also need to see this faith reflected in their fellow laity. That’s why our NFP manual raises the question of “Why should I believe...?” and places the response in the Last Supper promises of Jesus. This is easy to do in an NFP course. Couples need to experience this New Evangelization, and in Catholic marriage preparation they certainly have a right to hear it—and more than once and from different sources.

2. A theology of the marriage act that supports *Humanae vitae*.

In today’s context, it is obvious that couples need to hear that Christian marriage is permanent. That means that they need to see marriage as part of the Divine Covenant, not just a contract that can be broken by mutual consent. They should also realize that every one of their marriage acts ought to be a reminder of their marriage covenant.

Here I propose that it would be helpful for couples to learn and internalize a simple theological statement about the marriage act: “Sexual intercourse is intended by God to be, at least implicitly, a renewal of the marriage covenant.” St. Pope John Paul II used this covenant-renewal concept in his 1994 *Letter to Families*.⁵ This covenant understanding gives positive meaning to Catholic biblical teaching about the marriage act. It states first of all what sexual intercourse ought to be—exclusively a marriage act and then, within marriage,

a renewal of their marriage covenant. It also explains why the same anatomical act that is the serious matter of mortal sin *outside* of marriage can be a serious good *within* marriage. Outside of marriage, there is no covenant commitment, and thus sexual union is essentially dishonest. Within marriage, the marriage act *can* be and *ought* to be a true renewal of the faith, love, and commitment of their wedding day promises, at least implicitly, even though some marriage acts are something less than that.

The covenant statement also invites an explanation of the Christian biblical covenant of marriage. A covenant of God’s making. A covenant that the Lord Jesus makes clear is binding until death. A covenant of self-giving love. All of this is important for engaged couples to understand.

The NFP course can affirm the unconditional character of the marriage covenant by pointing out that contraception contradicts the marriage covenant instead of affirming it. The marriage act ought to say, “I take you once again for better and for worse until death do us part.” The body language of the *contraceptive* marriage act says instead, “I take you for better but definitely NOT for the imagined worse of possible pregnancy.” It is essentially dishonest and thus immoral. Couples have a need and a right to know these things.⁶

3. Specific moral teaching that deals with the temptations to which abstaining couples are tempted.

In the context of morally acceptable systematic NFP, the method for avoiding pregnancy is chaste abstinence during the fertile time. Experience indicates, however, that some couples practice fertility awareness with immoral fertile-time sexual actions such as masturbation and forms of sodomy. For example, a woman called my NFP office and asked if we had a priest on staff. Since we didn’t, she told me her story. She and her husband had been doing mutual masturbation during the fertile time. They had taken an NFP course in which nothing was said about these things. They had been doing this for eight years, and then she read our book on NFP where she learned that the Church teaches that these things are immoral. She wanted to go to confession by phone because she was so active in her parish that she knew the priest would recognize her voice. She was happy to hear my advice to confess in another parish where she was not known.

In another case, an enthusiastic user of his own form of “NFP” was trying to persuade another man to practice “NFP” and told him that abstinence is no problem because you can just masturbate. The other gentleman told him, “That’s immoral.” The first man and his wife were self-taught using a book written by my wife and me, and they have written that they had “skipped the chapters on the moral aspect and what made NFP different from contraceptive methods.”⁷ They repented and became NFP teachers.

In another case, an email letter informed me that the writer had just recently read our book on NFP and was surprised to find that the Church teaches that masturbation and other activities are immoral. She said that she and her husband had taken an NFP course twenty-three years earlier, never heard anything about such things, and had been practicing fertile-time immorality for that entire time. They changed their behavior.

The problem is that many or most NFP programs say nothing about these specific immoral behaviors to which abstaining couples are tempted. It is completely insufficient to instruct couples simply to avoid genital contact. Experience shows that such a general statement can be interpreted solely as a means to prevent the transmission of semen, but no one has ever become pregnant from oral-genital copulation.

The NFP course and text do not need to spend much time and space on this subject. In our text, *Natural Family Planning: The Complete Approach* (NFPTCA), we quote section 14 of *Humanae vitae*. First, it condemns abortion. Then it continues: “Equally to be condemned, as the magisterium of the Church has affirmed on many occasions, is direct sterilization, whether of the man or of the woman, whether permanent or temporary. Similarly excluded is any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation—whether as an end or as a means.”

Our text then asks, “What are the other behaviors that seek to render procreation impossible?” We answer:

- Barrier methods such as condoms, diaphragm, foams, and jellies
- The intrauterine device (IUD)
- Hormonal forms of birth control (the pill, shot, patch, implants)
- Masturbation, whether mutual or singular
- Withdrawal and ejaculation (onanism)
- Marital sodomy (anal sex and oral sex).⁸

I use this quotation simply to illustrate that it does not take much space to convey this sort of teaching. We do not harangue; we simply report.

Our text then asks, “Why do we mention masturbation and marital sodomy?” We reply: “It’s because we listen and read. People have told us [as indicated above]. . . . We have read in the papers that in some parts of the United States about half of high school teenagers have experienced oral sex, that is, oral sodomy. It takes no genius to figure out that if they somehow attend an NFP course and hear ‘abstinence’ during the fertile time, they may start thinking in terms of their previous behavior unless they learn that it’s immoral. *Chaste* abstinence is the pregnancy-avoiding ‘method’ of true systematic NFP.”⁹ Couples have a God-given right to know specific sexual morality that applies to marriage.

4. The call to generosity in having children.

Systematic NFP is not “Catholic birth control.” Please note that first word, “systematic.” It is necessary to distinguish two entirely different forms of NFP. The *oldest* is what we call “ecological breastfeeding,” and that form of NFP does not require any sort of justifying reasons. Breastfeeding infertility is simply a natural side effect of frequent suckling, and I will describe that later.

True systematic NFP is based on fertility awareness and chaste abstinence during the fertile time. There are several signs of fertility and infertility. What are frequently called different *methods* of NFP are simply different *systems* of using one or more fertility signs to designate the fertile and infertile times of the female fertility cycle. The term “systematic NFP” refers to the different systems of fertility awareness.

Humanae vitae, sections 10 and 16 make it clear that couples need a sufficiently serious reason to use systematic NFP to postpone pregnancy or to limit their family size. In our NFP text we quote both sections, and we use the term “sufficiently serious” to combine their meanings. We also quote directly from the *Catechism of the Catholic Church* which teaches that spouses have the “duty to make certain that their desire [for spacing or avoidance] is not motivated by selfishness but is in conformity with the generosity appropriate to responsible parenthood” (CCC, 2368).

Couples have a need and a right to know the

actual teaching of the Church about the call to generosity and the need for a sufficiently serious reason to use systematic NFP.

5. All the common signs of fertility and infertility.

God made the fertility of women much more interesting than that of men. Unless they suffer from some sort of abnormality or disease, men are constantly fertile from pubescence onward. Women, however, have a cycle of fertility and infertility. God made woman in such a way that she can observe certain signs that tell her when she is fertile or infertile. Observing one or more of these signs is the essence of modern fertility awareness.

Cervical mucus. Under the influence of rising estrogen levels, the cervix starts to secrete cervical mucus several days before ovulation. The secretion generally dries up and disappears several days after ovulation as estrogen decreases and progesterone increases.

Changes in the cervix. A less obvious sign is the cervix itself. Under the influence of those same hormones, before ovulation the cervix rises slightly, the mouth of the cervix opens and becomes softer, and then these signs reverse themselves after ovulation.

Temperature. Another valuable sign is a woman's resting body temperature that rises slightly after ovulation, reflecting the higher levels of post-ovulation progesterone. It stays higher for some days and then falls as progesterone falls at the time of menstruation.

Different systems. There are in North America at least three different systems based on just the cervical mucus sign, of which the Billings Ovulation Method is one. In a second type of system, the temperature sign cross-checks the mucus sign, and these systems are called versions of the Sympto-Thermal Method. A third system, the Marquette Method, uses urine and a dipstick to monitor hormonal levels as a crosscheck on the cervical mucus sign.

Equally effective? In the mid-1970s there was considerable debate about the relative effectiveness of the Billings mucus-only system and the Sympto-Thermal system. The Human Life Foundation, established by the U.S. Bishops in 1968, persuaded the National Institutes of Health to conduct an independent comparative study. The results showed

that the Sympto-Thermal Method had significantly higher effectiveness rates than the Billings Ovulation Method,¹⁰ but the debate continued. More recently, the Marquette system showed itself more effective than a mucus-only system.¹¹

Regardless of relative effectiveness, the temperature sign is a simple, very inexpensive, and highly accurate way of determining important information about fertility and infertility. It can provide an extremely valuable certainty about pregnancy and gestational age.

Couples have a God-given right to make an informed choice. They have a right to know all these natural signs of fertility and their relative user-effectiveness in comparative studies.

6. The many health benefits of breastfeeding for both baby and mother.

There is no question: breast milk is the best nutrition for babies. There is also no doubt that breastfeeding is the best way for a baby to obtain this best nutrition. Babies who are breastfed have significant health advantages. For breastfed babies, our NFP manual lists reduced risks of contracting twenty-one specific diseases and conditions. A second list describes six more general health benefits for babies and young children including a better immune system and scoring higher on cognitive and IQ tests at school age.¹² These lists are necessarily incomplete because every year new studies on breastfeeding are published. Early each year my wife, Sheila, posts her review of the new studies at the NFPI blog site.¹³

There is also no question that breastfeeding is also best for mothers. The breastfeeding mother enjoys reduced risks of breast cancer, endometrial cancer, ovarian cancer, thyroid cancer, anemia, lupus, rheumatoid arthritis, and osteoporosis (increased risk of a hip fracture).¹⁴

Breastfeeding is an ecological, mutually helpful relationship. Babies are born with weak immune systems. If a baby gets some sort of illness or infection, it transmits it via suckling to its mother. In turn, her intestines develop the antibodies to it, and those are then transmitted to the baby. Her immune system makes up for the natural weakness of the baby's immature immune system. God really does know what he is doing. This information is basic good-health instruction. Every young person has a God-given right

to know these gifts of God, and God's Church should be in the forefront of teaching them in foreign missions as well here in the States. This can easily be taught in the right kind of course on natural family planning.

7. The Seven Standards of Ecological Breastfeeding: a natural way of spacing babies.

There are different patterns of breastfeeding, and all of them have a certain amount of value because of the inherent values of breast milk and the breastfeeding process.

With regard to breastfeeding and baby spacing, distinctions are critical. In the Western world, common cultural breastfeeding patterns typically do NOT space babies. Ecological breastfeeding, however, *does* provide a natural spacing of babies because it is a pattern of mother-baby closeness and frequent nursing. Frequent suckling maintains the milk supply; frequent suckling also suppresses ovulation. There is still confusion about this, and that's why "breastfeeding and natural baby spacing" needs to be taught in terms of the Seven Standards of Ecological Breastfeeding. These Standards are maternal behaviors that encourage frequent nursing. As you will see in the following list, some of them are positive and some are negative. However, all of them are contrary to common Western cultural nursing patterns. The Seven Standards of Ecological Breastfeeding are as follows:

1. Breastfeed exclusively for the first six months of life; don't offer your baby other liquids and solids, not even water.
2. Pacify or comfort your baby at your breasts.
3. Don't use bottles and don't use pacifiers.
4. Sleep with your baby for night feedings.
5. Sleep with your baby for a daily-nap feeding.
6. Nurse frequently day and night and avoid schedules.
7. Avoid any practice that restricts nursing or separates you from your baby.

All seven standards are evidence based. That is, published research demonstrates that each of these behaviors is associated with increased nursing.

It is highly inadequate to talk only about continued or extended breastfeeding as if that would provide the spacing many couples legitimately desire. That language takes us back to fifty years ago when an

international breastfeeding organization was saying that what they called "total breastfeeding" had a baby-spacing effect. The problem is that such language says nothing about the importance of frequency. My wife and other nursing mothers noticed that there was a significant variation in the duration of breastfeeding amenorrhea—the absence of periods due to breastfeeding—among mothers doing "total breastfeeding." Some mothers would have a first period at three or four months postpartum while others would go for a year or more, and they wondered why. Sheila was asked to research this, so she did.

Her research was first published in a nursing journal in 1972, and it showed that American mothers who followed the Seven Standards of Ecological Breastfeeding went an average of 14.6 months before they had their first period.¹⁵ She also found that the duration of amenorrhea more or less follows a normal distribution curve with 7 percent having a first period by six months and 33 percent still in amenorrhea at 18 months. A second, much larger study published some years later found an almost identical average of 14.5 months of breastfeeding amenorrhea among American mothers.¹⁶ More recently Sheila found independent research that supports each of the Seven Standards and published this as *The Seven Standards of Ecological Breastfeeding: The Frequency Factor*.¹⁷ All the standards are important. Drop any one standard and the odds are that fertility will soon return.

There are two great advantages of Ecological Breastfeeding. First, it maximizes the benefits of breastfeeding in general. It maintains the milk supply and the baby gets all the health benefits intended by our Creator. Second, it is a natural way of spacing babies. Some couples use Ecological Breastfeeding as their only form of child spacing, while others will use systematic NFP when fertility returns if they need additional spacing. Among providentialist couples who want to let babies come as they may, it is imperative that they be well instructed about Ecological Breastfeeding because it is clearly God's own plan for spacing babies.

Every form of NFP instruction should include Ecological Breastfeeding simply because it is part of God's plan for mothers and babies. It is not only cost-free, but it saves all sorts of money in direct baby care, and it most likely saves money in health care. Unfortunately, the NFP movement in North America largely ignores it except for our organization, NFP International.¹⁸

Another organization that promotes breastfeeding and especially ecological breastfeeding is the Catholic Nursing Mothers League.¹⁹ It seeks to develop chapters in parishes, and pastors would do well to cultivate their services. For purposes of marriage instruction, the point is this. Every woman and every man have a right to know about Ecological Breastfeeding and natural baby spacing. God's Church should be in the forefront of spreading this good news about the way God has made us.

The right kind of natural family planning instruction can help the New Evangelization effort of the Church and provide excellent support for the magisterial teaching of the Church regarding love, marriage, and sexuality. The right kind of NFP course teaches the seven subjects of this paper. To recall once again the gist of Romans 10:14, the Church cannot expect its people to believe and to act as they should unless the Church clearly teaches in such a way that its people hear and understand the message. ✠

ENDNOTES

- 1 Pope Pius XI, *Casti Connubii (On Chaste Marriage)*, December 31, 1930. This was occasioned by the acceptance of contraception by the bishops of the Church of England in August 1930.
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- 5 "In the conjugal act, husband and wife are called to confirm in a responsible way the mutual gift of self which they have made to each other in the marriage covenant." St. John Paul II, *Letter to Families from Pope John Paul II*, 2 February 1993, n. 12, par. 12.
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Escaping the Cartesian Trap Retrieving Realism with Dreyfus, Taylor, and Yves Simon

by Jude P. Dougherty

“**T**he modern epistemological tradition begins with Descartes.” So opens a recent collaborative volume by Hubert Dreyfus and Charles Taylor, confirming Hegel’s judgment that Descartes is rightly called, the “Father of Modern Philosophy.” In radically distinguishing between mind and body, in effect, making substances of both, Descartes generated not only the problem of the unity of the human being but also the epistemological problem of how our ideas represent things. It is the latter problem that Dreyfus and Taylor, in the company of Quine, Davidson, and Rorty, among others, address in this volume.

In the Dreyfus–Taylor account, Descartes created what they call a “mediational” problem, for if knowledge consists in the form of ideas held by the mind, ideas that purportedly represent the world outside the minds, how is it possible to show that these ideas which exist in the mind do in fact put us in touch with the real?

From the Cartesian view, if the reality I want to know is outside the mind, but my knowledge is within, and if I know things only through the mediation of internal representations, what provides the connection? To rise to the level of certainty, my belief has to be justified. I must have good grounds for holding that my ideas represent reality. I am obliged to account for my confidence that my belief is true, which I can do in terms of a finite number of features that I can separate out, isolate, and treat as criteria. My suppositions may be reinforced by others, by sentences that circulate in the public domain between speakers who hold that those sentences correspond to reality. Even with this collaboration, I must still admit that the vulnerability of my supposed knowledge of external reality will unavoidably remain open to skepticism. The only thing I cannot doubt is the content of my ideas.

Descartes’s skepticism was employed not to further the skeptic’s agenda but to establish his own conception of the self, mind, and the world. It differs from ancient

skepticism insofar as ancient skepticism attempted to show how little we could really know. Descartes wants everyday knowledge to have the certainty found only in mathematics.

In their defense of the realism they intend to retrieve, Dreyfus and Taylor attempt to show that theoretic knowledge has to be situated in relation to everyday coping. We gain knowledge of the world through engagement with it—by handling things, moving among them, responding to them—and these forms of knowledge cannot be understood in mediational terms.

If we free ourselves from the mediational picture, we can with Plato and Aristotle, begin again to construct an unproblematic realism in unmediated touch with everyday reality. Yet it must be acknowledged that our knowledge of “the World” is a coproduction—that the objects we directly encounter are shaped by our bodily experience in the everyday world. Still, if we follow common sense, Dreyfus and Taylor maintain, we do fairly well. We don’t need to add further scientific or theoretical justification; appearances track reality. For the most part things are as they appear to be. Aristotle in *De anima* III had it right. Actual knowledge (*episteme*) is one with the object. In knowing, the intellect is formed by the same Form that determines the nature of the object. There is no question of a copy or depiction. In Aristotle’s account, “There is only one Form of any kind. When I see this animal and know it to be a sheep, mind and object are one because they come together in being formed by the same *eidos*.” For Aristotle, truth is self-evident.

In the end, Dreyfus and Taylor come to recognize three types of modern epistemological theory that roughly may be designated as (1) the realism of Plato and Aristotle, (2) the mediational theory that looks upon knowledge as justified true belief, and (3) the materialism that attempts to explain all action and all thinking in terms of matter divested of meaning. Dreyfus and Taylor maintain that the materialists, by entertaining the vague idea that the brain operates something like a computer, tend to produce reductive

theories of mind that are essentially Cartesian.

Dreyfus and Taylor are not oblivious to the consequences of these several theories. If, like the materialists, we see the world as a mechanism, as a domain of efficient causation without inherent purposes, then we are free to treat it as a neutral field where our main concern is how to achieve our own purposes. Instrumental reason becomes the only option, and knowledge can be seen as the basis of power. With Plato and Aristotle, the present authors are willing to recognize a natural *telos* which yields an entirely different moral perspective. The realism or Aristotelianism which Dreyfus and Taylor seem dedicated to recovering is fully articulated by the late Yves R. Simon of the University of Chicago in a three-volume collection of his work soon to be published.

The French-born, Paris-educated Simon spent most of his professional life in the United States. Caught on the American side of the Atlantic when war broke out in Europe, he spent a decade teaching at the University of Notre Dame. In 1948 he joined the prestigious Committee on Social Thought at the University of Chicago where he remained until his death in 1961. He is perhaps best known for the *Philosophy of Democratic Government*, although his *General Theory of Authority* and his *Tradition of Natural Law, Freedom, and Community* may be judged of equal merit.

In the tradition of Aristotle and Aquinas to which he was introduced while studying with Jacques Maritain at the Institut Catholique of Paris, Simon avoids the Cartesian trap by drawing clear lines between physics, mathematics, mathematical physics, and metaphysics, identifying the material and formal object of each. Methodology, he will say, is determined by the subject matter to be investigated. The physicist, in pursuing his study of nature, must borrow interpretative principles. He is unconsciously indebted to a large intellectual climate that assumes notions such as identity, nature, substance, sufficient reason, causality, and indeed the intelligibility of nature itself. These may be called the first principles of thought and being, and, although self-evident, when challenged can be defended but not demonstrated; all demonstration presupposes them. Within the context of examining these, Simon distinguishes among fact, the intellect's assent to fact, and the role of theory in the interpretation of fact. The awareness of fact—in the language of the scholastics, simple apprehension—is one act; an affirmation or judgment is a different act, in which we assent to, or affirm, one thing said of another. Thus, truth is said to reside not in simple apprehension but in judgment. Any judgment

whose referent is nature is governed by both an object of sensation and an object of intellection. Within the observed there is the intelligible, reached not by sense but by intellect. It is the intelligible that governs inquiry. Simon is quick to acknowledge that sense reports are not to be limited to the visually or sensorily encountered but include accounts inferred from sensory experience. Thus, we have reason to include among the observable such entities as molecules, atoms, nuclei, and electrons, although strictly speaking none has been observed. "No one doubts," he writes, "that no eye has ever seen a molecule and its different parts, but to the degree [to] which the scientific explanation of the experience is conclusive, it provides us with the equivalent of a sensation."

Simon goes on to distinguish among kinds of facts, that is, those which may be called the "facts of common experience," "scientific facts," and "philosophical facts." What one makes of the data of experience depends upon the habit of mind one brings to that data. Scientific thinking is oriented in the direction of the observable and the measurable, but the scientific mind is not content with description and prediction. It seeks explanations. It attempts to understand the given in the light of its causes.

