

FELLOWSHIP OF CATHOLIC SCHOLARS

NEWSLETTER

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Letter from Father William B. Smith

'Fundamentalism' is, all of a sudden, the new pejorative code word in some Catholic circles. It is aimed not at the Ayatollah Khomeini, nor at the media version of the Moral Majority, but now aimed at assenting Catholics by dissenting Catholics.

Curiously, when informed Catholics insist on making correct distinctions in and within received Catholic teaching, they are accused of 'fundamentalism.' So, as a continuing sign of theological word pollution those who cite and teach what the recent Council did teach and what the Church actually does teach, that true effort at true teaching is now labeled by some as 'fundamentalism.'

Perhaps even an insistence on the fundamentals of the Faith (Articles of the Creed & Profession of Faith) will be pejoratively described as fundamentalism. In that event we must suspect that the term has lost its meaning and some other agenda is in gear.

With distressing frequency, some media-connected theologians have quite completely adopted both the mind-set and the vocabulary of the media to describe things Catholic: the Catholic Right; the Catholic Left; the Social Issues.

The labels 'left' and 'right' are properly at home in the political realm. This is how many describe the shape and bent of the political spectrum — the range and preferences of human ideology. But these terms are neither natural nor congenial to authentic Catholic teaching since received Catholic doctrine and received moral principles are not human ideology. Authentic teachings are sacred doctrine; they rest on sacred sources: Scripture, Tradition & Magisterium of the Church.

Vatican Council II itself provided a needed distinction. First, that all the faithful owe 'religious assent of soul' to what the Bishops teach, in the name of Christ, in matters of faith & Morals (*LG*, 25). This is not a matter of left & right; it is a matter of assent (belief/acceptance) or dissent (nonbelief/non-acceptance).

Next the Council also taught that the Christian view will often suggest some 'specific solution in certain circumstances' . . . but here we must recall "that no one is allowed in these situations to appropriate the Church's authority for his own opinion" (*GS*, 43).

Thus, the Council itself distinguished between formal matters of faith & morals which require religious assent of soul, and, certain particular proposals — drawn remotely or proximately from accepted principles — which require attention and consideration but not religious assent of soul.

Put another way: there are things on which all Catholics must act morally (e.g., public safety; common defense; capital punishment) and, there are things on which there is but one moral act for Catholics (e.g., direct abortion).

Those who think that valid differences of judgment in the former somehow justify dissenting differences in the latter simply do not understand authentic Catholic teaching.

This last distortion fails to distinguish in formal Church teaching what the Church herself so carefully distinguishes. Indeed, the failure to distinguish what needs to be distinguished is pretty much the heart of a naive simplicity rightly called 'fundamentalism.'

Friend of the Fellowship

Fr. Raymond T. McCarthy

The Cardinal Wright Award — September 19th

Fr. Weis on the Fellowship

The Fellowship of Catholic Scholars, a relatively new organization of the scholarly community, came into existence about half a dozen years ago when thoughtful people in various academic and professional areas were put into a reflective and constructive mood by the reaction of a vocal segment of the world of Catholic learning to *Humanae Vitae*. The outcry of this segment had been immediate, organized, and negative. It had also been simplistic. Although the Holy Father had consulted widely and across a broad spectrum of judgments about this matter before he reaffirmed the teaching of his predecessors and of Vatican II regarding the moral unacceptability of artificial birth control, only those scholars who, subsequent to the reaffirmation, categorically dissented from it were in intense communication with one another, supporting each another in an organized way, and securing the attention of the popular media.

Among thoughtful people reflecting on this state of affairs was Msgr. George A. Kelly of St. John's University. Was there, he and others asked, no group of distinguished scholars to speak out of their loyal learning in support of the Supreme Pastor? And if there was not, why could not one be organized with members confirming one another in scholarly research, issuing timely statements on academic and ecclesial issues, holding annual meetings, and publishing a Newsletter to let the learned and administrative communities and the conference of bishops know that there are, indeed, usually two sides at least to many important but unsettled questions?