Philosophy is characterized by its propensity to seek clear definitions and intelligible language, by its habit of making distinctions, exhaustive divisions, rigorous deductions, and necessary arguments. Of its very nature, it eschews vague approximation in its movement to precise speech. Philosophy does not generate the same kind of consensus one normally finds in the natural sciences. Although capable of demonstration, its accomplishment is of a different order. By definition, philosophy is the pursuit of wisdom, speculative and practical.

That said, it must be recognized that the data of common experience enjoy a priority with respect to the facts utilized by the philosopher and to a lesser extent by the scientist. Common sense includes a rudimentary philosophy, which technical philosophy will make its own. Thus, many view the philosophy of Aristotle and Aquinas as common-sense philosophy, as the *philosophia perennis* which carries within it a body of truth that can be passed from one generation to another. Yet it must be said that the matter of philosophical experience is not entirely and exclusively provided by common experience. The history of philosophy in its relation to the development of the sciences testifies that certain scientific discoveries have affected with powerful decisiveness the course of philosophical thought.

The telescopes of the astronomers and spectrum analysis have rid philosophy of the task of accounting for the stars, a problem addressed philosophically by the ancients. Similarly, advances in biology have freed Aristotle's philosophy of nature from the science of his day.

Speaking of the value of common sense and its need to be augmented by philosophy, Simon makes the point that moral debasement can affect lucidity of understanding. The man of common sense interprets his experience with the help of rudimentary concepts and principles that, although true, remain in need of defense. The philosophy of the common-sense man is a set of truths that can be obtained without any technically elaborated apparatus. But the testimony of common sense may not be equal to the power of the *a priori*. First, the capacity of common sense is unequal in its distribution: men possess it in varying degrees of clarity. Second, the social environment may be so saturated with error that common sense is at a disadvantage in holding its own in the face of overwhelming opposition. Experience, Simon will say, fights an unequal battle when it comes into contact with ideology. The proponents of ideology, when challenged by experience, have no reluctance in characterizing experience as nothing but an illusion. In sum, the testimony of common sense needs reinforcement, for philosophy can only be fought by philosophy.

Contributions of science to the enrichment of philosophical experience are open-ended. Philosophy does not simply incorporate into itself scientific data, but relies upon it for its elaboration of, and sometimes correction of, common experience. For example, while the ancients were aware of the heterogeneous parts of living beings, they regarded the inanimate individual as a homogeneous whole whose spatially distinct parts were intrinsically indistinct from one another. Modern science, of course, discloses the complex molecular structure of the inanimate and yet points to a datum of philosophical import, the unity of the heterogeneous.

If we can speak of the facts of common experience, augmented by scientific experience, we can speak of moral facts, derived from both. The kind of fact we have depends on the kind of concept involved in the formulation of the fact. Moral facts are determined by a relation of suitability or unsuitability to the ends of a free agent. The ethicist cannot avoid a judgment with respect to the value of an act in relation to the ends of a free agent. Moral actions are constituted by a good or bad use of our freedom. There is no mystery with respect to what adds to or subtracts from human fulfill-

ment. Presupposed, of course, are a concept of human nature and some idea of what constitutes a properly ordered society. It is in this context that we establish moral facts. Further, in order to understand moral facts, the rectitude of one's moral judgment will have to be secured not merely by a knowledge of that which leads to fulfillment but by a habit of right action. It is not enough to know what is right and wrong in the abstract; one must be able to discern what is right and wrong in a given situation. "Thus," says Simon echoing Aristotle, "it is only the virtuous man who is qualified to understand moral facts perfectly. . . . That is why the development of the moralist—and of the true sociologist who is above all a moralist—includes a purification, an asceticism, that is not ordered only to the intellect."

Simon's treatment of methodology concludes with his reflections on Christian philosophy. He describes the position of Étienne Gilson, who as a historian of ideas, in viewing the history of philosophy from the advent of Christianity to the present, finds ample reason to speak of the influence of Christianity on philosophy. Gilson's view is contrasted with that of Émile Bréhier, who says that it doesn't make any more sense to speak of Christian philosophy than it does to speak of Christian mathematics or Christian physics. Simon's own reflections lead him to agree with Jacques Maritain that, given Revelation, man is aware that there is something beyond a purely natural destiny and that this has to be taken into account in practical philosophy. He writes, "Revelation determines new duties, unknown to natural ethics, and whose notion makes no sense in terms of natural ethics, e.g., the duty to receive the sacraments." This recognition is in accord with a natural law ethics, as something added. It alludes to man's fallen state, something unknown to natural reason. Asceticism, for example, receives its rational foundation when the supernatural end of man is recognized. In fact, all the cardinal virtues recognized by Plato, Aristotle, and the Stoics take on new meaning in the light of man's supernatural destiny. Moral philosophy is transformed when it takes into consideration man's fallen state and his eternal destiny.

Many will claim that once philosophy entertains data from Divine Revelation it has become theology or apologetics. Maritain himself was denied appointment to the faculty of philosophy at the University of Chicago because he was regarded as an apologist. Given the atheism or agnosticism that prevails in higher education circles throughout the West, the voice of a Maritain or Simon is not likely to be heard within the secular academy. ✠

Fundamental Theology and the Historical Jesus

by Glenn Siniscalchi
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Many other religions could survive without their founder, but historic Christianity is based on an individual whom the Church also regards as divine. The Nicene Creed emphasizes the significance of God's revelation in Jesus of Nazareth: "For us men and our salvation he came down from heaven, and by the Holy Spirit was incarnate of the Virgin Mary, and became man. For our sake he was crucified under Pontius Pilate, he suffered death and was buried, and rose again on the third day in accordance with the Scriptures." The awkward inclusion of Pilate allows the Creed to emphasize that Christianity is based upon events that occurred in human history.

God's personal entry into the world implies that many claims of the Church are, in principle, open to historical investigation. So long as the Church makes claims about the past, historians are within their rights to decide whether those events are probable or not. Such an endeavor is relevant for fundamental theology, the branch of theology that is concerned with the exposition and defense of the fundamental claims of the Catholic Church.

In the early testimonies of the Church, there is an inseparable union of historicity (horizontal dimension) and theological import (vertical dimension). As the apostle Paul said: "Christ died [the event] for our sins [the theological meaning]." At the heart of any apologetic must therefore stand the figure of Jesus. Who did Jesus claim to be? A revolutionary? A cynic sage? A religious prophet? What did Jesus teach concerning himself?

From Jesus to the Gospels

Most biblical scholars, classicists, theologians, and scholars of antiquity take it for granted that Jesus existed and do not spend much time considering whether or not there was a Jesus of Nazareth.¹ We can therefore set aside the debate about Jesus' existence and turn to some of the more fruitful

discussions. How did Jesus understand himself? Much of the answer to this question will be determined by the way in which one approaches the gospels.

If one sees a radical break between the event of Jesus and the earliest Church's belief in the risen Christ, then the question concerning Jesus' self-understanding will be difficult to answer. By proposing a divide between the "Jesus of history" and the "Christ of dogma" (Kahler, Bultmann), historians are necessarily prevented from knowing anything substantive about Jesus' life, ministry, and deeds.² In recent years, however, many more scholars have argued convincingly for the reliability of major portions of the gospels by situating Jesus within the world of first-century Palestine.³ Distancing themselves from previous generations of scholarship, the majority of scholars today hold that the gospels are fundamentally trustworthy.⁴ The most impressive studies on the historical Jesus in the twentieth and early twenty-first centuries reflect significant continuity between Jesus and the gospels.⁵ This conviction is consistent with Catholic fundamental theology. For, in Catholic thinking, there is no opposition between the earthly Jesus and the Christ of the gospels, but rather substantial unity and continuity. Historical reason and Christian faith can complement and strengthen one another.

Today scarcely any scholar thinks that the terms "myth" or "legend" are important interpretive categories for understanding the gospels. E. P. Sanders expresses well the general consensus when he writes: "The dominant view today seems to be that we can know pretty well what Jesus was out to accomplish, that we can know a lot about what he said, and that those two things make sense within the world of first-century Palestine."⁶ Raymond Brown adds, "[E]xtreme positions on either end of the spectrum (no difference, no continuity) have fewer and fewer advocates."⁷ When Brown speaks of "no difference" and "no continuity," he is speaking of the degrees of separation between the historical Jesus and the Christ of dogma.

A variety of factors have encouraged many critical scholars to accept the gospels as reliable sources of knowledge about Jesus. This confidence was (re)gained as a result of different avenues of research carried out

on various levels. According to René Latourelle:

And so, after two centuries of history, criticism has *made a full turn*. We find ourselves, at the end of the venture, before the same initial affirmation: through the Gospels we truly know Jesus of Nazareth (message, action, project and destiny). What a difference, though, between the acritical confidence of the past and the critically proven and laboriously acquired confidence of the present. . . . No matter how complex it may be, the knowledge of this history, far from frightening us, reassures and confirms us.⁸

Another major reason for the scholarly turnaround was the critics' identification of the genre of the gospels and their purpose. Today the gospels are widely categorized as "ancient biographies."⁹ That the gospel writers describe what they at least think happened to Jesus cannot be denied. The gospels intend to show that Jesus is the messiah and the risen Christ.

Now, the gospels are not biographical in the modern sense of the term. Unlike modern biographies, they are mostly concerned with matters in the last two to three years of Jesus' life. The core message of the Evangelists is similar, but each of them identified, understood, and presented the message differently. Perhaps a better way to characterize the genre of the gospels is to call them "theological biographies." Far from garnering some neutral facts about Jesus, the Evangelists present a kerygmatic history, with its underlying tradition history. They are in the line of ancient Greco-Roman biographies, or Greek and Jewish historiography.

While some might be troubled by the lapse of time before the gospels were composed, this problem is not as daunting as some skeptics might wish to think.¹⁰ Part of the reason for the delay in writing was due to the gradual emergence of the Church itself. By the time the Church expanded beyond Israel's borders, there was a new need that had to be addressed: "The Gospels were written to oppose excessive spiritualizing tendencies, which manifested themselves in Corinth, or against the gnosis, that is, against the currents which abandon the earthly and historical figure of Jesus in order to reduce Christianity to a formless doctrine, or one which confines Christian revelation to individual or collective spiritual experiences."¹¹ The gospels were written to promote and defend the identity, teachings, and actions of Jesus himself against the dangerous drifts of gnosis, myth, and ideology. Hence, one might conclude that the gospels submit *themselves* to the criteria of historical research.

Another reason why the gospels were probably not written down earlier is that most people could not read

or write. Early Christian communities were concerned with spreading the word of God, and were not as concerned with written reports. Ancient oral cultures were not so prone to write things down. Consequently, the transmission of sacred oral tradition was highly developed in ancient Palestine.¹² The Evangelists had abundant sources that were passed down to them from the eyewitnesses (cf. Luke 1:1-4).¹³ Moreover, Christianity began as a humble religion with disciples who were not well educated. It began in a remote location on the eastern frontiers of the Roman Empire. Nonetheless, the best posture to take in light of the number of sources we have is to interact with them. In terms of practicing ancient history, we are fortunate to have as much documentation as we do about Jesus.

An Implicit Christology

Although most scholars accept the fundamental reliability of the gospels, they are divided on whether the Christology of Jesus was explicit or implicit. The former involves designations or titles that Jesus would have used to identify himself as divine. An implicit Christology would attribute the divine titles of Jesus to early Church usage; yet Jesus' attitudes, teachings, and actions strongly implied an exalted status that was made explicit by his followers.

When people ask, "Did Jesus call himself God?", they do not realize that the question is awkwardly phrased. For, in first-century Palestine, the word "God" was synonymous with Yahweh, the Father who dwelt in heaven. Thus the claim that Jesus did not think of himself as God is correct. However, many New Testament critics have argued for an implicit Christology drawn from the pre-Easter ministry of Jesus.¹⁴ The Christological titles ascribed to Jesus in the gospels serve to express explicitly what Jesus claimed about himself implicitly.

During the time of Jesus, Israel had hoped to be delivered by YHWH (see Isaiah 52:7-10; Ezekiel 34:7-16, 22-24). This restoration narrative forms the backdrop for understanding Jesus' identity. For Jesus was conscious that in himself YHWH was returning to restore Zion (Jerusalem) and renew the covenant. Moreover, it is indisputable that Jesus preached the Kingdom of God, a rare theme in first century Judaism.¹⁵ The Kingdom of God can be defined as God's intervention in the world to liberate Israel from suffering by giving them salvation. Although the Kingdom would

eventually make itself known in the future (the restoration), Jesus believed that it had come in himself, and this conviction was expressed by his message, exorcisms, healings, and actions. There is no Jewish precedent for understanding the Kingdom in this way.

Jesus so identified himself with the Kingdom that if anyone wanted to accept the Kingdom, they had to accept him. Here it might be useful to outline afresh some of Jesus' teachings, actions, and deeds that illustrate his divine status. In Jesus, YHWH was returning to liberate Israel. For instance, his attitude toward the Mosaic law indirectly reveals his identity. Although Jesus obeyed the law by attending major Jewish feasts, paying the Temple tax (Matthew 17:24-27), and wearing the prescribed tassel on his robe (Numbers 15:38-41; Matthew 9:20), he was at odds with some of the religious authorities of his day about correct interpretations of the Mosaic law. His disagreement with the law reveals his authority over the Mosaic law.

Jesus clashed with the Pharisees over the issue of the observance of the sabbath (Mark 2:23-28, 3:1-6; and Luke 13:10-17).¹⁶ The law says that Jews cannot harvest on the sabbath (Exodus 16:25-26; 34:21). In Mark 2:27 Jesus maintained, "The sabbath was made for man, not man for the sabbath." It is also reported that Jesus challenged major portions of Jewish ritual laws (Mark 7:15). With regard to the law's insistence on purity and hand washing, for instance, Jesus affirmed: "Nothing that enters one from outside can defile that person; but the things that come out from within are what defile." Jesus also challenged the Pharisees' common understanding of divorce (Mark 10:2-12; Matthew 19:3-12).

Similarly, in a remarkable series of passages in the gospel of Matthew (5:17-48), Jesus contrasts what God said to the nation of Israel in the wilderness with what he himself commands: "You have heard that it was said to your ancestors. . . . But I say to you." Thus, he deepens and radically internalizes the law by concentrating on the heart rather than the mere outward observance. Commenting on these passages, John Meier affirms:

Jesus revokes the letter of the Law and replaces it with his own diametrically opposed command. Despite the permissions and commands of the law, there is to be no divorce, no oaths or vows, no legal retaliation. Given the highly Jewish coloration of this material, the claim Jesus makes for the authority of his own word is astounding. . . . As regards the Law and authority over it, Jesus stands where God stands. In a Jewish or Jewish-Christian context, a higher status could not be imagined.¹⁷

Jesus regarded himself as having authority over the law by issuing a new understanding of it in such a way that made him not only superior to Moses, but literally equal to the God of Israel.¹⁸

Another area where scholars have reached something of a consensus pertains to Jesus' authority to forgive sins (Mark 2:5, 10; Luke 7:48) independent of the location of the Temple. Such declarations must have been perceived by first-century Jews as blasphemous. By showing authority in the forgiveness of sins, Jesus stands and speaks in the very place of God.¹⁹ Since the exile was seen as a result of Israel's sin, Jesus' pronouncement of the forgiveness of sins indicates that Israel was being reconstituted in and through his presence and works. In this way, Jesus saw himself as the new Temple, bringing salvation to Israel. Jesus did not require formal repentance, sorrow for sins, or any other sacrificial act (cf. Mark 2:1-12). He forgives sins on the basis of his own authority and sought out table-fellowship with tax collectors and sinners.

Another way that Jesus helped to inaugurate the Kingdom was through his miracles and exorcisms. A series of convergent clues in the New Testament has led many scholars to accept the historicity of what the earliest disciples interpreted as divine miracles. Jesus' miracles take up so much room in the gospels that it becomes difficult to accept his teachings without also accepting his miracles. In Mark's gospel, 209 out of the 666 verses speak about Jesus' miracles. If the miracles were excised from the gospel of John, the overall message would vanish.²⁰

The reported miracles of Jesus are also multiply attested. They appear in the gospel of Mark. These miracles also appear in the other canonical gospels, as well as other miracles that do not appear in Mark (Matthew 8:5-13; Luke 7:1-10). Within the gospels, the miracles appear in different literary genres: disputes (Mark 2:1-12; John 9:1-41), summaries (Mark 6:12-13), and discourses (John 6:11). The miracles appear in the primitive kerygma as retained in the book of Acts²¹ (2:22; cf. 10:37-39): "You who are Israelites, hear these words. Jesus the Nazorean was a man commended to you by God with mighty deeds, wonders, and signs, which God worked through him in your midst, as you yourselves know."

Other sources for establishing the miracles of Jesus would be the Letter to the Hebrews (2:3-4), the apocryphal gospel of Thomas, and the writings of Josephus. A passage in the Babylonian Talmud also refers to Jesus' thaumaturgic activity: "On the eve of the Passover,

Yeshua was hanged. For forty days before the execution took place, a herald went forth and cried: 'He is going forth to be stoned because he practiced sorcery and enticed Israel to apostasy.'²² Notice that the passage says that Jesus was "hanged" because of his "sorcery." This is an obvious reference to Jesus' miracles and healings.

Further, it becomes difficult to explain how Jesus could have generated a faithful following—and generated controversy—unless the miracles occurred. For Jesus' preaching and actions were intimately related to one another: "He went around all of Galilee, teaching in their synagogues, proclaiming the gospel of the kingdom, and curing every disease and illness among the people" (Matthew 4:23). Jesus publicly displayed his wonders and exorcisms; those who did not believe in him could have challenged the veridicality of the miracles. But, as a matter of fact, no one seems to have denied Jesus' miracles. "What they challenged was not his activity as wonder-worker but the authority he claimed for himself on the basis of it [cf. Mt 12:22-32]."²³

In summary, one of the most widely accepted facts about Jesus is that he performed what his contemporaries at least perceived as divine miracles: "Even the most critical historian," Luke Johnson states, "can confidently assert that that a Jew named Jesus worked as a teacher and wonder-worker in Palestine during the reign of Tiberius."²⁴ John Meier concurs: "The statement that Jesus acted as and was viewed as an exorcist and healer during his public ministry has as much historical corroboration as almost any other statement we can make about the Jesus of history."²⁵

Jesus' self-designations also attest to his divine nature. References to the "son" (Mark 12:1-12, 13:12; Matthew 11:27) seem to imply Jesus' claim to a unique relationship with the Father.²⁶ Although Mark's presentation of the parable of the vineyard seems to have undergone some allegorical developments before being written down, the general thrust of the teaching probably goes back to Jesus. In the parable, "the son" is not vindicated after his death. So it is strange that Mark would not include a vindication of the son, especially given the post-resurrection milieu in which the early Church emerged. The story does not make sense without the inclusion of the son. Hence the title probably did not emerge as an accretion to the original story, but probably goes back to Jesus himself.²⁷

Apropos of the saying in Mark 13:32, "But of that day or hour, no one knows, neither the angels in heaven, nor the Son, but only the Father," it is unlikely that Mark would have included Jesus' ignorance in the say-

ing unless the statement goes back to Jesus. The criterion of embarrassment attests to the authenticity of the saying. Raymond Brown concludes that these Synoptic passages, including Matthew 11:27, provide valuable evidence, making it "likely that Jesus spoke and thought of himself as 'the Son,' implying a very special relationship to God that is part of his identity and status."²⁸

Many scholars have debated the significance of the title "Son of Man" for understanding Jesus' identity. Brown says that the title appears in all four gospels (eighty times), and is expressed in fifty-one sayings (some of these sayings appear in a collection of Jesus' sayings called Q).²⁹ Undoubtedly, the "Son of Man" is Jesus' favorite self-designation. In the Old Testament, the term refers to humanity in general (cf. Numbers 23:19; Job 25:6; Psalm 144:3), or it can be used to identify a prophet (Ezekiel 2:3-6, 3:1, 4:16, 5:1, 6:2).

In Daniel 7, the phrase is used either as a symbol for Israel or for a person who will represent the people of Israel. By the time of Jesus, many Jews were interpreting Daniel's "Son of Man" as involving a human being who would be enthroned and glorified and who would judge Israel and her enemies (cf. 1 Enoch 37-71; 4 Ezra 13). Given this newer interpretation, some even saw the Son of Man as being equal to the God of Israel. Critical scholars have argued that Jesus drew from this apocalyptic tradition and deepened its meaning by applying the term to himself.

In Mark 14:61-62, Jesus is on trial and asked a question by the high priest: "Are you the Messiah, the Son of the Blessed One?" Jesus' answer highlights the apocalyptic terms that are involved with the Son of Man. "I am; and you will see the Son of man seated at the right hand of the Power and coming with the clouds of heaven." Considering that this "prophecy" went unfulfilled (the high priest never saw Jesus sitting at the right hand of God), it was probably not something that the earliest Church fabricated out of nothing. As indicated by Brown: "If Christians produced such a statement post-factum, presumably they would have clarified it."³⁰

It is increasingly acknowledged that another early Christological title for Jesus is the "Messiah." Israel's hope for the Anointed One (the *mashiach*) had been revived in the centuries before Jesus.³¹ By the time of the earliest Christians, the title *Christos* (the Greek word for messiah) is so closely connected with the name "Jesus" that Paul practically uses it as a surname: "Jesus Christ" (or, in less frequent cases, "Christ Jesus").³² The opening lines of Mark's gospel read: "The beginning of the gospel of Jesus Christ [the Son of God]." John's

gospel also closes with an explanation for its composition (20:31): ‘But these are written that you may [come to] believe that Jesus is the Messiah, the Son of God, and that through this belief you may life in his name’. The primary question is whether the early Christians (those who follow the “Christ;” cf. Acts 11:26, 26:28; 1 Peter 4:16) fabricated this title or whether it goes back to the earthly lifetime of Jesus.

It is difficult to see why the earliest communities would have taken it upon themselves to assign the title “Messiah” to Jesus. A plausible alternative is that Jesus had a messianic sense of his own identity. The gospels unambiguously teach that Jesus was aware of his messiahship (see Mark 8:27–29; Matthew 16:15–23; Luke 9:18–20; John 1:19–27). Mark reports that Jesus asked the disciples: “Who do people say that I am?” They said in reply, ‘John the Baptist, others Elijah, still others one of the prophets.’ And he asked them, ‘But who do you say that I am?’ Peter said to him in reply, ‘You are the Messiah. Then he warned them not to tell anyone about him.’ Jesus’ strange warning is used by Mark to inculcate in them a deeper meaning of the messiah than what was current: the Son of Man must suffer and be raised from the dead (Mark 8:31; Matthew 16:20–21; Luke 9:20–24).

All four gospels closely link Jesus’ messiahship with a title that was mockingly put on the cross: the “King of the Jews” (Mark 15:32; Matthew 27:11, 17, 22; Luke 23:2; John 19:3, 19–21). This title is probably authentic; for there is no indication that Christians called Jesus the “King of the Jews” during his lifetime. Thus the criterion of dissimilarity seems to increase the likelihood of its historicity. In this way, Jesus provided the grounds for his own death sentence from both Jewish authorities (blasphemy) and the Romans (treason and sedition). Walter Kasper explains the significance of this title: “There can be little doubt of the authenticity of the inscription on the cross, and this allows conclusions about the course of the trial. . . . It can be concluded with fair probability, therefore, that before the Council Jesus was forced to declare himself the Messiah.”³³

Jesus never understood himself as the Messiah in the way that Second Temple Jews probably understood that term. He had no intentions of establishing an earthly kingdom and serving as its ruler or conquering the Romans. “Paradoxically,” says Brown, “this attitude points to a higher christology than if he regarded himself as fitting all that was generally expected of the Messiah.”³⁴

For these obvious reasons, practically no scholar denies that Jesus was executed as a messianic pretender.

This fundamental event is not only widely reported in the New Testament (1 Corinthians 15:3; Galatians 3:1) and non-canonical sources (Ignatius of Antioch and gnostic writings), but is also mentioned by Josephus, Tacitus, Lucian, and Mara ben Serapion.³⁵ Affirming that Messiah Jesus was crucified on a cross did not make things any easier for the earliest Christians in the attempt to convert the Jews and Gentiles. Moreover, it is clear that they preached “Christ crucified” (1 Corinthians 2:2). On the basis of these two factors (the crucifixion is independently attested by early sources, and it is embarrassing), the crucifixion may be considered historically certain. Johnson concludes: “The support for the mode of his death . . . is overwhelming; Jesus faced a trial before his death, [and] was condemned and executed by crucifixion.”³⁶

Hellenization and the Historic Christ

Although many contemporary critical scholars firmly maintain that the New Testament offers a reasonably accurate portrait of Jesus, every so often there are critics who challenge the origin of belief in Jesus’ divinity. Bart Ehrman has recently tried to undercut the case for Jesus’ unique identity by laying out some evidence to suggest that in pre-Christian Judaism there was no absolute divide between God and created realities.³⁷ Instead there was a continuum of deities, graded by a pyramid of power and grandeur.³⁸ As a result, he affirms that belief in Jesus’ divinity came about as a gradual evolutionary development after his death. This development was fostered by theological reflection in the earliest Christian communities, not by the teachings of Jesus.

At most, Ehrman says, Jesus may have been understood as divine in the same way that other human beings were deified in the ancient world (Emperor Augustus was said to be deified after his death, and Moses was declared to be a god by the philosopher Philo), but he was definitely not equal to God.

Anyone who lived around the Mediterranean world would have known about the worship of other deities. Paul himself shows an awareness of these deities (1 Corinthians 8:5–6). It follows that the primary issue is how one should relate belief in these gods to the relevant New Testament passages. Part of the problem with Ehrman’s Hellenization thesis is that belief in Jesus should be understood within the context of Second Temple Judaism. Although Hellenic ideas affected

the language, political structure, arts, architecture, entertainment, and intellectual life of Jewish society, it rarely affected the latter's underlying religious and philosophical culture.³⁹

The antiquity and rapid speed with which early devotion arose in Christianity devastates Ehrman's reconstruction of earliest Christianity. Larry Hurtado notes: "The named disciples who made up Jesus' own entourage (men and women) were all Jews from Roman Judea (mainly Galilee, it appears)," and even when the evidence comes from Paul's letters, "the named figures... are mainly fellow Jewish Christians."⁴⁰ He concludes: "It is simply not very credible, therefore, to allege influence of the pagan religious environment as the crucial factor generating devotion to Jesus as divine."⁴¹

Critical scholars have long recognized that some parallel elements between different sources do not automatically mean that there is a causal relationship between them. One should recognize that there are similarities and differences between parallel sources, and not merely highlight the similarities between them.⁴² As a case in point, the worship of a crucified and risen Messiah was utterly unique at the time and was scandalous to both Greeks and Jews alike. If Christian ideas about Jesus were so compatible with the religions of the day, then why did the Jews flog the apostle Paul (2 Corinthians 11:24)? Luke reports that the Greek philosophers laughed Paul out of the Areopagus (Acts 17:32). It seems unlikely that, if the Christians tried a syncretistic experiment with other religions, they would have experienced as much persecution as they did.

A much more likely scenario is that early Christianity reconfigured Jewish monotheism. This is why some scholars have used the phrase "christological monotheism" to describe the innovative Christian inclusion of Jesus with God. These scholars have demonstrated that Jews were strict about their belief in one God.⁴³

How, then, should one understand the status of intermediary figures in pre-Christian Judaism? Jewish thought allowed for honorific titles that should be given to angels (Metatron) and exalted humans (Enoch). But these figures were not depicted as divine beings, but were seen as aspects of God's reality (Word, Wisdom, and Logos). Still other figures were merely seen as creatures exalted by God (angels, patriarchs).⁴⁴ They still retained their status as creatures. None of these nuanced views of the intermediary figures blurred the very sharp line that Jews made between the worship that was reserved for God alone.

Conclusion

When the newest historical quest for Jesus was relaunched in the middle of the twentieth century, many critical scholars renewed their commitment to approaching the gospels from an historical standpoint. These studies are important for fundamental theology because they coincide with issues related to the credibility of Christianity. Although faith is not determined by the findings of contemporary historical research, the time is ripe for a renewed apologetics that highlights the unique character, teachings, and person of Jesus. ✠

ENDNOTES

- 1 Even the skeptical scholars Bart Ehrman and Maurice Casey have provided a strong case for the historicity of Jesus. See Bart D. Ehrman, *Did Jesus Exist?* (New York: HarperCollins, 2013); Maurice Casey, *Jesus: Evidence and Argument or Mythicist Myths?* (New York: T & T Clark, 2014).
- 2 This older trend is discussed by René Latourelle, *Finding Jesus through the Gospels: History and Hermeneutics* (New York: Alba House, 1979), 19–31.
- 3 For a defense of the trustworthiness of the gospels, see Richard Bauckham, *Jesus and the Eyewitnesses* (Grand Rapids, MI: Eerdmans, 2006); Craig A. Keener, *The Historical Jesus of the Gospels* (Grand Rapids, MI: Eerdmans, 2009).
- 4 For a discussion on the positive developments in twentieth century scholarship on the reliability of the gospels, see Latourelle, *Finding Jesus through the Gospels*, 33–45.
- 5 See, e.g., the multivolume works of James Dunn, John Meier, and N. T. Wright.
- 6 E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress, 1985), 2.
- 7 Raymond E. Brown, *An Introduction to New Testament Christology* (Mahwah, NJ: Paulist, 1994), 15.
- 8 Latourelle, *Finding Jesus through the Gospels*, 17, 18, 77, 78. Cf. 243–58.
- 9 Richard A. Burridge, *What are the Gospels? A Comparison with Graeco-Roman Biography*, 2nd ed. (Grand Rapids, MI: Eerdmans, 2004).
- 10 For scholarly treatments on the reliability of oral tradition in earliest Christianity, see Samuel Byrskog, *Story as History—History as Story: The Gospel Tradition in the Context of Ancient Oral History* (Leiden: Brill, 2002).
- 11 Latourelle, *Finding Jesus through the Gospels*, 103–05.
- 12 *Ibid.*, 169–83.
- 13 Keener, *The Historical Jesus of the Gospels*, 126–62.
- 14 Gerald O'Collins, *Christology: A Biblical, Historical, and Systematic Study of Jesus*, 2nd ed. (Oxford: Oxford University Press, 2009), 66, 67.
- 15 John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus, Vol. 2: Mentor, Message, and Miracles* (New York: Doubleday, 1994), 289–506.
- 16 Keener, *The Historical Jesus of the Gospels*, 223–37.
- 17 John P. Meier, *The Vision of Matthew* (Mahwah, NJ: Paulist, 1979), 64.
- 18 Jacob Neusner, *A Rabbi Talks with Jesus* (New York: Doubleday, 1993), 30–32.
- 19 Walter Kasper, *Jesus the Christ*, trans. V. Green (Mahwah, NJ: Paulist, 1976), 102.
- 20 The first twelve chapters of John's gospel are often referred to as the "book of signs."
- 21 It is a relatively uncontroversial that the creedal statements embedded in the book of Acts can be traced back to within a few years after Jesus' death.

- 22 Found in Sanhedrin 43a. Cited in René Latourelle, *The Miracles of Jesus and the Theology of Miracles* (Mahwah, NJ: Paulist, 1988), 55.
- 23 Ibid.
- 24 Luke Timothy Johnson, *The Real Jesus* (San Francisco: HarperCollins, 1996), 123.
- 25 Meier, *A Marginal Jew: Rethinking the Historical Jesus*, 970.
- 26 The reference to the “son” in the Mark 12:1-12 is also mentioned in the apocryphal gospel of Thomas.
- 27 Keener, *The Historical Jesus of the Gospels*, 283-87.
- 28 Brown, *An Introduction to New Testament Christology*, 89.
- 29 Ibid., 90.
- 30 Ibid., 99 n. 157.
- 31 There were a variety of expectations as to how the messiah would intervene on Israel’s behalf. See Brown, *An Introduction to New Testament Christology*, 155-61.
- 32 In Romans 1:1-4, Paul cites an ancient creedal formula that mentions “Jesus Christ.” Some critical scholars believe that this creed can be traced back to the 40s. Also relevant is Paul’s recitation of another creed: 1 Corinthians 15:3-5. See Brown, *An Introduction to New Testament Christology*, 79 n. 109.
- 33 Kasper, *Jesus the Christ*, 106.
- 34 Brown, *An Introduction to New Testament Christology*, 80.
- 35 One of the best scholarly treatments on ancient non-Christian sources for understanding Jesus is Robert E. Van Voorst, *Jesus Outside the New Testament* (Grand Rapids, MI: Eerdmans, 2000).
- 36 Johnson, *The Real Jesus*, 125.
- 37 Bart D. Ehrman, *How Jesus Became God: The Exaltation of a Jewish Preacher from Galilee* (New York: HarperCollins 2014).
- 38 Ibid., 43.
- 39 Gregory A. Boyd and Paul Rhodes Eddy, *The Jesus Legend: A Case for the Historical Reliability of the Synoptic Jesus Traditions* (Grand Rapids, MI: Baker, 2007), 91-132.
- 40 Larry W. Hurtado, *How on Earth Did Jesus Become a God? Historical Questions about Earliest Devotion to Jesus* (Grand Rapids, MI: Eerdmans, 2005), 38-39.
- 41 Ibid., 41.
- 42 Boyd and Eddy, *The Jesus Legend*, 133-64.
- 43 Larry W. Hurtado, *One God, One Lord: Early Christian Devotion and Ancient Jewish Monotheism*, 2nd. ed. (New York: T & T Clark, 2003), 17-39; Richard Bauckham, *Jesus and the God of Israel* (Grand Rapids, MI: Eerdmans, 2008), 1-59.
- 44 Bauckham, *Jesus and the God of Israel*, 3, 13-17. ww

Washington Insider

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Supreme Court Developments

The annual Supreme Court term began October 5. This term marks the tenth term for which John Roberts has served as chief justice. Roberts’s tenure has proved somewhat controversial, given his decisions in several cases concerning aspects of the Affordable Care Act.¹ Thus, the question has arisen, particularly during the Republican presidential debates, as to what kind of justice should be appointed during the next presidential term (when as many as four vacancies might arise). This is a vital question, particularly when one remembers that the “right to abortion” was created virtually from thin air by the Supreme Court in *Roe v. Wade*.²

The people do not rule themselves when the Court is free to decide constitutional matters according to its own policy preferences. Public confidence in the Court continues to decline sharply.³ Thus, it is impor-

tant that subsequent nominees be confirmed only if (1) they understand the limited role the Court is supposed to play under our Constitution, and (2) they will construe the Constitution according to its plain meaning. This issue alone makes the next presidential election one of the most important in our history.

The Court’s docket continually evolves as new cases come before it. At this point, we do not know what cases the Court will review this term, but it is nearly certain it will review cases involving the HHS mandate.

The mandate is the section of the Patient Protection and Affordable Care Act that requires most entities to cover contraceptives, abortifacients, and sterilization in their insurance plans. At least seven cases seeking review by the Court, including the case brought by the Little Sisters of the Poor, raise the question whether the “accommodation” offered by the HHS (Department of Health and Human Services) to religious organizations violates religious liberty rights. The religious institution in each case claims that complying with the terms of the accommodation makes the institution complicit in the underlying immoral act. (Compliance means that it provides notice to the government or to its insurer—or third-party administrator, if self-insured—of its objection to covering the services in its insurance.) Each organization claims that US law protects their right not to

comply with the accommodation. If the Supreme Court ultimately decides the issue, there are at least three reasons to be concerned about the result. The first reason is that there may be five members of the Court who think the accommodation is acceptable and, hence, that the Little Sisters and others must comply with it even if they believe it violates their religious beliefs to do so.

As recounted in my Winter 2014 column, the Supreme Court's decision in *Burwell v. Hobby Lobby Stores* introduced a twist in the ongoing litigation concerning the HHS mandate. One question in the Hobby Lobby case was whether closely held for-profit corporations (small businesses) had a right under the Religious Freedom Restoration Act to object to being forced to comply with the mandate.⁴ In a 5-to-4 opinion, the Supreme Court held that the closely held family businesses had a right to religious freedom under RFRA. Further, the Court found that, assuming the government had a compelling interest for the mandate, it nonetheless failed to meet its obligation to show that it was acting in the "least restrictive" way.⁵ As an example of a less restrictive alternative, the Court said the government could have extended the accommodation it granted to religious nonprofits to for-profit corporations as well. Since the Supreme Court spoke well of the accommodation, the question arises, Did that mean the Court approved of the accommodation as an acceptable way for the government to respect the religious beliefs of for-profits—and, by implication, nonprofits, such as the Little Sisters of the Poor? The majority disclaimed any such intention, saying it was only deciding the precise issue before it (whether small businesses could be compelled to comply with the mandate if they had religious objections to it).⁶ However, while that may be the view of four of the five justices in the majority, one of them, Justice Anthony Kennedy, wrote a separate concurring opinion that can reasonably be read to suggest that he does find the accommodation, as it existed at the time of the Hobby Lobby decision, to be acceptable: "The means to reconcile [the religious freedom of employers with the compelling interest of the government] are at hand in the existing accommodation that the Government has designed, identified, and used for circumstances closely parallel to those presented here."⁷ Given the ardent support for the mandate and the accommodation shown by the four justices who dissented in Hobby Lobby, Kennedy's words may presage a fifth vote to force objectors to comply with the accommodation.

The second reason to be concerned that an eventual Supreme Court decision will require religious nonprofits to comply with the accommodation is that the

overwhelming majority of appellate courts have said so.

⁸ Following the decision in Hobby Lobby, the Supreme Court sent many cases back to the lower courts, telling them to reconsider decisions against nonprofits in light of its holding in Hobby Lobby. While many, including the author, thought this would lead the lower courts to reverse themselves and uphold the right of religious nonprofits not to accept the accommodation, most of those courts found to the contrary, that is, they held that the accommodation was an acceptable way for the government to comply with RFRA,⁹ and thus the nonprofit must do so (or shut down).

The third reason to be concerned is that the government may have found a way to "expand" the accommodation so as to garner the necessary votes on the Court (assuming Justice Kennedy was not already inclined to support it).

In an interim appeal in another case around the time of the Hobby Lobby decision, the Supreme Court indicated that HHS might be required to revise the terms of the accommodation to permit a religious objector to provide notice to the government rather than provide a "self-certification" form to the insurer, as the accommodation required.¹⁰ Sure enough, HHS subsequently revised the accommodation in this manner.¹¹ Arguably, this attenuates further the nonprofit's participation in the immoral HHS mandate scheme. That may prove sufficient for the Court to uphold the accommodation.

A decision to uphold the accommodation will have grave consequences for religious organizations (such as schools and hospitals) of all stripes (Catholic, Protestant, Jewish, etc.), which may have to close if they cannot provide services without violating their religious beliefs, and for those they serve (the poor, the uneducated, the immigrant, the homeless, the abandoned, the indigent, the elderly) as well as for religious diversity (that is, fewer religious organizations active in the public square). Given the severity of the consequences, we may hope that when the Court takes these cases, it will hold that the religious entity has the right to decide, under RFRA and the First Amendment, whether complying with the accommodation violates its religious beliefs and, further, that the government has many available "less restrictive" means for distributing contraceptives (and abortifacients) that do not require the participation of religious entities.¹² As I have discussed in many prior Washington Insider columns, I am personally certain that the law, properly understood, protects religious institutions from being forced to comply with the mandate or to accept the accommodation,¹³ but only time will tell whether the Supreme Court will agree.¹⁴

As noted, it is impossible to predict what other life-related cases will arise during this term and be selected for review.¹³ Nonetheless, of particular interest from a pro-life perspective, petitions are currently pending that involve whether certain state regulations are constitutional. The regulations in question (a) require abortion clinics to meet the ordinary safety standards that apply to other ambulatory surgical centers or (b) require abortionists to have admitting privileges at a local hospital (in case the woman suffers serious complications from the abortion), or both. The cases are from Mississippi and Texas.¹⁶ The first, *Jackson Women's Health*, resulted in a bizarre holding that rejected the admitting privileges requirement in Mississippi under the theory that a state is obligated to ensure the presence of an abortion facility within its borders—and fly-in abortionists might not be able to get admitting privileges in local hospitals. The second case, *Whole Woman's Health*, upheld Texas regulations on both issues.¹⁷

At any rate, if the Court reviews either or both cases, it will have the opportunity to consider what standards bind states when it comes to regulating abortion. In its most recent abortion-related decision,¹⁸ the Court indicated that legislatures can act concerning abortion as they do with other issues, that is, they may pass laws that have a rational basis¹⁹ (rationally related to a legitimate government purpose²⁰). However, in addition, and unlike with other laws, the law must not have an improper “effect.” It is unclear what this latter requirement means. The Court has spoken of not placing a “substantial obstacle” or “undue burden” in the way of a woman seeking an abortion. But what constitutes a “substantial obstacle” or an “undue burden”? The Court has sometimes spoken of whether a “substantial fraction” of situations in which a woman seeks an abortion are affected. It is very important for a legislature that is seeking to pass a law that meets constitutional requirements (and to avoid the costs of needless litigation) to know the answer to these questions. Perhaps the pending cases will provide the occasion when the Court clarifies these matters.²¹

Congressional Developments

The release by the Center for Medical Progress of a series of videos of secretly recorded conversations with various employees and associates of Planned Parenthood, in which they discussed possible trafficking in the body parts of aborted babies,²² sparked four congressional investigations. One committee in the Senate (Judiciary) and three in the House (Energy and

Commerce, Judiciary, and Oversight and Government Reform) have announced investigations, and have held, or plan to hold, hearings. Furthermore, the House has voted to set up a select committee as a subcommittee of Energy and Commerce, with its own staff and budget, to investigate the allegations of trafficking in fetal body parts and other issues that concern Planned Parenthood.

The committees are investigating, among other things, whether Planned Parenthood violated existing law. Americans United for Life sent a twenty-eight-page letter to Senator Chuck Grassley (R-Iowa), who chairs the Senate Judiciary Committee, on August 27, documenting material in the videos that raise questions about possible violations of (1) the Partial-Birth Abortion Ban Act, (2) the Born-Alive Infants Protection Act, and (3) federal laws against conspiracy, in addition to (4) federal law that, when fetal tissue is provided for research, (a) requires informed consent, (b) prohibits payment (as opposed to recovery of costs), and (c) prohibits altering²³ the abortion procedure to obtain particular body parts.