With this thought in mind he set out to cross the country for the purpose of finding out if there was a constituency of scholars in various fields "out there" (as New Yorkers tend to think of the Midwest) and "further out there" (as New Yorkers tend to think of the West and the West Coast) for such leadership as he could provide. His first stop was Loyola University of Chicago. There and at further stations west he found substantial support for the idea of such an interdisciplinary organization. He told me, quite a while afterwards, that had the group at Loyola not encouraged him, he would have turned around and gone back to New York. Thus encouraged, however, he later met with a core group gathered at Kenrick Seminary in St. Louis, and then still later at the actual organizational meeting at St. Louis University.

A number of points of identity were there set in place: loyalty to the magisterium of the Holy

Father; scholarship of a high level; membership from a broad spectrum of disciplines — not merely theology, but philosophy, sociology, history, literature, medicine, law, and other sciences and professions; a clear societal personality, individual and separate, not to be identified with any already existing organization or entering into partnership with any such organization. This was an important point. It would be an independent Fellowship, making its own specific contribution, delicately balancing loyalty and scholarly objectivity, willingly taking on the tension and the risks involved in such a combination of standards. Father Ronald Lawler was elected its first president.

At that first meeting, and afterwards, too, things went very well for the Fellowship — there were conventions in Kansas City, St. Louis, Chicago, Milwaukee; and once again in Chicago annual board meetings in September; published proceedings from each convention; and very important, the quarterly publication of the newsletter under the editorship of Msgr. Kelly. From time to time the Fellowship has issued widely circulated statements on important current questions. It has made its impact on Catholic thinking in this country.

The Fellowship has developed these categories of support: the first category, full membership is made up of those people whose scholarly credentials in their disciplines or professions make them the primary resource persons for the work of the Fellowship. The second category is made up of associate members, who support the goals of the Fellowship and participate in substantial benefits, including the right to attend annual conventions and to receive the newsletter. Finally, there are the episcopal patrons, bishops who support the society and its goals.

The annual presentation ceremony of the Cardinal Wright Award is arranged by the Award Committee, to which especially in the persons of its Chairmen, Mr. and Mrs. John J. Farrell, I should like to convey the Fellowship's hearty gratitude.

Fr. Earl Weis on Fr. Connery

The recipient of the Fellowship's Cardinal Wright Award this year is Father John R. Connery, S.J., whose life long work has been moral theology. With the exception of a seven-year interval during which he served as Provincial of the Chicago Province of the Society of Jesus, Father Connery has given his whole Jesuit priestly life to

the research in, writing about, and the teaching of solid moral theology that Catholics know is a safe guide for their moral lives. This he did first at West Baden College, its succeeding institutions, and then at Loyola University, lately as the occupant of the Chair of Theology established by Mr. and Mrs. John Clark in the name of John Patrick Cardinal Cody.

From 1954 to 1959 his "Notes on Moral Theology" were a respected feature of *Theological Studies*; he has regularly been a distinguished visiting professor at seminaries and universities on this continent and in Europe; his book *Abortion: The Development of the Roman Catholic Perspective* (Loyola University Press, 1977) is a major structural support in the scholarly foundations of the Pro-Life movement; in recent years he has been permanent consultant of the U.S. Bishops' Committee on Doctrine in Washington, D.C. These days he is at work on the issues of armaments and warfare, as a recent fine article in *America* attests.

The intelligence and the grace — I mean both natural grace and the special gift of God — that Father Connery has brought to his work and which are manifest in it make his readers conscious that good moral theology is cool and objective, quiet and considerate, industrious but unhurried, understated but incisive, serious and responsible, but not devoid of humor, comprehensive of the Catholic tradition but not afraid to undertake the solution of new problems, loyal to the magisterium and guided by it but helpful when that magisterium itself asks for assistance.

As a person Father Connery is good to know and be with. Interesting, lowkeyed, a good conversationalist, he does what the best scholars do instinctively, he carries his learning lightly.

For his scholarly contributions to the world of Catholic learning in the area of moral theology, according to the high ideals of the Fellowship of Catholic Scholars, Father John Connery was selected as the recipient of this year's Cardinal Wright Award.

Fr. Connery's Response

Fr. John R. Connery, S.J., was given the fourth annual *Cardinal Wright Award of The Fellowship of Catholic Scholars* in Chicago by Father Jerome Listeki of St. Mary of the Lake Seminary, representing Archbishop Joseph L. Bernardin.

In his acceptance Father Connery, first holder of Loyola's Cardinal Cody Chair in Theology, said that the necessity of nuclear weapons for defense may be argued at least theoretically "if there is a willingness to observe moral limits." It is "not

clear" to him, he said, that nuclear weapons cannot be controlled, used in a limited way and directed only to military targets. Yet, he said, "clear answers" are hard to come by when that question is raised. Father Connery said that opponents of all nuclear weapons who cite the Second Vatican Council have misunderstood the council's condemnation of the "indiscriminate" use of any weapon, nuclear or not.

Traditionally, he said, it has been taught that violence may be employed in self defense if it is limited "as much as possible" to the aggressor. He said this question must be asked in each instance: Is the damage done proportionate to the needs of self defense? Father Connery disagreed with moral theologians who accept no absolutes and teach that no act is morally evil in itself if there's a balancing reason for it.

Such moralists may agree with him that adultery and abortion are wrong, he said, but for different reasons.

Asked where he stands on defining moral issues, Father Connery said that he has written articles defending the concept of intrinsic evil "although I don't like that term."

Some things are intrinsically evil, he said, although he acknowledged that not everyone agrees.

Some argue that people "sort of intuitively" know what is good, he said, seeing life as a conflict of values with a need to do nothing more than choose the higher of those values.

The Cardinal Wright Award was given to Father Connery on the basis of his long and distinguished career as a scholar and administrator.

He has been visiting professor at the Pontifical Gregorian University in Rome, senior research scholar at the Kennedy Institute's Center for Bioethics at Georgetown University.

(Conclusion from Page 25)

for us; we'll tolerate you doing them, because if we don't, something worse may befall us."

Since many Catholics help direct and carry out our national policy of deterrence, the consequentialist interpretation is the one we naturally assume was in the minds of the authors, and it counsels immorality. So, for the sake of those involved in defense and for the benefit of us all, this proposed pastoral should be repudiated or substantially rewritten. If a new proposal is drafted, it ought to set forth the parameters within which this nation can conduct a policy of deterrence which is morally licit.

Washington Consultation on Familiaris Consortio

The National Institute for the Family, under the leadership of Fr. Donald B. Conroy, former director of family life programs for the USCC, held a meeting September 10-12, 1982 which was called "a consultation" on John Paul II's *Familiaris Consortio*. The Family Institute with Fr. Conroy (according to a July 17, 1980 NC News Release) "will cooperate with the USCC Commission on Marriage and Family Life in promoting the U.S. bishops' Plan of Pastoral Action for Family Ministry during the 1980-1990 'Decade of the Family.'" Fr. Conroy was an advisor to the U.S. Delegation to 1980 Roman Bishops' Synod on the family and, according to Bishop Thomas Kelly, played "a leading role in the development of the (USCC's) pastoral plan and its implementation to date." The Institute he now heads received a founding grant from the Raskob Foundation. Approximately 17 presentations were made during the weekend meeting, many of the speakers bearing names familiar to the Washington Catholic scene.

Among some of the critical evaluations of *Familiaris Consortio*, the following might be of some interest to readers of the *Newsletter*.

Dolores Leckey (USCC Delegate to the Roman Synod)

"What we have, therefore, in 'Familiaris Consortio,' is principally a reiteration of the value of women's traditional roles supported by a mildly feminist rationale rather than by the interpretive scriptural reasoning used in the past. We also have *some* movement toward re-examining and redefining the roles of women . . ."