On September 18, the House voted to pass H. R. 3134/S. 1881, a bill to prohibit federal funding of Planned Parenthood. On September 29, the House passed H.R. 3495, the Women's Public Health and Safety Act, which would permit states to exclude abortion providers from Medicaid.²⁴ Both bills now go to the Senate for consideration.

Regarding pro-life bills unrelated to Planned Parenthood, the House passed H.R. 3504, the Born-Alive Abortion Survivors Protection Act, on September 18. This bill adds criminal penalties to the existing Born-Alive Infants Protection Act; it, too, goes now to the Senate for consideration. However, the Senate failed to pass H.R. 36/S. 1553, the Pain-Capable Unborn Child Protection Act (also known as the “abortion ban after twenty weeks”), which had passed the House. Senate rules require sixty votes to end debate (“cloture”) and bring the bill to the floor for a vote on the merits, but the vote was 54 to 42.

International Developments

Two important international developments have widespread implications.

The first concerns the United Nations Human Rights Committee, which is charged with aiding nations in understanding and complying with the most important, and widely ratified, human rights treaty, the International Covenant on Civil and Political Rights

(ICCPR). (The United States is a party to the ICCPR.)

The Human Rights Committee announced that it is considering adopting a “general comment” regarding article 6. This is highly significant, because section 1 of article 6 of the ICCPR states, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” On several occasions, such as its recent review of Ireland’s compliance with the ICCPR,²⁵ the committee has indicated it believes abortion is required to be permitted under article 6 in certain situations.

In this context, the Human Rights Committee invited comments from members of civil society on what form its proposed general comment should take, noting that it might consider, among other things, abortion, euthanasia, and the destruction of embryos. In response, the committee was inundated with comments urging it not to suggest that abortion was permitted (or even required) under article 6.²⁶ In response, it extended the deadline so that more pro-abortion organizations could comment. The committee held a “general discussion” at which members of civil society could present their views in July.²⁷

Given the ongoing effort to promote abortion through international “norms,” a declaration from the Human Rights Committee that a provision protecting the life of every human being actually requires the legalization of abortion (at least in some circumstances) would be most unfortunate—perhaps even devastating—as it would be cited by pro-abortion lawyers and activists as evidence of an international consensus in favor of “abortion rights.” Perhaps worse, it would undermine the clear meaning of article 6-1, that is, that every human being is guaranteed the right to life.

The new comment has not yet been issued.

The second important development was the adoption of the Sustainable Development Goals at the United Nations on September 25.²⁸ These goals apply to every country in the world and replace the expiring Millennium Development Goals. The goals apply for the next fifteen years and are intended to guide development (and eradicate poverty) throughout the world. Unfortunately, they include two “targets” that are problematic from a pro-life perspective.

Target 3.7 seeks to “ensure universal access to sexual and reproductive health-care services,” while target 5.6 aims to “ensure universal access to sexual and reproductive health and reproductive rights.” While the plain sense of this language does not include abortion, language like this has been used by pro-abortion forces

to promote “abortion rights” since the International Conference on Population and Development in Cairo in 1994. While technically (legally) the adoption of these targets does not obligate nations to liberalize abortion laws, the rich, pro-abortion nations will certainly use these targets to pressure smaller, poorer, developing countries to do just that, as the Catholic bishops of Africa pointed out forcefully:

It can no longer be denied that under the euphemism of “sexual and reproductive health and rights,” such programs are plainly imposed as a condition for development assistance. ... The agents of the civilization of death are using ambivalent language, seducing decision-makers and entire populations, in order to make them partners in the pursuit of their ideological objectives.... We, African pastors, note today with profound sadness that the post-2015 agenda for global development, in its present state of elaboration, continues in the direction set at the Cairo and Beijing conferences and that, twenty years after these conferences, the partnerships that have been established have become a powerful political and financial force.²⁹

The next stage in this struggle will come in the Spring when the United Nations considers what “indicators” nations must satisfy (such as “universal access to reproductive services”) to meet the targets. Pro-life nations will be fighting for unambiguous language that makes it clear that no nation is legally obligated to liberalize abortion laws. ✕

ENDNOTES

- 1 See, for instance, *King v. Burwell*, 576 US (2015)
- 2 410 US 113 (1973). The “right” found by the Court is, of course, not mentioned in the text of the Constitution. Instead, the Court found it to be implied from a “privacy right” that the Court had previously implied in *Griswold v. Connecticut*, 381 US 479 (1965).
- 3 Only 53 percent say they have trust in the Court. This is down from 76 percent in 2008. See Jeffrey M. Jones, “Trust in US Judicial Branch Sinks to New Low of 53%,” Gallup poll, September 18, 2015, <http://www.gallup.com/>.
- 4 *Burwell v. Hobby Lobby Stores*, 573 US__ (2014), discussed in my *Winter 2014 Washington Insider*, pp. 612–615.
- 5 *Burwell v. Hobby Lobby*, 40.
- 6 *Ibid.*, 44 note 40.
- 7 *Ibid.*, Kennedy, J., concurring, 4.
- 8 However, not all lower courts so held. The Eighth Circuit, for instance, upheld the claims of the religious nonprofit. In doing so, it provided the “circuit split” (or disagreement among lower courts) that is often a good indicator that the Supreme Court will review the case. See *Sharpe Holdings v. HHS*, no. 14–1507 (8th Cir. Sept. 17, 2015).
- 9 See, for instance, *Little Sisters of the Poor v. Burwell*, no. 13–1540 (10th Cir. July 14, 2015). The Tenth Circuit concluded, “Plaintiffs do not ‘trigger’ or otherwise cause contraceptive coverage because federal law, not the

- act of opting out, entitles plan participants and beneficiaries to coverage. Although Plaintiffs allege the administrative tasks required to opt out of the Mandate make them complicit in the overall delivery scheme, opting out instead relieves them from complicity” (slip op. at 32). “Plaintiffs’ concern that others may believe they condone the Mandate is unfounded. Opting out sends the unambiguous message that they oppose the contraceptive coverage and refuse to provide it, and does not foreclose them from objecting both to contraception and the Mandate in the strongest possible terms” (66). HHS “has made opting out of the Mandate at least as easy as obtaining a parade permit, filing a simple tax form, or registering to vote—in other words, a routine, brief administrative task” (69). Subsequently when the Tenth Circuit refused to reconsider this ruling, five of its judges took the highly unusual step of criticizing the refusal to reconsider, and confidently predicted the Little Sisters would be vindicated in the Supreme Court. *Little Sisters of the Poor v. Burwell*, no. 13–1540 (10th Cir. Sept. 3, 2015).
- 10 *Burwell v. Hobby Lobby*, 10 note 9.
 - 11 Coverage of Certain Preventive Services under the Affordable Care Act, 79 Fed. Reg. 51092 (Aug. 27, 2014).
 - 12 There are other ways in which religious institutions might be freed from any obligation to comply with the accommodation. For instance, in *March for Life v. Burwell*, a federal court held that the organization March for Life was denied the “equal protection of the laws” (as guaranteed under the Fourteenth Amendment to the Constitution) by the accommodation. *March for Life v. Burwell*, no. 14–cv–1149 (RJL) (D.D.C. Aug. 31, 2015). “What HHS claims to be protecting is religious beliefs, when it actually is protecting a moral philosophy about the sanctity of human life. HHS may be correct that this objection is common among religiously affiliated employers. Where HHS erred, however, is in assuming that this trait is unique to such organizations. It is not” (slip op. at 15). “By singling out a specific trait for accommodation [i.e., moral opposition to abortifacient contraceptives], and then excising from its protection an organization with that precise trait, it sweeps in arbitrary and irrational strokes that simply cannot be countenanced, even under the most deferential of lenses” (17).
 - 13 The government does not have a compelling reason for the mandate (contraception is widely available) nor has it followed the least restrictive means (it could give contraceptives away for free). The burden it is placing on religious institutions is substantial (the fines are enormous). Further, religious institutions cannot be forced to follow an accommodation that makes them complicit in the underlying immoral acts. It is not up to the government to judge whether they are complicit; it is the institutions themselves whom the law recognizes as having the right to make this judgment. In sum, what the mandate or accommodation does is force religious institutions to participate in an immoral—and unconstitutional—scheme.
 - 14 It is by no means certain that Justice Kennedy will vote for the accommodation and against the Little Sisters (and the others). He has voted in other cases in a way that suggests he will supply the fifth vote to form a majority that upholds their religious liberties claims. See my *Washington Insider* from Winter 2014, pp. 614–615, and the discussion of the interim orders in *Little Sisters of the Poor v. Burwell* and in *Wheaton College v. Burwell*.
 - 15 The Court will be reviewing several cases concerning the death penalty, but none of these cases is a direct challenge to the constitutionality of the death penalty.
 - 16 *Currier v. Jackson Women’s Health Organization*, docket no. 14–997 (5th Cir.), and *Whole Woman’s Health v. Lakey*, docket no. 14A365 (5th Cir.).
 - 17 The requirement that abortion facilities meet ordinary standards for ambulatory surgical centers was challenged “facially,” that is, the claim was that the regulation was unconstitutional in every instance. The second requirement, the admitting privileges requirement, had been subjected to a “facial” challenge in a prior case and had been upheld. In the instant case, it was being challenged “as applied” to certain abortion facilities.
 - 18 *Gonzales v. Carhart*, 550 US 124 (2007), upholding the constitutionality of the federal Partial-Birth Abortion Ban.
 - 19 This is important, because if abortion were protected by the strict-scrutiny standard, it is unlikely its regulation by states would survive. (The test, which, as noted, applies to the HHS mandate, requires that government have a compelling reason and pursue its ends in the “least restrictive” manner.)
 - 20 Since abortion is a legal right, the state legislature may not intend to prohibit all abortions. Another way of understanding this is that the legislature must have some true basis for action, other than its opposition to abortion. For instance, with admitting privileges, the court would ask, is there a reason other than banning abortion to have such a requirement?
 - 21 The foregoing discussion is based on the holding in *Gonzales v. Carhart*, and that decision was 5 to 4. The four dissenters would have made the regulation of abortion subject to strict scrutiny and will seek to do so in future cases. Thus, the stakes are high if the Court does review these cases.
 - 22 The videos, transcripts, and documents are available on the Center for Medical Progress website at <http://www.centerformedicalprogress.org/>.
 - 23 For a complete discussion, see Americans United for Life, “Planned Parenthood Employees and Contractors Raise Probable Cause for Systemic Violations of Federal Criminal Laws and Unethical Behavior,” August 2015, <http://www.aul.org/wp-content/uploads/2015/08/PP-CMP-Videos-Backgrounder-AUL.pdf>.
 - 24 Several states, including Alabama and Louisiana, did not feel it necessary to wait for congressional action and excluded Planned Parenthood from Medicaid funding. Prior efforts to do that by some states, such as Indiana and Arizona, were overturned by the courts, which held that current federal law as written does not allow the states to do this. See *Planned Parenthood v. Indiana*, 699 F3d 962 (7th Cir. 2012), and *Planned Parenthood v. Belach*, 727 F3d 960 (9th Cir. 2013).
 - 25 See “Human Rights Committee Considers Report of Ireland,” UN Office of the High Commissioner for Human Rights, July 15, 2014, <http://www.ohchr.org/>.
 - 26 All the written comments may be viewed at the committee’s web site, at <http://www.ohchr.org/.AUL>, for instance, submitted a comment drawing together research reports that show the damage to women’s health caused by abortion, also available at <http://www.aul.org/>.
 - 27 “General Discussion on the Preparation for a General Comment on Article 6 (Right to Life) of the International Covenant on Civil and Political Rights,” UN Office of the High Commissioner for Human Rights, July 14, 2015, <http://www.ohchr.org/>.
 - 28 UN General Assembly, Seventieth Session, Transforming Our World: The 2030 Agenda for Sustainable Development (A/70/L.1), September 18, 2015, <https://sustainable.development.un.org/>.
 - 29 See paragraphs 5, 6, and 13 of the Common Declaration of the Bishops of Africa and Madagascar (Accra, Ghana), June 11, 2015, available at <http://aleteia.org/common-declaration-of-the-bishops-of-africa-and-madagascar/>.

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Seeing Things Politically. Pierre Manent, Translated by Ralph Hancock. South Bend, IN: St. Augustine's Press, 2015. xx + 215 pp.

Reviewed by Jude Dougherty
The Catholic University of America

Following a helpful introduction by Daniel J. Mahoney, the book consists mainly of a series of interviews which Manent gave to Benedicte Delorme-Montini. Those interviews range from Manent speaking of his early education in a Communist family to his comments on the current state of European culture. The questions raised by Delorme-Montini are profound and probing, forcing Manent to reveal a complicated intellectual journey from the 1970s to the present.

Manent relates that he came of age in a French, Communist, “political homogeneous milieu.” His first intellectual education included exposure to the thought of Roger Garaudy, Georges Cogniot, and Jean Kanapa. In his family circle everyone was on the political left. Still, citizens who were otherwise separated by political or religious opinion were nevertheless unified in their promotion of education and even concerning the content of education, that is, French, Greek, Latin, and mathematics.

It was Louis Jugnet, a teacher at the lycée at Toulouse, a Thomist, who introduced Manent to Jacques Maritain and Etienne Gilson and to and the “immense domain of the Catholic religion and religion in general.” Prompted by his study of St. Thomas and speculative theology in general, Manent became a Catholic.

After Toulouse, Manent enrolled at *École Normal Supérieure* in Paris, where he sought out Raymond Aron on the advice of Louis Jugnet. Paris at that time was the domain of Jacques Derrida, Jean Paul Sartre, and Louis Althusser, and Manent encountered them all. Early on, he read with appreciation Hannah Arendt's *The Origins of Totalitarianism*. At the Sorbonne, he

found that the two great dissertation “industries” were Descartes and the Cartesians, on the one hand, and Kant and German idealism, on the other. Neither proved to be of interest to him, but Aron became a lasting influence, by introducing him first to classical philosophy, and subsequently to the person of Leo Strauss. The latter's *Natural Right and History* proved to be influential and confirmed the direction that Manent's political philosophy was to take. Fleeing modernity, Manent developed a passion for the ancients. He became convinced of the value of a historical perspective, for “[o]nly a long education of the intellect and the faculty of judgment make it possible to find one's way with some certainty in political life.”

Dividing the course of Western civilization into three parts—pagan antiquity, Christianity, and modernity—he cites the Reformation as a pivotal movement in the history of Christianity. He claims without doubt that the Reformation was not merely a religious or spiritual movement, but “very directly and very explicitly, it was also a political movement,” in the sense that its doctrines bore implications for human association. “The heart of the Reformation is undeniably its contestation of the mediating character of the Church.” Traditionally the Catholic Church offered itself as the necessary vehicle of salvation and as a necessary mediation between God and man. The destruction of that ecclesiastical mediation had its effects in the political order by transferring not only practical but, to a certain extent, spiritual authority to temporal rulers. As a result of the Reformation's emphasis on the subjective, on individual judgment, the Church lost its former authority to hold the ruler accountable.

Today, says Manent, Europe's religion has become the “religion of humanity,” a democratic universalism that leads to nihilism. It consists in this: “Europe is nothing other, and wants to be nothing other, than pure human universality. . . . It cannot be anything definite, it wants

to be nothing, an absence open in every way to the presence of the other; it wants to be nothing itself so that the other, no matter what other, can be everything that it is.”

The modern order, Manent concludes, is facing its limits. The principal one consists in the absence of an objective order capable of motivating common action. Common action cannot flow from the mere protection of individual or subjective rights. Public order, he insists, cannot be built on protecting private lives alone.

While *Seeing Things Politically* is primarily an intellectual autobiography, Manent in reflecting on his life also provides insight into a host of contemporary issues. He offers in passing a compelling discussion of the nature of science and scientific explanation, and the possibility of constructing a genuine political science. These and other topics are given full examination in other of his works that are worth revisiting, including *Modern Liberalism and Its Discontents* (1998), *The City of Man* (2000), and *Democracy without Nations* (2007).

Speaking of the role of religion in society, Manent says, “A work that satisfactorily brings together fidelity to human experience and commitment to a religious perspective is rare.” The present work is obviously one of those rare volumes, one that I cannot recommend too highly.

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Divine Promise and Human Freedom in Contemporary Catholic Thought. Edited by Kevin A. McMahan. Lanham, MD: Lexington Books, 2015. 294 pp. Cloth, \$100.00.

Reviewed by Rev. Joseph W. Koterski
Fordham University

A festschrift in honor of a distinguished member of the Fellowship, this collection has not only stellar contributors but more thematic unity than many a book of this type. Fr. Donald Keefe, S.J., has

given long years of faithful witness by his priestly life and by his scholarship, and so this honor is much deserved.

Some of essays contained in this volume directly address the signature element of Keefe's own work—covenant theology. In the volume's title, in fact, we find Keefe's sense of the primary meaning of "covenant" as the divine promise that God freely made in order to overcome the disorder that was introduced into the world by freely committed sin. Much of Keefe's theology has come to be elaborated as he traced the sources of this promise in scripture and its understanding in the Fathers, so as to note the systemic implications of such a covenant relationship. The fulfillment of God's promise comes, of course, with the perfectly free response of the Son to the Father: the Incarnate Word who is Jesus Christ.

In Keefe's works we see a methodical rigor in articulating these implications. Given the truth of the Incarnation, there are things we can see about human nature. Given these truths of human nature, there are things we can know about the nature of the world. Even the fact that the world has been altered by sin shows us various things about the creation. Given that salvation for mankind consists in entering into the life of Christ, the Word Incarnate, there are things we can know about the nature of the Church. In short, there is an entire metaphysics that emerges for Keefe from the Christological understanding of covenant theology. It is a covenant of grace, which Keefe understands to be a divine offer of a way to participate in God's own life. It is an offering made by the Father through the Son who is Christ, an offer that allows us to participate in the very life that the Father has with the Son. The Church, the community of believers, is the historical continuation of the life of Christ. The Church passes on his teaching and gives us the sacraments that serve as a way by which in each generation still others can be drawn into the life of Christ.

The contributors to this volume

have honored Fr. Keefe by the way in which their essays take up one or another of these themes. In an essay on "Covenantal Sexuality," for instance, John Grabowski reviews the biblical idea of "covenant" and analyzes the role it has had in the theological understanding of sexuality and marriage. For those who have grown used to the emphasis, given since the Second Vatican Council, on seeing the covenant that God made with Israel as a model for understanding the covenant of marriage, this essay provides a fine way to deepen and refresh the notion by its consideration of the covenant as the agency of healing and restoring what was wounded with the Fall.

A number of the essays take up the writings of various patristic and scholastic theologians in ways that illustrate or complement Keefe's work. His Fordham colleague Joseph Lienhard, S.J. offers a learned survey of the use that the Fathers of the Second Vatican Council made of the Fathers of the Church and the significance of their turn to patristic theology. John M. McDermott, S.J. reviews the Augustinian notions of freedom and grace through a consideration of the natural–supernatural distinction. David Meconi, S.J. discusses the Augustinian rejection of theurgy (in the sense of the pagan rites performed to guarantee the good favor of the gods) and the Dionysian rehabilitation of the term just a century later to name the divine work that took place in the Incarnation and that continues for us in the Eucharist. Here we have the fruit of fresh research in the patristic period, helpfully linked quite explicitly to Keefe's themes of the fulfillment of God's covenant promise in the Incarnate Word and in the continuation of the divine offer of grace through the Church.

In light of Fr. Keefe's well-known objections to certain portions of the Thomistic synthesis (especially Aquinas's way of handling grace and the notion of pure nature, as if human nature could be understood independently of Jesus Christ), one of the most

interesting contributions to this collection is the study by Earl Muller, S.J., of the Christocentrism in Aquinas's *Summa theologiae*. Muller observes that for a scholastic author like Aquinas, as for patristic writers like Augustine, human nature has to be understood in terms of the Incarnation. This allows Muller a way to argue that for Thomistic thought, much as for Augustinian theology, grace is not merely a metaphysical accident but something pervasive and essential to our life in Christ. To speak a bit more broadly for a moment, the author of this review pines for an across-the-board revival of Thomistic theology on a scale like the revival of Thomistic philosophy in such areas as natural law and metaphysics that took place over much of the twentieth century. It is essays like this that are likely to prove extremely helpful for such a revival, by showing ways for generating a different emphasis in the study of Thomistic theology than those that have met with such resistance in much of academic theology.

Among the essays that are concerned with contemporary theological trends, Sr. Sarah Butler, M.S.B.T., takes up Fr. Keefe's recurrent concern with the sacrament of Holy Orders by reflecting on the theological importance of history in understanding sacramental theology. In analyzing Keefe's critique of Edward Kilmartin's *sola fide* ecclesiology, she traces certain basic misunderstandings in sacramental theology back to their Reformation roots. Similarly, Lawrence Welch examines Keefe's critique of Karl Rahner's overly easy identification of the relations of the "immanent Trinity" to one another with the relations of the "economic Trinity to creation and redemption." Montague Brown uses Keefe's appreciation for the novelty of Keefe's covenantal metaphysics for explaining the difference between those periods in Western thought that flourished precisely because the gaze of human speculation was turned outwardly in wonder on the transcendent and those periods that stagnated because of

excessively self-absorbed introspection. There is a similar focus on Keefe's relations to other contemporary theology in the essays by Roger Duncan on the cosmos and by Richard Nicholas on the Blessed Virgin Mary.

Finally, there are three essays in the collection that turn to questions of morality. The editor of this volume, Kevin McMahon, has an essay which reflects on the implications for morality that emerge from understanding Christ as at the center of human history. The companion piece by Daniel Hauser illustrates much the same point by considering the way in which *Veritatis splendor* and other works by John Paul II insist that Jesus reveals man to himself and constitutes in his person the normative guide for understanding human nature and human activity. From a philosophical viewpoint, the essay by Robert P. George on religious liberty and the human good expands on claims that George has made elsewhere about the need of the basic good of religion for human flourishing.

Members of the Fellowship will be grateful not only for the wisdom of the essays collected in this volume but also for the bibliography of Keefe's works that appears at its end. His scholarly work has been of great importance to the work of the Fellowship over many decades, and it is good to see an entire volume dedicated to an appreciation of his contributions.

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The Prospects and Perils of Catholic-Muslim Dialogue. Robert R. Reilly. McLean, VA: The Westminster Institute and the Faith & Reason Institute, 2013. 43 pp.

*Reviewed by Stephen J. Kovacs
Notre Dame College*

Can Catholics and Muslims engage in fruitful dialogue? This is the question Robert R. Reilly addresses in his eye-opening

monograph *The Prospects and Perils of Catholic-Muslim Dialogue*. Reilly, who authored the groundbreaking book *The Closing of the Muslim Mind* (2011), discusses how extreme theological differences pose a major obstacle to Catholic-Muslim dialogue, and he persuasively argues that, for effective dialogue to take place with Muslims, a belief in the importance of reason must be shared. He utilizes a wealth of relevant sources, and, quite admirably, is not afraid to point out the uncomfortable facts throughout his solid analysis. All Catholics involved in interreligious dialogue should take heed.

Catholicism and Islam are the world's two largest religions, and since the Second Vatican Council the Church has consistently viewed Catholic-Muslim dialogue to be a necessity. *Lumen gentium*, the Council's *Dogmatic Constitution on the Church*, praises all that it finds good and true in Islam and discusses Islam's place within the economy of salvation (§16). *Nostra aetate*, the Council's *Declaration on the Relation of the Church to Non-Christian Religions*, goes further to state that Christians and Muslims must "work sincerely for mutual understanding and to preserve as well as to promote together for the benefit of all mankind social justice and moral welfare, as well as peace and freedom" (§3). All the recent popes have echoed this call for interreligious dialogue and cooperation, highlighting the importance of such collaboration for the sake of the common good.

As legitimate as these ambitions are, there are necessary preconditions to Catholic-Muslim dialogue. For a start, it is crucial that both parties agree upon the need for partnership, and that they share common conceptions of things like *justice, peace, and the common good*. Even more importantly, as Pope St. John Paul II and Pope Benedict XVI repeatedly stressed, Catholic-Muslim dialogue can be successful only if both sides recognize the dignity of all human persons and the inalienability of human rights. In this regard, Reilly notes that the differing anthropologies

of Christianity and Islam are central to the disagreement between these faiths and the main barrier to dialogue.

In his now famous 2006 *Regensburg Lecture* on faith and reason, Pope Benedict XVI quoted the medieval Byzantine Emperor Manuel II Palaeologus speaking about Islam, where the emperor said that converting others through violence goes against reason, and that "not acting reasonably is contrary to God's nature." Benedict explained that this is a "decisive statement," for it implies that God is reason, and so violent conversion is an assault on human conscience. According to Reilly, this shows that the ultimate issue is therefore whether Catholics and Muslims both believe in a God who is reason—a God who is *Logos*. This is what will finally decide the possibility of dialogue.

Reilly is quick to note that the violent Muslim reactions to the *Regensburg Lecture* were proof of what Pope Benedict was talking about: that if God is not understood to be reason, religiously motivated violence results. As Benedict also discussed, *dehellenization*—his term for the denigration of reason and rejection of the classical Greek patrimony—became a tendency in the Church in the thirteenth century with the rise of Scotism. But the gospel revelation of God as *Logos*, and the development of an Aristotelian-Thomistic structure to Catholic theology, kept this movement from having a lasting impact. Islam, however, experienced a thorough dehellenization early in its history that would shape the religion to this day.

In the eighth century a major dispute over the place of reason in Islamic theology broke out between two schools of thought: Mu'tazilism and Ash'arism. The Mu'tazilites, supported by Caliph Al-Ma'mun, who claimed to have had a vision of Aristotle in a dream, embraced Greek philosophy and hellenized Islam. Emphasizing the primacy of reason, they taught that God (*Allah*) is not only power but reason as well, and that all humans can come to know God by their own reason. Man

can also use his reason to come to know God's laws within nature and the moral law, and then act according to these laws by virtue of his God-given free will. God's justice and reason ensure that persons will be judged only according to their abilities, and he would never act or expect humans to act contrary to reason. The similarities with Catholic doctrine here are striking, and as a result of this hellenization of Islam, Islamic culture experienced something of a renaissance. However, in the middle of the ninth century, Caliph Ja'afar al-Mutawakkil suppressed the Mu'tazilites and made it a capital crime to abide by their doctrines. Thus began the dehellenization of Islam.

The new reigning school was Ash'arism, named after Abu al-Hasan al-Ash'ari, who fundamentally opposed Mu'tazilism. Al-Ash'ari taught that humans cannot know good and evil by their reason, primarily because things in themselves are neither good nor evil, for they have no nature. Goodness and evil are determined strictly by God's will, and since he is absolute power and will, and not at all bound by reason, God can act arbitrarily; his will is automatically just. Therefore, as Reilly says, "revelation in the Qur'an does not reveal what is good and evil; it constitutes what is good and evil." Moreover, God's omnipotence is so absolute that there can be no secondary causes. God alone acts.

The implications of the impoverished metaphysics of Ash'arism are significant. There can be no natural law, and reality is totally unknowable. God is a "legal positivist" whose unintelligible decrees must be blindly submitted to, and thus reason must give way to will and power. Today, Ash'arism remains the dominant school of Islamic thought, and according to Reilly, its influence caused a radical breakdown in Islamic culture and the closing of the Muslim mind.

To shed light on the contemporary state of affairs, Reilly considers some of the many Muslim responses to Pope Benedict's *Regensburg Lecture*. The most

noteworthy of these was a letter sent in October 2007 to Pope Benedict entitled "A Common Word between Us and You," which was signed by 138 Islamic leaders, clerics, and scholars in collaboration with the Royal Aal al-Bayt Institute for Islamic Thought in Amman, Jordan. Reilly observes that since Islam has no central authority to represent all Muslims, it is remarkable how the letter's signatories included both Sunni and Shi'a clerics as well as scholars from forty countries.

The very title of the letter shows that there is a need for Christians to exercise caution: "a common word" (*kalima-tun sawa*) alludes to a passage from the Qur'an often interpreted as a call to conversion to Islam (Surah 3:64). Although Pope Benedict's emphasis in the *Regensburg Lecture* was on the importance of reason, the term itself is absent from the letter, let alone discussion about reason. Rather, the letter is based entirely on exegesis of the Qur'an and the Bible (Islamic exegesis of the Bible is very unusual), which is not surprising, given the mainstream Muslim belief that all knowledge comes from revelation. Importantly, the letter says that "the very foundational principles of [Islam and Christianity] are love of the One God, and love of the neighbor," and because of this, it concludes that Muslims and Christians can work toward a future that is based on "peace and justice between the two religious communities." This sounds promising, but since Muslims believe the Qur'an is the supreme authority dictated directly by God to Muhammad, it is necessary to determine if they mean the same things as Christians when speaking of loving the "One God" and one's "neighbor."

The Muslim belief in the oneness of God excludes all possibility of a triune God. In fact, Muslims boldly reject the Trinity, and there are no less than fifteen admonishments in the Qur'an on the falsehood of the Trinity (e.g., Surah 19:88-91). "A Common Word" never explicitly denies the Trinity, but numerous times when discussing the

oneness of God it refers to passages in the Qur'an that do. In Islam, God is so transcendent that he is completely inaccessible to humans. There can be no sense of a relationship with God, and so it would be blasphemous to think of him as "Father," or to think of man as being created in God's image. The authors of the letter instead place emphasis on God's power and sovereignty, for his omnipotence is the main focus in Islam. As such, the God of Islam is not love, and any signs of his "love" are more rightly understood as favor or affection. Thus the Christian notion of *agape* is not compatible with Islam. It is evident then that when the authors of "A Common Word" speak of the "One God," they are not speaking of the same God that Christians believe in.

Since the Muslim understanding of love in regard to God is so different, it is to be expected that Muslims and Christians mean very different things when speaking about love of neighbor. "A Common Word" does not come out and state who exactly one's "neighbor" is, but it gives the impression that the Islamic concept of love of neighbor is essentially the same as the Christian concept. This is deceiving. In Islam, one's neighbors are understood to be fellow Muslims, and as Reilly says, "strictly speaking, there is no such thing as a non-Muslim neighbor in Islam." There is in fact a key principle in Islam known as *al-Walaa' wa'l-Baraa'*, which calls for "loyalty and friendship towards Muslims, and disavowal and enmity towards *kuffar*, the unbelievers" (cf. Surahs 5:51 and 60:4). Unlike Christians, Muslims have no concept of loving all persons, including one's enemies.

Because they lack an understanding of a universal human family, Muslims do not have concepts of human rights or equality in any way comparable to Christianity or Western civilization. Perfect proof of this is *The Cairo Declaration on Human Rights in Islam*. Signed in 1990, the Cairo Declaration serves as an appendix to the *UN Universal Declaration of Human Rights* to out-

line the Muslim ideas about rights and equality that differ from the UN Declaration. In essence, the Cairo Declaration emphasizes the binding supremacy of shari'a law. Reilly explains that in order to see how this plays out, one need only look at Saudi Arabia, a shari'a state. In this country, non-Muslims are routinely discriminated against, and women are treated as property. True "equality" comes only when all are Muslims (and might we add, male). Thus, Islam has no concept of inalienable human rights or of freedom of conscience. Indeed, there is not even an Arabic word for *conscience*. This is why Pope Benedict stressed the importance of universal human rights and freedom of conscience when discussing Islamic relations—values which can be preserved only through the exercise of reason, through hellenization.

Although the majority of Muslims does not understand God as *Logos*, and therefore does not acknowledge the importance of reason, Reilly notes that there is currently a small but strong movement within Islam that does appreciate the importance of reason. A number of Muslim scholars are fully aware of the problems stemming from the mainstream Ash'arism and are seeking to reform Islam by retrieving the long-neglected tradition of the Mu'tazilites (see *Almuslih.org*). Among these reformers are Abd al-Hamid al-Ansari, former Dean of Islamic Law at Qatar University, Hassan Mneimneh, director of the Iraq Memory Foundation, and Hasan Hanafi, chairman of the philosophy department at Cairo University. These and like-minded Muslims, Reilly says, are the ones to engage in dialogue, with much to be hoped for. He adds that dialogue with Muslim fideists conducted in goodwill is still worthwhile, but the benefits are likely to be limited.

In the most revealing section of the monograph, Reilly examines how Catholic-Muslim dialogue has been conducted in the United States. (And the way things are, his examination gives an idea of how the Church in the

West generally handles dialogue with Muslims.) It is commonly understood that in dialogue both sides must work to understand each other's faith, and that each side should correctly represent its own. However, major cultural differences can lead to serious misunderstandings regarding the meanings of words and concepts, even if no misrepresentation is intended. Still, dialogue can be productive. For example, the United States Conference of Catholic Bishops (USCCB), the main sponsor of Catholic-Muslim dialogue in the United States, managed to produce a document in collaboration with Muslim partners entitled *Marriage: Roman Catholic and Sunni Muslim Perspectives*, which offers helpful guidance regarding marriage between a Catholic and a Muslim.

Islam's lack of homogeneity means that it can be difficult to ensure that the religion is being accurately represented. As Reilly puts it, "[Islam] has orthopraxis, rather than orthodoxy." There are significant differences between the majority Sunni and minority Shi'a Muslims, and noteworthy differences are found even among Sunnis. It is therefore crucial for the Catholic dialogue partners to possess extensive knowledge of Islam in order to ensure that the religion is being rightly understood and that avoidable errors are not made.

A case in point was the Midwest Muslim Catholic Dialogue conference "In the Public Square: Catholics and Muslims on Religious Freedom." The USCCB's summary of the conference said that "both Catholic and Islamic notions of law and the human person presuppose a set of basic rights conferred by the Creator. From their theological perspectives, Muslims and Catholics will tend to support the notion of 'inalienable rights.'" However, as already mentioned, Muslims do not have a concept of inalienable rights. It was also said that the participants "fundamentally agree on the nature of peace and justice." Since these terms were carelessly left undefined, what

the Catholic participants agreed upon were concepts of peace and justice that are incompatible with Catholicism. In Islam, what is just can be known only through God's revelation in the sacred Islamic texts. And the peace (*salam*) that Islam strives for comes only when everyone submits to Islam and shari'a is the ruling law. Those who reject Islam are considered aggressors, and faithful Muslims are obliged to wage a holy war (*jihad*) against them.

Reilly explains that we should not think that all American Muslims want to establish a shari'a state here, yet the reality is that most organizations that represent American Muslims do have this aim. In this regard, there is a legitimate concern that intentional misrepresentation could take place in order to slowly advance the cause. Take, for instance, the 2004 Midwest Regional Dialogue. According to the USCCB's press release, "The participants found that our respective traditions have been intellectually nurtured by the Hellenistic philosophical tradition. . . . The texts of our respective scriptural revelations . . . complete in divine terms what reason begins in its human quest for perfection." As Reilly says, the Muslim representatives at the dialogue could not have discussed the fact that mainstream Islam abandoned its Hellenistic heritage many centuries ago, or that reason has no place in Islamic morality. A false image of Islam was put forth, and the shocking ignorance of the Catholic participants was exposed. This shows the vital importance of choosing the right dialogue partners.

The Holy Land Foundation Terrorism Funding Trial of 2008 confirmed that most mosques and Islamic organizations in the United States are under the control of the Muslim Brotherhood (*Ikhwan*), which has the goal of furthering the rule of shari'a law and reestablishing a caliphate. According to a chilling 1991 strategy memo from Mohamad Akram that was presented in the trial, "The Ikhwan must understand that their work in America is a kind of grand Jihad in eliminating and de-

stroying the Western civilization from within and ‘sabotaging’ its miserable house by their hands and the hands of the believers so that it is eliminated and God’s religion is made victorious over all other religions.” The memo also listed all organizations in the United States affiliated with the Brotherhood, the first being the Islamic Society of North America (ISNA). In the trial, ISNA and these other organizations were labeled “unindicted co-conspirators,” and the FBI has a policy that forbids formal cooperation with such entities. Nevertheless, ISNA is a main dialogue partner of the USCCB, along with several other of the organizations listed in the memo.

The USCCB seems to believe that ISNA and similar organizations are good partners because of their apparent size and influence, but to think that organizations tied to the Muslim Brotherhood could make worthy partners in dialogue is embarrassingly naïve. In his book *Milestones* (1964), Sayyid Qutb, a key figure of the Muslim Brotherhood, made it clear that the main purpose of the Brotherhood’s involvement in interreligious dialogue is to proselytize; it has no interest in collaboration with other faiths or to form relations with them. Thus, to ally with organizations of this mindset is to join in the effort to further Islam. Reilly offers a good example of the results that this kind of alliance has. In a 2010 press conference sponsored by ISNA, Cardinal Theodore McCarrick, the former archbishop of Washington, D.C., expressed his hearty approval of plans to build a mosque at Ground Zero and endorsed ISNA. He later said, “If a person sees the Quran as proof of God’s presence in the world, then I cannot say, ‘Don’t embrace the Quran.’”

Reilly concludes wisely that “Catholic–Muslim dialogue in the United States requires a major reevaluation in terms of the organizations involved, the personnel participating, and the substance addressed.” He rightly laments that in all the dialogues held over the years, the topic of reellenization has

never been adequately addressed, yet it is the topic that deserves the most attention. Pope Benedict’s message in the *Regensburg Lecture* on the need for harmony between faith and reason must guide all future Catholic–Muslim dialogue, in the United States and elsewhere, for the sake of both Catholicism and Islam. Only then, in partnership with those Muslims who respect the importance of reason, can dialogue be truly fruitful.

Even though *The Prospects and Perils of Catholic–Muslim Dialogue* is two years old, its relevance grows by the day. For the first time in history, Muslims outnumber Catholics globally, and churches throughout the West are quickly becoming mosques. Meanwhile, with the rapid rise and spread of ISIS in the Middle East and similar groups around the world, a Christian persecution of historic proportions is in full swing at the hands of Islamists. Now more than ever, the Church needs to take the full reality of Islam seriously and work tirelessly to effectively engage it in order to bring about the social justice, moral welfare, peace, and freedom that *Nostra aetate* longed for. Unfortunately, too many in the Church who are responsible for maintaining healthy relations with Islam are in way over their heads. It is interesting that, at a conference held on May 19, 2015, at the Catholic University of America to commemorate the fiftieth anniversary of *Nostra aetate*, Cardinal Jean-Louis Tauran, president of the Pontifical Council for Interreligious Dialogue, had this to say about Catholic–Muslim relations: “Despite 50 years of *Nostra Aetate*, we still don’t know each other well enough.” The cardinal added, “Most of the problems we face are problems of ignorance.” At least to the extent that he was speaking about Catholics, he was absolutely right.

Battle-Scarred: Justice Can Be Elusive, the Memoirs of John F. Kippely—1963–2010. John F. Kippely, 2011. viii + 258 pp.

*Reviewed by Christopher Owen
Northeastern State University*

This biographical memoir of John F. Kippely will be of interest to all serious students of Catholicism and society in the late nineteenth-century United States. Its title is appropriate, for Kippely has engaged actively in the difficult struggle to uphold Catholic social teaching, especially as regards family life and human sexuality, for more than four decades. For those unfamiliar with Kippely’s early life, the first several chapters are instructive. After briefly recounting his education at San Francisco’s Institute for Lay Theology in the early 1960s, the book tells of some of Kippely’s early skirmishes in Church circles. Most dramatic was his experience at a Regina, Saskatchewan, parish. Here Kippely ran afoul of the local priest when forming a parish council. When fired, he fought back hard—even picketing the church in pursuit of just treatment. Kippely also details his public support for labor organization in an unfriendly environment in Salina, Kansas, while working at a college there from 1969 to 1971.

The middle chapters of the book focus on the Couple to Couple League (CCL) which John cofounded with his wife Sheila in 1971. Started at a parish in Shoreview, Minnesota, CCL built upon the work of Dr. Konald Prem in promoting the sympto-thermal method of natural family planning (NFP). Eventually relocating to Cincinnati, CCL became the largest and most successful promoter of NFP in the United States. Under the direction of the Kippelys for decades, CCL built a unique “triple strand” approach to convey its message. This approach used the sympto-thermal method of fertility recognition (regular charting of temperatures and other physical signs of the fertile

time). It also championed ecological breastfeeding because systematic breastfeeding—on which Sheila Kippley did a great deal of research—provided natural spacing of children. The other part of CCL's teaching triad was the covenant theology of sexuality as elucidated by John, which argued that the marital act was "at least implicitly a renewal of the marriage covenant" (91). The organization grew rapidly in the 1970s, then declined in the 1980s and 1990s. The Kippleys' *magnum opus* was *The Art of Natural Family Planning* in which they laid out their vision of the triple-strand approach in an eloquent and comprehensive way.

The memoirs also include various vignettes of key figures in the American NFP movement. Among these persons are Lawrence J. Kane of the Human Life Foundation, Fr. Paul Marx of Human Life International, Bishop James T. McHugh of the United States Conference of Catholic Bishops, and Dr. Thomas Hilgers of the Pope Paul VI Institute. Although John Kippley certainly had his share of battles with these men and with other NFP notables mentioned in the book, his portraits here are fair-minded and generous.

The last half of the book is the hardest to read, at least for those favorably disposed to NFP. These chapters detail the drawn-out and acrimonious exit of the Kippleys from the CCL. This struggle involved philosophical differences about how to promote NFP—with the Kippleys fighting hard not to water down the triple-strand approach. The struggle, however, also involved personal and financial disputes about book royalties, executive leadership, and so forth. Eventually (in 2008), a settlement was reached which led to a ceasefire between CCL and its founders. Some respite from this unsettling spectacle appears toward the end of the book with mention of the Kippleys founding their new organization, NFP International, to continue to promote the unalloyed triple-strand approach to NFP. By this time, John F. Kippley was certainly "battle-scarred," but he also

remained relentlessly unafraid to fight for the attractive vision of NFP he and Sheila had promoted for so long.

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Stephen Larigaudelle Dubuisson, S.J. (1786–1864) and the Reform of the American Jesuits. Rev. Cornelius Buckley. University Press of America. 2013. 326 pp.

Reviewed by Stephen Sims.

Fr. Cornelius Buckley's new book, *Stephen Larigaudelle Dubuisson, S.J. (1786–1864) and the Reform of the American Jesuits* is a continuation of his study of the American Jesuits, focusing on the reconstitution and reformation of the Society of Jesus after its suppression by Clement XIV. Fr. Buckley's choice to write on Fr. Stephen Dubuisson expresses a desire to grasp the character and troubles that beset the Jesuits at this time as much as a desire to understand the man who had to live within those troubles. The focus on Dubuisson helps us understand the virtues necessary to overcome the tensions between the obedient Jesuit and a free American. Overcoming this tension depends on a "rediscovery" of the "Ignatian Way" (xi). Fr. Buckley uses Dubuisson as a "synecdoche" of that Way, and a particular case that reveals the moral and spiritual makeup of the Jesuits and the institutions that govern them. Fr. Buckley's book, then, is much more than a mere recounting of the life of a little-known Jesuit. It is, in fact, a consideration of what it means to be a Jesuit in America and how one stays true to one's faith and religious vows in a modern world characterized by change and freedom from any sacred order.

To accomplish this task, Buckley gives a detailed account of Dubuisson's life, telling his colorful and unpredictable story with care, insight, and more than occasional dry humor. Buckley notes that the "second founder" of the Jesuits, Jan Roothan, called Dubuisson "the chief pillar of the American Mission" (2). Buckley notes, however,

that this particular pillar was "a unique spirit" that "wandered a labyrinth of contradictions."

The story of that labyrinth begins in French-ruled Haiti where he was born to a family that was not particularly religious. He fled to France in 1791 with the onset of the Haitian Revolution. Dubuisson grew up in Europe and joined the Sodality of Our Lady, which played a pivotal role in his spiritual maturation and developing love of religion. While taking part in the Sodality, he was also employed by Napoleon as a bureaucrat in the Tuileries. He stayed with the Imperial family until the restoration of the Bourbons.

Although a member of one of the world's most powerful households, Dubuisson gave up a life in politics to pursue a spiritual life. In response to spiritual direction he pursued a religious vocation in America, where he entered the Jesuits and studied at Georgetown College.

It is an understatement to say that Dubuisson's early days as a Jesuit priest were inauspicious. His fellow students at Georgetown tried to murder him, and serving as president of Georgetown proved so stressful he seems to have suffered something like an anxiety attack. His anxiety continued even when serving as a parish priest. Despite such anxiety, he became a popular priest once he distanced himself from academia. He was the priest near the epicenter of the controversial miraculous healing of Ann Mattingly. The miracle was a staple of Dubuisson's repertoire when going to Europe both to report on the progress in the American Mission and to fundraise for the impoverished Jesuits in Maryland. He was spectacularly successful in this office, as Catholic Europeans saw the "Mattingly Miracle" as proof of the great work happening in America at the time. Many American Jesuits were not so sanguine about Mrs. Mattingly's cure.

Dubuisson also served as mission priest in Pennsylvania, working in hostile weather to bring the sacraments to the American faithful. But before long,

he went back to Europe where he both sought out and was sought out by European nobility and royalty. After contracting an illness affecting his speech, he was told to remain in Europe so he could heal. He died in Pau, never returning to the country into which he had poured so much work.

It is noteworthy that the General of the Jesuits, Jan Roothan, was at times uncomfortable with Dubuisson's connections with European aristocrats. This was due to Roothan's attempt to disentangle the Society of Jesus from overt connections to the *ancien régime* as the rising tide of liberalism began to associate Catholicism as a whole, and Jesuits in particular, as supporters of despots. Buckley does not cast judgment on Dubuisson's easy familiarity with such conservatives as the de Maistre family, but he does indicate that the Ignatian Way must involve an adaptability to circumstances that makes room for more than one form of political organization. Buckley's storytelling is in no way simplistic. He points out that factions existed in the American Jesuits, largely over what it meant to be an "American Jesuit." There was little common ground between the factions (118-119). Dubuisson himself understood the complex and new character of American Catholicism, which in his estimation was an amalgamation of true devotion to religion and piety and an independent streak that was alarming to European Catholics. Many thought that "independence" was simply a euphemism for anarchy (135). Through his understated analysis of Dubuisson's reflections on the character of American Catholicism, Buckley points out the importance of Catholics in general, and Jesuits in particular, being open to new ways of life that is fully open to Christianity and applying past wisdom in a new way. Jesuits cannot be too tied to the passing nature of purely human institutions, such as monarchy, or popular political fads. Permanent principles must find a place in new political contexts.

This is not to say that Buckley refuses to point out real injustices and evils in the American regime, evils that infected the American Jesuits in horrifying ways. Buckley does not shy away from dwelling on the fact that American Jesuits were slaveholders, and observing that while they were almost certainly far kinder masters than many others, they were masters nonetheless who derived a considerable portion of their income from enslaved human beings. This crime, Buckley suggests, came about because of the American Jesuits' willingness to compromise principles that are essential to the Ignatian spirit. In particular, the popes for centuries had condemned the practice of slavery, and those who owned or traded slaves were to be excommunicated. Although Jesuits are supposed to owe special obedience to the pope, the American Jesuits deemed slaveholding "necessary" (181). Thus the American Jesuits, because of their flexible understanding of obedience, ended up caught in the middle of a political scandal as they deliberated about whether they should continue to hold the slaves, sell them to pay massive bills, or emancipate them. They chose to sell them.

Thus, although Buckley implies that the Jesuits and the Catholic Church can eventually make peace with political liberalism, there are limits to what is permissible in the search for adapting old principles to new situations—one cannot simply throw those principles out.

What sort of man, then, was Dubuisson? How did he navigate the twin dangers of absolute freedom and despotism? Buckley notes that there is no simple way of characterizing this unique man. At once vacillating and firm, a physically powerful man who suffered from near crippling anxiety, an ascetic and morally rigorous Jesuit who enjoyed the company of the powerful, Buckley notes that Dubuisson always mixed good deeds with

"affected piety" while his bad traits always seemed to be good in some way (269). Buckley also observes that those who knew him loved him, and he accounts for this near universal popularity by Dubuisson's strict adherence to the Ignatian spirit. For Buckley, this means that Dubuisson *wanted* to love and to serve, and that he *wanted* to divest himself of all that was not Christ. As Buckley sees it, Dubuisson was not successful in that divesting, but the desire was very real. In doing so, Buckley points us toward what makes a good Jesuit—a man who tries to become like Christ in all things, whether or not he is successful in the attempt.

As noted above, there is a particular virtue that Buckley highlights that reveals the way in which a Jesuit becomes like Christ. This virtue is obedience. Buckley hints that being a successful Jesuit and truly embodying the Ignatian spirit is a matter of perfecting the art of being ruled by another—so much so that the Jesuit gives up his own prudence in favor of the prudence of his superior (124). It was Dubuisson's commitment to perfect obedience (although not without a certain willingness to overinterpret the commands of superiors) that perhaps allowed him to become the pillar of the American Jesuits from, in Buckley's words, "being a mere dunderhead" (273).

Fr. Buckley's work is just what he claims it to be: a serious historical study that is accessible to the nonspecialist. It also serves his deeper motive, an investigation of the Ignatian Way, how it can change from age to age, and how it cannot. Fr. Buckley has a done the Church, the Society of Jesus, his country, and his friends a great service by writing this book and revealing the character of this until now obscure Jesuit.

Jousting with The New York Times, 1961–2014: Worldviews in Radical Conflict. Daniel S. Hamilton. Lindenhurst, NY: St. John Fisher Foundation, 2015.

*Reviewed by Joseph W. Koterski
Fordham University*

There are some who think that the editorial activity of *The New York Times* has migrated in recent years to its front page. Regardless of the truth of that assessment currently, what made the *Times* such a great newspaper for so long was the dedication of its reporters to synthesize all that could be discovered relevant to a particular story in a logical and understandable manner without allowing the personal views of the writers or the ideological positions of the publishers to interfere with the standards of objectivity and truth.

The editorials, opinion pieces, and commentaries of the editorial page, however, make a different claim. Here we find the views of editors, writers, and publishers, and here we meet the paper's worldview, its ideology, its value system. The philosophy that prevails on the editorial page can only be described as secular and relativist. On many issues it stands in contrast to an approach that recognizes the existence of a God who created the universe out of his goodness and placed in the heart of each human being the natural moral law.

For over fifty years, a long-term member of the Fellowship, Msgr. Daniel S. Hamilton, has challenged a variety of stances on particular issues as well as the overarching ethical and moral standards that the editorial pages of the *Times* has urged its readers to adopt. In this volume we find collected the extraordinary number of letters to the editor that he has had published in its pages or online, as well as many submissions that they declined.

Organized chronologically, the materials in this book provide not only a fascinating historical review of how the

Times covered important issues over the last five decades but also a model of respectful discourse from a master-writer of incisive comments. Hamilton knows how to give in short compass a clear explanation of the Catholic position on questions of public importance as well as to clarify misunderstandings of Catholic doctrine. As the former editor of *The Long Island Catholic*, he knows how to write the kinds of letters that other newspaper editors have to take seriously. It is no wonder that he had as many pieces accepted as he did over this period of time.

The topics on which Msgr. Hamilton wrote range across a broad spectrum. The questions of public interest include, for instance, such topics as: the relations of church and state; attacks on religion freedom; public aid to religiously affiliated schools, students, and parents; sex education; diverse aspects of abortion; reproductive rights claims; human cloning; embryonic stem cell research and destruction; the nature of marriage and the alleged right of homosexually inclined people to marry one another. Some of the pieces offer clarifications of doctrines and practices of the Catholic Church that were misrepresented on the editorial pages of the *Times*, including: the reason for the conferral or priestly and episcopal ordination on men only; the obligations of theologians and laity to follow Church teachings; ecumenism; and even the Extraordinary Synod of October 2014.

It is, admittedly, difficult to have an effect on the political process of a nation. But the difficulty of the task is no excuse for not making an effort. In these letters we see what a civil tongue and a clear mind can offer by generating letter after letter. Each one makes a reasonable case, and collectively they make fine reading for those who want sharpen their own wits for the battles ahead.

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Thomas More: Why Patron of Statesmen? Edited by Travis Curtright. Lanham, MD: Lexington Books, 2015. xi + 221 pp. \$85.00.

*Reviewed by Benjamin V. Beier
Washburn University.*

On the fifteenth anniversary of St. John Paul II's Apostolic Letter declaring St. Thomas More the "heavenly Patron of Statesmen and Politicians," Travis Curtright has assembled a timely and thoughtful collection of essays dedicated simply to answering the question: Why was More so named? The collection's compelling answer is that More's writings and life provide principles and a lived example for how to prepare for public service and how to exercise leadership with integrity in difficult circumstances, while neither despairing that a statesman's efforts are insignificant nor presuming that he or she can "turn all to good" (cf. *Utopia*).

As I offer this preliminary praise for the collection, it should be noted that I am a Fellow of The Center for Thomas More Studies and am acquainted with the volume's editor and some of its other contributors. Nevertheless, I hope that it will not be perceived as special pleading when I appreciate the strengths of a fine volume that will benefit many different audiences. At first glance, the collection may appear suited for only a small subset of Catholic scholars, lawyers, and public officials. However, the volume's illumination of More's life, writings, and historical reception deserves the attention of all scholars and teachers—Catholic and non-Catholic alike—of More's writings, life, and times, and of any present or aspiring politicians who desire to serve the common good. Also, it can be hoped that the book finds a broader audience of Catholics than just the aforementioned subset, because the volume uncovers More's place within the larger Catholic intellectual tradition (a landscape in which his contributions are rarely mentioned) and implicitly

suggests that readers imitate More's virtues and seek his intercession. These latter tasks seem especially timely given the challenges Western Christians face with regard to religious liberty and the place of Christians in the public square.

The book successfully addresses these many audiences by having a wide variety of fine essays. I have already categorized the chapters as focused on More's works, life, or reception, but one could add distinctions between synthetic accounts of More's corpus/life and analytic attention to single works/key moments within his life, and between essays looking back to More's engagement with his sources and pieces looking forward to More's contemporary relevance and relationship to new things: modern political theory, the U.S. political project, and Catholic social teaching. Of course many of the essays could be fit into multiple categories, so to further evaluate the volume I will look first at the book's collective argument about the meaning of the word "statesmanship," then provide a brief summary of each of the volume's ten essays before noting some of the book's important contributions and weaknesses.

If there is a single thread that is pulled through nearly all the essays of the collection, it is attention to the word "statesmen." It is often noted that the term postdates More and that the Latin of John Paul II's *Motu Proprio* letter (the English translation of the whole, helpfully provided in the book's appendix) literally proclaims More as patron saint *gubernatorum*, of helmsmen. John Paul's rich metaphor is More's own and was used by Cicero and Plato before him. More's most famous use of the image comes in *Utopia* when a character in the dialogue, named More, pleads that a counselor cannot "desert the commonwealth" when societal ills cannot be cured, but rather that he "must not abandon the ship in a storm." This image, as well as More's characterization of good public servants as shepherds and doctors, begins to reveal the content of More's ideal of statesmanship, but his full

view emerges in essays that also consider More's appropriation of the Ciceronian idea that the good counselor is a *princeps* or magnanimous leading citizen. Ultimately, the argument of the whole, well captured in Stephen W. Smith's essay, is that by his many images and allusions, More builds on Ciceronian and Platonic wisdom to create a distinctive synthesis in which the Morean statesman (more properly, that is, helmsman and first citizen) is prudent, possesses a sharp wit (intellect), forms his conscience well, and cultivates loving friendships with both God and human beings.

Gerard Wegemer's and Smith's pieces contribute to this view of More by means of capacious essays that range across the Morean corpus. While Smith's aforementioned contribution focuses on More's understanding of the leading citizen, Wegemer attends to More's view of liberty and law and his belief that rulers may rule only with the consent of the people. It is appropriate that Wegemer's contribution opens the collection, not only because of its synthesis of More's canon, but also because his own 1996 monograph—that predates John Paul's proclamation—is one of the few scholarly treatments of More and statesmanship before the present volume.

Carson Holloway, James R. Stoner, Jr., and Jeffrey S. Lehman each provide a focused chapter on an individual work that deepens what Wegemer introduced. Holloway attends to More's *Declamation in response to Lucian's The Tyrannicide* and argues that More emphasizes an excess of spiritedness, rather than an excess of appetite, in the tyrant and believes that tendencies to tyranny are deep-seated in fallen human nature; he then goes on to show More's belief that statesmen, like doctors, need intelligence and skill to limit tyranny, aware that their efforts will rarely fully succeed but sustained by confidence in divine goodness. Stoner and Lehman both turn to *Utopia*. Stoner observes four partially complementary, partly competing images of the statesman in the text. The first three images are

provided by characters within the dialogue, but the fourth is the image of More as author, exercising a "literary statesmanship" that seeks to educate readers and enters into an "emerging republic of letters," advanced especially by the new technology of printing. Lehman, noting critics' repeated attempts to understand *Utopia* by comparing it to Plato's *Republic*, provides a compelling reading of the former by comparing it to other Platonic works, the *Timaeus* and the *Critias*. By charting similarities between Plato's *Critias* and More's *Hythloday*, Lehman uncovers a series of ironies in these delightful and instructive tales that are meant to induce thoughtful readers to cultivate prudence.

In addition to these treatments of individual works, Samuel Gregg and Travis Curtright also provide focused accounts of More's understanding of a topic and of a year in More's life, respectively. Both cases are correctives. Curtright seeks to correct those who view More's departure from public office as full retirement by (re)reading More's actions and publications of 1533 as statesmanlike, operating on a series of levels so as to critique and temper Henry and to preserve himself. Gregg's case seeks to correct those who paint More as a humanist and, therefore, without sympathy for scholastic, and especially Thomistic, thought. Through attention to More's writings against Luther and Tyndale, Gregg uncovers More's recourse to scholastic natural law reasoning.

Gregg's account opens by quoting Jacques Maritain and Servais Pinckaers, O.P., and the intersection of More with future thinkers and literary biographers characterizes the remaining essays by J. Brian Benestad, Louis Karlin, and James V. Schall, S.J. While Wegemer had noted parallels between More's thought and the American project, Benestad provides a reading of More's principles in *Utopia* that he then profitably compares to contemporary Catholic social teaching, uncovering a series of similarities especially surrounding the belief that

political reform requires virtuous citizens in addition to just structures. Schall attends to More's place in a different discourse: the debate between ancient and modern political philosophy. He does so by reading closely Robert Bolt's twentieth-century representation of More in *A Man for All Seasons*. Unpacking both Bolt's modern assumptions and the play's authentic insights, Schall insists that More's trial adds to those of Socrates and Christ because More is a politician, not a philosopher or prophet, who is arguing for the rightful limits of politics in the face of the modern project's elevation of will and power. In addition to Schall, Karlin also attends to Bolt's vision of More vis-à-vis that of Hilary Mantel in the recent novel *Wolf Hall*. Mantel makes More an unsavory "religious fanatic" who is "tyrannical to his family . . . and cruel in his treatment of suspected heretics" (165). Karlin is sensitive to the strengths and weaknesses of both works and ultimately shows that critiques of Bolt's historicity and praise of Mantel's are both erroneous; Mantel's portrait is historically uninformed while Bolt's captures More's character well.

Collectively, these essays are a welcome volume on the understudied topic of More's understanding and life of statesmanship, but the collection also provides a number of more focused contributions to More studies. Allow me to acknowledge a few. Holloway, Lehman, and Smith all deliver new insights by attending to More's employment of sources—that is, his departure from and continuity with them. Curtright's rhetorically sensitive reading of More's 1533 writings challenges scholars to reconsider how More addresses secondary audiences and unspoken concerns in all his polemical works; Karlin's essay provides a needed and well-grounded corrective to the general reception of Mantel's novel.

In spite of these many virtues, the volume has its weaknesses. It provides no sustained account of More's *History of Richard III*, a work deeply interested in statesmanship, nor of the tower

works, in spite of the volume's provocative epigraph that suggests More was still reflecting on statesmanship and living as a statesman from cell and scaffold. Also, while touched upon repeatedly, the volume lacks a complete account of the distinctively Christian dimension of More's understanding of politics and of statesmanship, and of the ethical challenges implicit in More's prudential politics of compromise and gradualism.

These limited critiques, however, signal a strong rather than a weak volume; it is one that provokes many questions, as it makes good on a series of claims. Smith notes that Plato compared the art of the statesman to that of the weaver, and this book reveals that the editor's task also has a kinship with the weaver's trade. Curtright has woven together an excellent tapestry; its many threads cohere into a whole that provides a fine understanding of More's view of statesmanship and of his attempt to enact his own ideal. The motto of the weaver's guild in More's London was "Weave Truth with Trust." Curtright's "literary statesmanship" seeks to do just that, and as the volume makes clear, so did More himself.

St. Thomas More, patron of statesmen and politicians, pray for us.

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The Crisis of Religious Liberty: Reflections from Law, History, and Catholic Social Thought. Edited by Stephen M. Krason. Lanham, MD: Rowman & Littlefield, 2015. 195 pp.

Reviewed by Edward F. Mannino
Gwynedd Valley, Pennsylvania. Author of *Shaping America: The Supreme Court and American Society* (University of South Carolina Press, 2009).

The First Amendment to the United States Constitution safeguards the right of every person to "exercise" his or her religion freely, without any government prohibition on the right to do so. Yet,

today, religious liberty is increasingly under threat in our country. For example, religious hospitals are pressured to perform abortions, while religious adoption agencies are required to place children with same-sex couples or gay adoptive parents in order to retain their state certifications. In addition, religious hospitals and universities, and even religious orders, are required to provide contraceptive and abortion-inducing drugs to all of their employees at no cost under a directive in a regulation from the United States Department of Health and Human Services (the HHS Mandate).

Private companies fare no better. They, too, even when contrary to their religious beliefs, must comply with the HHS Mandate if they are not exempted and are subjected to fines for noncompliance which can reach millions of dollars in the case of large corporate entities. Moreover, bakeries are required, over their religious objections, not only to sell wedding cakes to same-sex couples, but also to design their creations to the specifications of those same-sex couples. Wedding venues are similarly required to rent their facilities for same-sex weddings, and photographers are required to apply their talents to creating memorable pictures commemorating such unions. When some have refused to do so, they have been hit with thousands of dollars in damages, penalties or fines even when other facilities have been available to the same-sex couples without putting them to any great inconvenience to locate an alternative vendor.

With eight separate papers and a concluding afterword, *The Crisis of Religious Liberty* is an impressive and valuable resource. It provides an excellent overview of the philosophical, theological, legal, cultural, and historical underpinnings of religious liberty, providing an analytic framework with which to assess the proper approach to protecting religious liberty in the contexts mentioned above as well as in other contemporary situations.

The book compiles papers from a

2014 Conference on Religious Liberty sponsored by the Franciscan University of Steubenville, Ohio, on “Truth, Conscience, and Religious Freedom.” The well-known authors contributing to this volume include college and law professors (Gerard Bradley, Robert Destro, Robert George, Kenneth Grasso, Stephen Krason, Randy Lee, and Vincent Munoz); a lawyer who also serves as President of the Fellowship of Catholic Scholars (William Saunders); and an Acton Institute Fellow and author (Kevin Schmiesing).

In his keynote address, “Religious Liberty and the Human Good,” Professor George argues that religion is a basic human good, and since good is prior to right, religious liberty must be honored and defended by all. George also contends that natural law provides an independent basis demonstrating the value of religion, quoting heavily from Pope Paul VI’s *Nostra aetate* (1965) to support this point.

George develops the point that reason has a large role to play in “deciding where spiritual truth most robustly is to be found,” assisting us in developing “our capacities for understanding and evaluating claims of all sorts: logical, historical, scientific, and so forth” (3). Moreover, “because the dignity of the human being requires it,” even religions other than one’s own deserve this special respect (5).

Given the value of religion to society, its personal exercise should not only be protected from coercion and prohibition, but also must be given enhanced protection. George argues that there should be a “powerful and broad presumption in favor of religious liberty,” such as the test established under the federal Religious Freedom Restoration Act (8). That test requires the government to show both a compelling state interest and the absence of any less restrictive means to attain that interest, in order to put any limitation on the exercise of religious liberty.

Several of the papers helpfully illuminate the historical, legal, and cultural factors which have given rise to the

current threats to religious liberty. Kenneth Grasso looks at the issues “in the context of America’s historic engagement with what might be termed the ‘problem of religious pluralism’” (125). He argues that there was no major difference historically between militant secularists and devout Christians in the United States. Now, however, “our long holiday from history appears to be ending” (137). This is because the divisions between secularists and orthodox Christians are now deeper and of an “intractable character” because of the “fundamental nature of the issues at stake” (126).

In Grasso’s view, a society based upon religious pluralism is successful only when it is backed by a public consensus compatible with the beliefs of various religious groups. When such a consensus was common in the United States, it was because separation of church and state limited governmental power, exempting religious exercise from its grasp. As such, church and state were separated, with religions permitted to “maintain their distinct religious identity” (130). This protection for religious liberty was further enhanced through principles of federalism, separation of powers, limited government, and even the filibuster. In combination, these effectively required a supermajority before any exercise of religion could be restricted.

These elements all combined to protect religious liberty in America because they worked well in a predominately Christian society, even when expanded to all of the Judeo-Christian religions, since all of them relied on the Bible and the moral law encapsulated in the Ten Commandments. Beginning in the twentieth century, however, major changes in the culture threatened the consensus that had emerged. First, the size and scope of government increased. Second, the religious makeup of the American people changed to include Muslims, Hindus, and other non-Christian religions, as well as atheists, agnostics, and nonreligious secularists. The latter group alone now consti-

tutes approximately one-fifth of the American population. Third, even the Christian religions have each split between secular progressives and orthodox practitioners. With secularists attaining power among both the religious and nonreligious, the cultural focus shifted from biblical morality to individual autonomy and moral relativism.

Today, the flash points between the orthodox and the secularists include abortion, same-sex marriage, and the role, if any, of religion in the public square. Grasso sees the HHS Mandate as the opening salvo in an expanded secularist war on religion. In his view, the old “common biblical culture” is gone, replaced by “two dramatically ‘differing worldviews’” (135). Indeed, between these differing views, there is no common language and dialogue is virtually impossible.

Grasso concludes his very thoughtful paper by cautioning Catholics that they have become “alien citizens” who must navigate carefully in troubled waters (140). He recommends that they steer a middle course between embrace of the new progressive nation that is emerging, on the one hand, and total rejection of American culture, on the other hand.

Robert Destro’s paper also makes a valuable contribution to the examination of the underlying causes of the current threats to religious liberty. He focuses on the Supreme Court of the United States, particularly in its rulings under the First Amendment Establishment Clause, rulings which he and others correctly view as “hopelessly confused and deeply contradictory” (85). Fearing that the court has become one of the “Engines of the Ruling Party,” he believes that the court has in fact established a “religion of civility” (86). In his view, the real establishment of religion is represented by a group whose view of religion becomes politically correct. Moreover, beginning with the *Everson* opinion in 1947, the Supreme Court has sought to obtain “control of the important culture-forming institutions like the public schools,” exercising a “politics of power” (88, 89).

Significantly, Destro points out that the Supreme Court has interpreted the Establishment Clause differently than the Free Speech Clause, even though both are contained in the First Amendment. While broad protections have been accorded to free speech to accommodate the interests of all, both rich (*Citizens United*) and poor (Jehovah's Witnesses), the establishment decisions preserve secular values by excluding religion from "public spaces, programs, or benefits" (91). A particularly noteworthy example of insensitivity to religion is highlighted by Destro in the Supreme Court's split decision in *Christian Legal Society v. Martinez* (2010). There, the court upheld a law school open-membership policy for all student organizations, under which a Christian legal group was required to accept for membership all applicants, including those who did not subscribe to its religious tenets. Noncompliance was punished by barring the group from recognition as a registered student organization.

In contrast to the Supreme Court's approach in these cases, Destro argues that all, especially minorities, should be protected under the Establishment Clause as they are when exercising their free speech rights. (It should be noted, however, as I develop in chapter 8 of my book, *Shaping America: The Supreme Court and American Society*, that the court has become more accommodating to religion, particularly in its Free Exercise cases since 1997. That accommodation has increased in the last decade, in cases such as *Hobby Lobby*, *Hosanna-Tabor v. EEOC* [2010], and *McCullen v. Coakley* [2014].)

Destro also reviews other decisions by lower courts as harbingers of things to come, including an Idaho case which banned the Bible and other sacred texts from public school classrooms. In his view, the politically correct ruling class wants to control the curriculum and policies of the public schools to marginalize religion while "shap[ing] the acculturation of children" (94).

In a very provocative analysis, Destro also contends that recent foreign policy

mistakes may be attributed to the ruling classes' ignorance of religions, especially Islam. He singles out the Islamic Revolution in Iran and the Arab Spring as developments which were inadequately foreseen or understood by the foreign policy establishment.

William Saunders also looks at legal issues. He provides a helpful overview of principles of international law related to religious liberty, analyzing how they may interact with United States law. Saunders points out that both the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights stress that religious freedom includes not only the right to be free of coercion, but also require the affirmative right to manifest and exercise one's faith through teaching and practice. As such, it is improper to attempt, as many progressives seek to do, to limit religious freedom to a right to worship within religious enclosures, such as churches and synagogues. While the Universal Declaration is only aspirational and not legally binding, the International Covenant is legally binding, because it is a treaty to which the United States is a signatory.

Saunders goes on to raise the issue of whether the HHS Mandate violates these principles of international law. He points out that the Committee Comments to the International Covenant state that any limitations on religious freedom must be "directly related and proportionate" to a specific governmental need. Saunders suggests that this is consistent with the standard under the Religious Freedom Restoration Act, and provides additional support to those opposing the HHS Mandate.

Use of these international law principles may be extremely useful at a time when the Pew Forum on Religion and Public Life has reported that the United States has become more restrictive on religion than it was in the past. The September 2012 Pew Report now indexes the United States as "moderate" in those restrictions, while it had previously been classified as "low."

Kevin Schmiesing reviews the

historical experience of Catholics in the United States, providing an excellent overview of American Catholic history. He notes that de Tocqueville in the mid-nineteenth century wrote that religion and freedom reigned in common in the United States, while in France they marched in opposite directions. Schmiesing characterizes the American experience as viewing religion as a positive force when it is marching in the same direction as the culture, but "inimical to human well-being" when it is not (67).

Over the course of American history, Catholics have alternately been viewed as a threat and as an important and valuable part of American life. The nineteenth century was largely negative, with the Blaine Amendments and the nativist American Protective Association. The view of Catholics turned positive with the pro-labor policies and economics of Popes Leo XIII and Pius XI. The twentieth century saw even more value in Catholicism, given the Church's stands in favor of civil rights and against communism. Nevertheless, opposition to Catholicism continued in the resurgent Ku Klux Klan of the 1920s, opposition to Al Smith's presidential campaign in 1928, and the vitriolic anti-Catholicism of Margaret Sanger and Paul Blanshard.

Public acceptance of Catholics today is threatened by the current battles on abortion, contraception, in vitro fertilization, and assisted suicide, all of which are supported by an increasingly powerful progressive ruling class which seeks to eliminate or drastically sanction opposition to its program. Schmiesing urges the Church, in face of this challenge, to function as a "counterbalance to the metastasizing power of the state" (78). He believes that Catholics should utilize the missionary style of Pope Francis and change the societal narrative in order to portray Catholicism as the "champion of freedom," which has been an intrinsic and fundamental value throughout the course of American history (79).

Gerard Bradley emphasizes the importance of culture, arguing that

there is a need to build “the cultural requirements of authentic religious freedom” (20). Bradley contends that the Vatican II Declaration on Religious Liberty (*Dignitatis humanae*) is “innocent of culture,” and that his paper seeks to indicate what type of culture is required for religious liberty (11).

Bradley contends that the culture necessary to preserve religious liberty in the United States is rapidly disappearing, and that religious liberty is a necessary set of stabilizers for society. Religious freedom requires not only the absence of coercion, but also the recognition that there is a duty to seek the truth. As such, a supporting and stabilizing culture must take note of several points. First, religion is a “*zone of truth*,” not “an enclave of tradition, custom,” or the like. Second, there is “an overriding moral duty to seek out and embrace the truth.” Third, religious truth and liberty must be distinguished from the right of conscience and other types of truth. Bradley concludes that without these three “cultural anchors,” religious liberty cannot exist (18).

Vincent Munoz examines religious freedom from a different viewpoint, analyzing Thomas Jefferson’s philosophy of religious freedom. He concludes that Jefferson’s philosophy does not go far enough to justify the restrictions that he desires to place on state action.

Jefferson believed that coercion is unable to overcome the human mind because the mind forms opinions based on its perception of evidence. As such, the mind is not subject to the will. Based on this view, Jefferson categorically denies any government jurisdiction over opinions. In Munoz’s view, this philosophy supports Jefferson’s view in the Virginia Statute for Religious Freedom that government could not punish religious opinions or lessen the civil capacities of those who hold them. But, Munoz argues, Jefferson’s view of the human mind does not support his striking down of compulsory attendance at church services or compulsory financial support of a particular religion. Nor does it support the freedom to profess and

argue religious opinions.

All of these latter three actions involve speech, and “speech is different. While a man may not control what he believes, he can control what he says” (58). In order to provide a principled basis to support these prohibitions on speech and action, there is a need for “theological and prudential reasoning” (61). Absent such reasoning, “it would seem that there is nothing in the Jeffersonian understanding of the natural right to religious freedom to prohibit a reversal of our constitutional understanding” (61). Given this state of affairs, and recognizing that the Supreme Court relied upon the Jeffersonian view in formulating its Establishment Clause jurisprudence, its rulings striking down speech and actions such as aid to religious schools, public religious displays, and other forms of governmental endorsement of religion find no rational basis in the Jeffersonian reasoning.

In a particularly insightful paper, Randy Lee takes a broader view of the essence of religious freedom. Lee argues that religious freedom is comprised of two elements. The first requires the state to protect the right of all to practice their religion without constraint, while the second requires the individual to understand that religion is a force “setting one free” (27). As such, the critical question is not “what one can do legally,” but instead “what are we willing to risk to serve our God” (27). Lee warns that courts cannot be trusted to protect religious freedom because what they give in one case, they can take away in another.

Lee goes on to invoke the public witness of such saints as Thomas More, Teresa of Avila, and Paul; biblical figures such as Esther; and Jesus. He points out that the question for Jesus was not whether he “had recourse to the First Amendment” (41). His freedom consisted instead of the ability to choose freely to give up His life. Similarly, Esther’s “greater freedom came not from the laws of the state but from the prayer of the heart” (32).

In an afterword, Stephen Krason

provides a detailed examination of the founders’ remarks relating to the importance of religion, emphasizing their “belief in the centrality of religion for political life and republican government” (160). He argues that the current view of the progressive left is inconsistent with the founders’ beliefs. Krason characterizes the progressive approach as one of “license,” affording some elements of society, such as gays, special protections while discriminating against those who oppose the grant of such protections. In this context, progressives attack religion because it is seen as an obstacle to their vision.

Krason contends that Catholics should counteract these attacks on religious liberty by seeking to educate their families and by engaging in conversation with others about the importance of religion. In addition, they should participate in rallies promoting religious freedom, support religious liberty litigation, and be politically active.

In a more controversial proposal, Krason argues that an expanded executive power under a strong president might be the best way to protect religious liberty. He even goes so far as to suggest that the president should “refuse to enforce or carry out clearly unconstitutional decisions of the federal courts, including the Supreme Court” (166). Such an approach, in my view, would simply encourage a liberal president to take an equally aggressive stance against religious liberty, while also undermining conservative Supreme Court decisions on such issues as campaign finance reform, voting rights legislation, affirmative action, partial-birth abortion, and, of course, on issues of religious liberty. President Obama has already taken steps in this direction by repeatedly criticizing the Supreme Court’s decisions on campaign finance reform and the Voting Rights Act. An executive with expanded powers could be expected to go even further in attacking conservative court decisions.

The Crisis of Religious Liberty provides a welcome and intelligent analysis of

the multiple factors that contribute to the present attacks on religious liberty. Together, the various papers support several steps that people of faith should take to protect their right to exercise their religion. First, Catholics must take coordinated and well-financed efforts to reconstruct their media profile from scratch, in order to demonstrate how Catholic values are consistent with historic American ideals. In place of the current media portrayal as antigay, anti-abortion, and otherwise repressive, social media and other tools of current communication must be utilized to affirmatively portray the entire Gospel of Life, highlighting its vigorous defense of the dignity of every human being, including immigrants, the poor, and the disabled. Second, expanded financial and institutional support must be provided to effective communicators of the Catholic faith, such as Bishop Robert Barron and his Word on Fire Ministry, the Augustine Institute, and Ascension Press, to name just a few of the more effective. These groups, in turn, need to coordinate their efforts better to broaden the distribution of their message. Third, private groups must be encouraged to do more, along the lines of the Knights of Columbus, who have been doing an excellent job in messaging the Faith on television, most prominently in their “Come Home” television announcements during Lent. Fourth, the legal system is an increasingly valuable resource for protecting the right to religious liberty, and people of faith should financially support public interest legal groups, such as The Beckett Fund for Religious Liberty, which are successfully vindicating rights of religious exercise. Fifth, people of faith should support religious freedom legislation at both the federal and state levels, opposing current efforts to repeal or limit Religious Freedom Restoration Acts. Sixth, an enhanced public witness is required, encouraging participation in rallies and other public activities supporting religious liberty. Finally, as St. Paul reminds us, we must not surrender to the prevailing culture: “Do not conform yourselves to this age but be trans-

formed by the renewal of your mind, that you may discern what is the will of God, what is good and pleasing and perfect” (Romans 12:2).

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Berkeley. Daniel E. Flage. Cambridge: Polity Press, 2014. xii + 202 pp.

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

Responding to an invitation from the Polity Press, Daniel Flage has produced a well-researched, well-written volume on the life and work of George Berkeley for the publisher’s “Classic Thinker Series.” Flage writes as a historian of philosophy, not as an analytic philosopher or critic in presenting Berkeley’s thought.

Berkeley (1686–1753) was both a cleric and a philosopher. As a cleric in the service of the Church of England, he attempted to found colleges, first in the Bahamas, and then another in Rhode Island, where he settled for a time. Both failed for lack of adequate funding. Upon returning to England in 1731, he bequeathed the ninety-six acres he had bought for an intended college in Rhode Island to Yale University to support graduate fellowships. In the nineteenth century, a number of Yale alumni were given the responsibility of founding a university and town in California. In gratitude for the support they had received in Connecticut, they named the town Berkeley. After a career of forty-four years as both priest and philosopher, Berkeley died as bishop of the Diocese of Cloyne in southeastern Ireland. He was buried in Christ Church, Oxford, on January 20, 1753.

As a philosopher Berkeley is known primarily for his *An Essay toward a New Theory of Vision* (1707), for his *Principles of Human Knowledge* (1710), and for *Three Dialogues between Hylas and Philonous* (1713). Flage devotes chapter-length discussions to each.

Berkeley’s *New Theory of Vision* is

a psychological investigation devoted to an explanation of how things are known through the senses, visually and tactically. In discussing distance perception and the perception of magnitude, he is at once indebted to and critical of Descartes. Berkeley holds that the ideas formed by the sense of sight—for example, extension, figure, and motion—are different in kind from those formed by the sense of touch. In the *New Theory* Berkeley also proposes analogies between vision and language. Visual ideas represent tangible ideas just as words represent thoughts. When we hear a word in a familiar language, we immediately form a relevant idea; after a bit of experience, when we are aware of a visual idea, we think of a corresponding tangible idea.

In his treatment of Berkeley’s criticism of the doctrine of “abstraction,” Flage finds that Berkeley’s target is specifically John Locke, although Berkeley writes as if his criticism is intended to be general, even alluding to the Aristotelianism of the scholastics. In sorting things out, Flage provides a helpful description of the status questionis at the time by reviewing the doctrines of Plato, Aristotle, and Ockham. Berkeley’s reasoning in the *Three Dialogues* is too complicated to capture in a brief review, although Flage skillfully sets it forth.

The volume concludes with chapters on Berkeley’s moral theory and on his theory of economics. As a moral philosopher Berkeley espouses for the most part the natural law outlook of Aristotle and Aquinas, avoiding the utilitarian and consequentialisms of the day. In his *Essay towards preventing the Ruin of Great Britain*, he appeals to what he calls “the old fashioned trite maxims” concerning religion, industry, frugality, and public spirit. The consequences of “free thinking” or agnosticism, Berkeley believes, are detrimental to society. Religion, he maintains, is necessary for conscience, and conscience is necessary for virtue. The free thinker confuses license with liberty and

short-term satisfaction with genuine self-interest, which is long-term. Religion also promotes self-restraint and therefore contributes to public safety.

Industry, Berkeley holds, is essential to a viable economy, for it is the only sure means to wealth. Industry, understood as work or labor, is a means of obtaining the necessities of life, that is, those goods that are necessary for health, and therefore for happiness. Flage relates that “working to obtain goods” is a major theme in Berkeley’s economic writing. By contrast, stock speculation is like poker. It can be a means to substantial monetary gain without contributing anything to the economy. Furthermore, the possibility of income without labor encourages men to despise the slow, moderate gains that are to be made by honest industry.

Turning his attention to another old-fashioned maxim, Berkeley holds that frugality both complements industry and opposes luxury. If prosperity is obtained by industry, it is conserved and increased by frugality. Addressing the fourth of his maxims, he ties “public spirit” to religion. It is fitting to acknowledge public debt to God and to honor notable achievement on the part of individuals with monuments and museums. These transmit truths vital to the pursuit of the common good.

One puts down this volume with admiration for the person of Bishop Berkeley and for the clarity in which Daniel Flage presents Berkeley’s philosophy.

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Galileo’s Telescope. Massimo Bucciantini, Michele Camerota, and Franco Giudice. Translated by Catherine Bolton. Cambridge, MA: Harvard University Press, 2016. x + 339 pp.

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

No, this is not another treatise on the “Trial of Galileo,” or l’affaire Galilée as Descartes

called it. For those who are vaguely acquainted with the subject, this is a thriller as exciting as any that may have kept you spellbound. There are heroes and villains, and then there is Galileo. When will he learn of the spyglass that caused such a stir when presented to Count Maurice of Nassau at The Hague? Will he ever acquire a specimen? Will he ever learn to build one himself? Will he ever acquire the lenses needed to perfect the instrument? And will he ever turn skyward the instrument designed for military use?

Such is the way the story unfolds as told by three historians of science whose narrative draws extensively on correspondence among aristocrats of the period. Call the book a social history of science, if you will. But it is foremost a history of the telescope. The story begins when the Flemish craftsman Hans Lipperhey visited The Hague early in 1608 to show Count Maurice of Nassau, Commander of the Armed Forces of the United Provinces (of the Low Countries), “a certain device through which all things at a very great distance can be seen as if they were nearby.” Lipperhey sought from the count a patent and financial support for the development of the instrument. News of the invention spread rapidly, as evidenced in a painting by Jan Brueghel the Elder depicting Archduke Albert of Bavaria with the spyglass observing a distant castle. Clearly, in the words of one correspondent, “the act of seeing no longer coincided with our natural organ of sight.”

Within a few months specimens of the spyglass could be found not only at The Hague but in the Court of Henry IV in Paris, at the Court of Rudolf II in Prague, at the Court of the Spanish King in Madrid, at the Residence of General Albert Spinola in Genoa, and at the Papal Court of Paul V in Rome. And, we might add, in the halls of nobility in London, Augsburg, and Naples, as well. Remarkably, the ambassador of the Hindu King of Siam helped spread the word as he visited European capitals as part of his trade mission.

In September and October of 1609, Galileo finally trained his then three-power instrument on the moon, whose rugged surface became visible. He may not have been the first to discover that the moon like the earth was pock-marked with hills and craters. But in short order, as he continued to perfect his telescope, Galileo discovered the satellites of Jupiter, the rings of Saturn, the phases of Venus, sun spots, and the true cause of the Milky Way. What more did a convinced Copernican need to support a heliocentric view of the universe? In 1610 he published *Sidereus nuncius*. Six days after it appeared in print, the initial run of 550 copies was sold out.

Instead of universal praise, Galileo met significant opposition. While Kepler, Paolo Sarpi, and Cardinal Federico Borromeo of Milan supported him, and even Paul V for a time, the pope eventually withdrew his support because of the uncomfortable conclusions to which it led. The Ptolemaic/Aristotelian view of the world order was not easy to abandon. Not only was the authority of Aristotle and the scholastic tradition called into question, but the bible itself had to be reinterpreted.

And there were political considerations too. Galileo had worked closely with the Venetian prelate, Friar Paolo Sari, a scientist and canon lawyer, who had made important discoveries on his own and who had supported Galileo in his work. When Galileo had failed to acknowledge the support of the Venetian Republic in the *Sidereus nuncius* and then took up residence in Padua as chief mathematician to the Grand Duke of Tuscany, and professor for life at the university, it had the impact of the victory of one state over another, and lasting enmity on the part of some in Venice.

For Galileo everything would have gone smoothly if he had advanced heliocentrism as purely a mathematical theory, a hypothetical explanation of observed data, yet one not proved. Tycho Brahe knew that Galileo had not demonstrated his conclusion. So too did Cardinal Bellarmine, a convinced

Aristotelian who knew the difference between a hypothetical explanation and proof. On April 12, 1615, Bel-larmine wrote to Paolo Antonio Foscarini, who had published a troubling pamphlet on Copernican theology. We have the text: “Very Rev. Father, first I would like to say that you and Mr. Galileo are wise to speak ex suppositione and not in absolute terms, as I always believed Copernicus did. Because so saying, supposing that the Earth moves and the Sun stands still saves all the appearances better than by positing eccentrics and epicycles.”

The proof that Brahe sought but that eluded him was not forthcoming until Friedrich Bessel, director of the Konigsberg Observatory in Prussia, in 1838 was able to measure the parallax of the stars.

Galileo was so convinced that he was right, that he could not leave his conclusion as mere ex suppositione. In 1632 he published his Dialogue Concerning the Two Chief World Systems, in which he in effect defended his view as substantiated. That quickly brought charges of heresy from two old adversaries in Venice. The story of Galileo’s telescope ends here.

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The Little Way of Lent: Meditations in the Spirit of St. Thérèse of Lisieux.

Rev. Gary Caste. Cincinnati, OH: Servant Books, 2010. 130 pp.

Reviewed by Sr. Mary Jeremiah, O.P., S.T.D., Monastery of the Infant Jesus, Lufkin, TX.

This book is partial fulfillment of a promise the author made when he entered the seminary. If he received the grace to be ordained a priest he “would try to bring people to [Thérèse] so that she might bring them to Christ” (p. xiv).

St. Thérèse’s Little Way of Spiritual Childhood is based on her extraordinary trust in God’s loving care. “Thérèse’s confidence was rooted in

the paschal mystery” (vii). Therefore, it is fitting to meditate with her during the season preparing to celebrate this crucial event of our faith.

In his introduction, the author discusses three practical effects which develop from following Thérèse’s Little Way: (1) Overcome fear. We refocus our attention from ourselves to God’s mercy. The author points out simply that the paschal mystery is not about what we have done, but what God has done for us sinners. We cannot build a relationship upon fear. Relationship is about love. God is Love and humans are made for love. This is the great “discovery” of Thérèse and all the saints. Even though scripture tells us as much, each person must discover or experience it personally for himself. (2) The joy of loving sacrifice. The author gives some excellent helpful and practical ideas for overcoming temptations and being faithful to our sacrificial giving to God. (3) Simplicity. Thérèse had absolute trust in God to bring about her sanctification, so she needed not to concentrate on herself, but to focus only upon the Lord’s will for her each moment. We simply need to be who we are, and not try to be someone else for God or others. Let God form us, because we certainly cannot do it ourselves.

Living these three qualities of the spiritual life enable one to experience Lent as a time of expectant hope and continuous engagement in seeking God’s will.

For each day of Lent, Fr. Caster presents the scripture selections for the Mass of the day, followed by a page and a half meditation, and ending with a sentence quotation from St. Thérèse. The meditations are an excellent weaving of the daily scripture texts. In many of the meditations the author also uses examples from the Little Flower’s life or writings. A paragraph by Thérèse introduces each week of Lent.

These meditations can be a good tool to teach the reader by experiencing how to pray over the Word of God. This is something Pope Benedict XVI is very much encouraging all Catholics

to do. St. Jerome wrote hundreds of years ago, “Ignorance of Scripture, is ignorance of Christ.”

I highly recommend this book to enhance your Lenten practices and draw you closer to God and neighbor in love. The best summary of *The Little Way of Lent* is a short paragraph on the back of the book: “St. Thérèse emphasized the *way* we do things for God rather than the *things* we do for him. In that spirit, Lent is less about *what* we’re offering and more about *why*. That insight transforms this season from one of narrow concern over what to give up into one of joyful freedom to enter into the love of Christ. The meditations in *The Little Way of Lent*—all colored by St. Thérèse’s Little Way of Spiritual Childhood—will transform your Lenten observance and help you focus on God’s redeeming love.”

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Bishop Sheen: Mentor and Friend.

Msgr. Hilary C. Franco, as told to Lisa and Geno Delfino. New Hope, KY: New Hope Publications, 2014. 162 pp.

Reviewed by Sr. Mary Jeremiah, O.P., S.T.D., Monastery of the Infant Jesus, Lufkin, TX.

This is a delightful book about a delightful man, and, God willing, one day a saint. The author was a daily witness for more than twenty-five years to the life and thought of the Servant of God, Fulton J. Sheen.

As a young boy, Franco greatly admired Sheen. After his ordination for the Archdiocese of New York, Franco mustered up the courage to go and meet the famed orator. On that first meeting Bishop Sheen must have seen the young priest’s intelligence and dedication, for he invited him back many times. Eventually, Sheen requested that Franco be his private secretary and assistant.

As National Director for the Society for the Propagation of the Faith in the USA, Bishop Sheen had the author accompany him on his numerous trips

to mission posts throughout the world. Sheen was not only a famous speaker on television and in person, but also an efficient and proven administrator with a budget of more than a million dollars. Bishop Sheen had always been very dedicated to the individuals who came to him for instruction in the Faith. The author gives many examples, as well as stories of the famous people Sheen knew.

This book reads like many of Sheen's, with short and powerful anecdotes. It is a real page-turner in an inspiring sense. We have a brief view of Vatican Council II through the eyes of Bishop Sheen and his assistant, as well as his relationships with several popes, especially John XXIII, Paul VI, and John Paul II.

After the Council, the Servant of God asked Paul VI if he could "have a flock of his own." Sheen reasoned that he had always been an "office bishop," and he longed to be a bishop with his people, something about which he had spoken eloquently at the Council.

The author's explanations of Sheen's appointment and departure from the Diocese of Rochester are very enlightening. They dispel some negative rumors about this period of time as an archbishop ordinary. These concern his relationship with Cardinal Spellman and his reasons for resigning from the diocese after only four years as its ordinary. I will let you read the book to find out those facts.

I had heard it said that Sheen was not a good administrator or good with finances. Some think this was his reason for his resignation. But I do not think this could be true, given all his productive years as Director of the Society for the Propagation of the Faith and his monumental moral and financial support of mission work.

Often good and effective ministers in the Church were denigrated for their wonderful ministry because they were "too faithful" to the Church. This seems to have been the case with Archbishop Sheen.

Archbishop Sheen is a priest's priest

who has influenced countless men, not only to offer themselves to God for service, but also to make a daily Holy Hour in the presence of the Blessed Sacrament. Sheen "walked the walk, and talked the talk" by making a daily Holy Hour—no matter where he was in the world—for his entire priesthood. In fact, when he died in December 1979, he was praying before the Blessed Sacrament in his private chapel.

I highly recommend this short and very readable account of one man's friendship with a prophet of our own time and nation.

Bishop Sheen, as he was always affectionately called, was a prolific author. As the Church strives in its mission of the New Evangelization, Bishop Sheen's books should be reintroduced to new generations of readers.

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Newman and his Family. Edward Short. London: Bloomsbury T & T Clark, 2013. 425 pp.

*Reviewed by Sr. Mary Jeremiah,
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Our families are one of the factors in forming us as persons. When you meet a person's family members you acquire a deeper understanding of that person. The author has clearly fulfilled his goal of introducing, in a new and highly personal light, the formative familial relationships of John Henry Newman, and demonstrated how each formed his theological contributions to the Catholic Church and culture in general.

John Henry Newman was the eldest of six children: three boys and three girls. They were all highly intelligent and close to their loving parents and one another. Short dedicates each of the eight chapters to a member of the family, based mainly on their correspondence with Newman. The concluding epilogue is important for creating a whole out of the individual parts.

Within each chapter the author also highlights certain aspects of Newman's thought that are somewhat relative to his relationship with that person, for example, family life, children, skepticism, relativism, death and mourning, failure, loss of faith, return of the Catholic hierarchy to England, secularism, faith and reason. The titles of the chapters also give an indication of the relationship and theme.

Newman was profoundly well balanced. Although today he is probably more known for his stunning intellect, he was also deeply a man of the heart. He knew so well the dangers of the coming ages of human intellectual accomplishment, and wrote of it in *The Idea of a University*.

"[U]nbelief is in some shape unavoidable in an age of the intellect," especially since "faith requires an act of the will" (382). While firmly convinced there is no dichotomy between faith and reason, Newman wisely stipulated that reason must be trained and exercised for it to discern God.

Newman's parents, John and Jemima, died before his conversion, although his mother saw it coming and was adamantly against it given her Huguenot roots. Both of his brothers lost their Christian faith: Charles ended as a skeptic, and Frank became a Unitarian. His sisters, Harriet and Jemima, were staunchly against his conversion. Harriet cut him off completely, while Jemima maintained some distant contact. Newman regarded his youngest sister, Mary, as a saint. Her sudden death at the age of 19, from appendicitis, introduced him to the life beyond the grave, a reality he pondered for the rest of his life. The last family member studied is a nephew, John Rickards Mozley, a son of Jemima.

Newman grew up in a very warm and outspoken family, which later would also become one of his greatest sources of pain. Despite his family's repudiation of his Catholic faith, Newman was always prompt and willing to help them. He saw this duty as a "call of charity."

Short concludes the chapters with a moving description of Newman's ever ready response of charity. He was motivated by a desire, and prayed primarily, that he would see God and that his dear ones would also see God. "That is the essence of Newman's vocation *cor ad cor* and nowhere did he practice it more lovingly than within his own fractious family" (379).

This hefty book concludes with a wonderful epilogue, "Family, Faith, and Love." When Cardinal John Henry Newman died on August 11, 1891, the newspapers proclaimed that he was "a man who had had an enormous influence on his contemporaries" (381). Yet a sense of failure took him to the grave as it had his Divine Master. "A prophet is not without honor, save in his own country and in his own house" (Mt 13:57). This awareness was heart-breaking for the old man, yet it was his own family who molded him into the great prophet he is for the world of the twentieth and twenty-first centuries. His family was a microcosm of what is becoming the prevailing attitude of "one religion is as good as another."

Edward Short has done an excellent job of presenting Blessed Cardinal John Henry Newman as a deeply loving man. I highly recommend this book to all, and leave the last words to the author. Short asks, "What effect Newman's family *not* converting had on him?" He gives a response worthy of the great priest of Birmingham: "Certainly, it broke his heart; it exasperated him; it intensified the loneliness that this most gregarious of men was prone to suffer; but, above all, it impressed upon him the power of the Cross" (387).

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Papist Devils: Catholics in British America, 1574-1783. Robert Emmett Curra. Washington, DC: The Catholic University of America Press, 2014. xvi + 315 pp. Paper, \$29.95.

*Reviewed by Thomas W. Jodziewicz
University of Dallas.*

This is a splendid comprehensive presentation of the defining experience of Roman Catholics in Great Britain's American colonies from the late sixteenth century to the conclusion of the American Revolution. The text is clearly organized and accessible, the writing crisp and engaging and the author an obvious authority on the period.

While the Maryland story is central, given the colony's founding by Catholics—although themselves always a minority—the discussion of a Catholic presence in several West Indian islands and Nova Scotia broadens the canvas on which English, Irish, and Scotch immigrants made their mark. Given the anti-Catholic aftermath of the English Reformation, and lingering penal legislation in the home isles as well as in late colonial Maryland, and elsewhere, British Catholics most often kept their heads down. And given the small number of Catholic clergy available throughout the period, this oftentimes prayerful posture was without a viable institutional affirmation or presence. Before their suppression in 1773, Jesuits were virtually the only priests active among British Catholics. Centered in Maryland, the Society was supported by Jesuit farms or plantations that were worked by slave labor and were the foundation for fulfilling the spiritual needs of a population that was primarily unwelcome by their colonial fellows. Active persecution was not the norm, if heads were kept down, but occasional circumstances, such as wars with Catholic France and

Catholic Spain, could provoke momentary oppression.

There were, of course, those Catholics who established larger footprints, such as the Carrolls in Maryland, and the author offers extended discussion of their role in public life despite legal restrictions. The mainland also featured a small presence of Catholics in Pennsylvania and New York during the colonial period. The Catholic presence in such places as Barbados and Montserrat was principally composed of indentured Irish immigrants who would eventually face the relentless challenge of freed, formerly slave labor. It was also, except for the presence of occasional French priests, a churchless existence.

During the American Revolution, several states continued imposing political and legal restrictions on Catholics for a time, but the overall colonial anti-Catholicism was replaced by toleration if not complete religious freedom. The long-standing Catholic experience of separation of church and state in the British colonies readied the emerging Catholic community for a republican ethos and religious pluralism in the new nation. Again, the Carrolls, especially John Carroll, who would become the first American Catholic bishop (1789), helped to lead the way to an acceptance of a public Catholicism in a fundamentally Protestant America. An issue that is not noticed, and deservedly so given the purpose of the volume, is the fact that Catholicism had appeared concurrently in the Spanish Borderlands, those parts of New Spain in the arc from Florida to California. The complete story of the colonial beginnings of Roman Catholicism in what would become the United States will then include this southern narrative. Certainly this very excellent work of Fr. Curran will be included in this larger narrative.

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

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Pope Benedict XVI's Address to the Bundestag in Berlin

Pope Benedict XVI reflects on the foundation of law in his speech to the German Parliament (Bundestag) in Berlin on September 22, 2011. He discerns the ultimate foundation of law to be justice. As St. Augustine famously said in his *City of God*, “Without justice – what else is the State but a great band of robbers?” The difficulty lies in coming to know and love what justice requires. Pope Benedict demonstrates the difficulty of this great enterprise by recounting a story about King Solomon in I Kings. The biblical story explains that God asks the newly crowned king to make a request. Solomon doesn’t ask for wealth or great power, but “he asks for a listening heart so that he may govern God’s people, and discern between good and evil.”¹ Otherwise stated, Solomon asks for the wisdom to discern and love what is just. Solomon knows that even with a good will it is not easy to know what is right in every circumstance. The acquisition of this knowledge in every age is crucial because, as Benedict says, “to serve right and to fight against the dominion of wrong is and remains the fundamental task of the politician”²

Pope Benedict next discusses the difficulty of recognizing what is right today. Relying simply on majority opinion is not an option because that opinion may not support true justice. Revelation is of little help in setting up a just government because there is no “juridical order derived from revelation” that Christians can make available to state and society.³ Through its theologians Christianity, however, does point to “nature and reason as the true sources of law.” Benedict briefly explains that Stoic natural law teaching came into contact with Roman law in the second half of the second century. “Through this encounter, the juridical culture of the West was born, which was and is of key significance for the juridical culture of mankind.”⁴ He then adds that this “pre-Christian marriage between law and philosophy” eventually led to the United Nations Declaration of Human Rights and the German Basic Law of 1949. Benedict, of course, leaves out several stages on the way to the mid-twentieth century.

In the second half of the twentieth century the idea of natural law fell into disfavor as a source to recognize

what is right in the public square. Positivist understandings of both nature and reason developed and became ascendant. As the object of science, nature came to be understood, in the words of Hans Kelsen, an Austrian political philosopher, as “an aggregate of objective data linked together in terms of cause and effect.”⁵ In this perspective, there is no bridge from nature to ethics and law, from an “is” to an “ought.” For example, the recent Supreme Court decision declaring a constitutional right to same-sex marriage paid no heed to nature as a source of knowledge about the meaning of marriage. The positivist understanding of reason means that anything not verifiable or falsifiable by the empirical methods of modern science “does not belong to the realm of reason strictly understood.”⁶

Pope Benedict acknowledges that the scientific way of using reason yields valuable results that everyone should appreciate. But scientific knowledge is not the only kind of knowledge ascertainable by reason. To regard the positivist use of reason as the only valid way of knowing “diminishes man, indeed it threatens his humanity.” This narrow use of reason leaves Europe without a real culture, while “at the same time extremist and radical movements emerge to fill the vacuum.”⁷

The way back to a fuller understanding of nature and reason, Benedict suggests, may be through the ecological movement, which arose in the 1970s in Germany. Young people came to realize that “matter is not just raw material for us to shape at will, but the earth has a dignity of its own and that we must follow its directives. . . . We must listen to the language of nature.”⁸ Heeding the earth’s directives and respecting nature means not polluting the soil, the sea, or the air, and using the earth in such a way as to ensure its sustainability over time. Genesis put the directive this way: “The Lord God took the man and put him in the garden of Eden to till it and keep it” (Gen 1:15). The key word is “keep.” When human beings follow God’s command to “fill the earth and subdue it” (Gen 1:28), they must do so in such a way that the earth is kept, that is to say, preserved in the proper way and not harmed.

Benedict next draws a parallel between environmental ecology and the ecology of man. “Man has a

nature that he must respect and that he cannot manipulate at will. Man is not merely self-creating freedom. Man does not create himself. He is intellect and will, but he is also nature, and his will is rightly ordered if he respects his nature, listens to it and accepts himself for who he is, as one who did not create himself.”⁹ Benedict is trying to lead people to conclude that just as they must respect the nature of the earth, so they must respect human nature.

To respect human nature means to respect the norms that nature contains. Kelsen argues that if nature contains norms for guidance, then the will of God had to put them there, which, he believes, is something we could never ascertain. Benedict replies that it is not unreasonable to believe that “the objective reason that manifests itself in nature” points to a creator God who created according to reason. In fact, Europe’s longstanding belief in a creator God, according to Benedict, “gave rise to the idea of human rights, the ideal of the equality of all people before the law, the recognition of the inviolability of human dignity in every single person and the awareness of people’s responsibility for their actions.”¹⁰

In his third encyclical, *Caritas in veritate* (2009), Pope Benedict XVI also addressed the dependence of environmental ecology on human ecology. In order to protect the environment it is not enough to give economic incentives or even to provide an apposite education. [T]he decisive factor is the overall moral tenor of society. If there is a lack of respect for the right to life and to natural death, if human conception, gestation and birth are made artificial, if human embryos are sacrificed to research, the concept of society ends up losing the concept of human ecology and, along with it, that of environmental ecology.¹¹

In other words, if human beings do not respect themselves and one another, if they do not live by some objective standard, they will not respect the environment.

Benedict concludes his Berlin speech by reminding his listeners that the culture of Europe actually came into being from the interaction among Jerusalem, Athens, and Rome, “from the encounter among Israel’s monotheism, the philosophical reason of the Greeks and Roman law.”¹² Pope Benedict is trying to persuade his listeners that this heritage is much richer than the mere positivism of nature and reason, which is receiving so much emphasis in the West today. Drawing deeper once again from Jerusalem, Athens, and Rome would increase Europe’s capacity “to discern between good and evil, and thus to establish true law, to serve

justice and peace.”¹³ Acquiring the wisdom of Solomon through faith and reason would enable Europe to craft better law.

I would be remiss not to note that Pope Francis’s Address to the United Nations quotes his predecessor’s Bundestag Address and his Address to the Clergy of the Diocese of Bolzano-Brassanova on August 6, 2008. He quotes that part of the Bundestag speech affirming that man’s nature, not his will, should guide the use of his freedom. Pope Francis’s quotation from Benedict’s diocesan speech zeroes in on his point that creation is likely to be abused “where we ourselves have the final word. . . . The misuse of creation begins when we no longer recognize any authority above ourselves, when we see nothing else but ourselves.” After making these thoughts of Benedict his own, Pope Francis draws the conclusion that “the defense of the environment” demands “that we recognize a moral law written into human nature itself,” and he also directs his listeners to a section of *Laudato Si’* where he says, “we should not think that political efforts or the force of law will be sufficient to prevent actions which affect the environment because, when the culture is corrupt and objective truth and universally valid principles are no longer upheld, the laws can only be seen as arbitrary impositions or obstacles to be avoided.”¹⁴ This means that environmental problems cannot be solved unless the virtue of individual citizens leads them to abide by ethical principles that bind all men and women. Otherwise stated, law and political initiatives can never take the place of educating people to practice virtue. ✠

ENDNOTES

- 1 Marc D. Guerra, *Liberating Logos: Pope Benedict’s September Speeches* (South Bend, IN: St. Augustine’s Press, 2014), 40.
- 2 Guerra, 41.
- 3 Guerra, 42.
- 4 Guerra, 43.
- 5 Guerra, 44.
- 6 Guerra, 44.
- 7 Guerra, 45.
- 8 Guerra, 46.
- 9 Guerra, 46-47.
- 10 Guerra, 47.
- 11 *Caritas in veritate*, 51.
- 12 Guerra, 47.
- 13 Guerra, 48.
- 14 *Laudato Si’*, 123.

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