". . . There remains, however a great deal of inconsistency and ambivalence about this topic within Church leadership, and this is reflected in 'Familiaris Consortio.' The ambivalence is apparent in what is absent from the document as much as it is in the content."

Robert Kinast

"FC reflects a mixed ecclesiology. There is an effort (at times a struggle) to overcome centuries-old dualisms and speak of the church as 'we, the People of God.' But just as often the church speaks as other than the families which constitute it. This is seen most clearly perhaps in discussion of the domestic church. This image, retrieved from Vatican II, sees the family as a domestic expression of "the church." The latter remain normative.

"A truly familial ecclesiology would start the other way, grounding itself in the experiences of family life as it actually is today and construct an ecclesiology from this perspective. If this were done, some of the really distinctive family characteristics (like sexual relations and secularity) might yield a different image of church. As it is, most of what is said about family is taken over from what is said (elsewhere) about the laity in general. FC remains too often a statement about family life from a non-familial ecclesiology."

Joseph and Mercedes Iannone

". . . creative tension inherent between the central role of the domestic church in family faith formation and the bishop/pastor as chief catechist must be engaged directly. Or else, the family may, in reality, be seen as the "domesticated church." (In this sense, the 1980 synod was severely limited in that it did not have sexually active married people in decision-making positions. Therefore, practice has a difficult time informing theory.) This conflict also lies between the contemporary principles of adult learning and the habits of exercising church authority. Bluntly put, the question is: Can the present clerical structure of many Roman Catholic dioceses/parishes support the vision of family catechesis underlining FC? As Fr. James R. Schaefer puts it, "Can the Roman Catholic Church tolerate the emergence of mature believers?" ("Tension between Adult Growth and Church Authority," *Christian Adulthood*, USCC, 1982).

James Young CSP

"Pope John Paul II argues further that such admission of the second married to the Eucharist would lead the faithful into 'error and confusion regarding the Church's teaching on the indissolubility of marriage.' This is a curious argument since it insists upon an effect which does not seem to have necessarily occurred in either the Orthodox communions or in the Roman Church where such admission to the Eucharist has already been granted to the second married. Certainly such compassionate care for the second

married may raise questions about the Church's seriousness in proposing the Lord's teaching on permanence, but those questions must be resolved by the teaching office of the Church, its educational programs, and its marriage ministry programs. Even in the Lord's own ministry, his care for the suffering and brokenhearted created upset and confusion.

For me the most difficult section of No. 84 is the Pope's reaffirmation of the so-called 'brother-sister' solution. He states that reconciliation to the sacraments can be granted only to those, 'who cannot satisfy the obligation to separate, and take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples.'"

Mary G. Durkin

"We find then in this brief review that the issue of sexuality and marital intimacy is not covered in *Familiaris Consortio* in an integrated manner that leads to the development of an overall vision of sexuality and marital intimacy. Yet such a vision is needed if people in our society are to appreciate these aspects of their lives as experiences of God . . ."

Monika K. Hellwig

"Sacramentality seems to be understood in a peculiarly narrow sense in the document. It refers to the seven Sacraments, including Christian marriage, but seems to mean primarily a relationship to God through the institutional, hierarchic structure of the Church, as though this somehow had an existence prior to an independent of the people and their sacramental encounters . . ."

". . . Yet is it not the hierarchy that constitutes them as sacramental, but God acting in nature, consciousness and history . . ."

". . . Even though the Church may rule that certain marriages are 'not sacramental' and certain sexual unions are 'sinful', the reality eludes Church control. To fall in love is to experience a revelation of God as love which offers new possibilities of being and relating, and therefore offers possibilities of profound conversion and transformation from loneliness, selfishness and alienation to self-gift and communion. Because the experience of sexual union has an ecstatic quality in the very pattern of creation, the pleasure of such union can be sacramental in the fundamental and basic sense even if the relationship is irregular or illicit, and no one can legislate this sacramental quality out of it."

Robert Friday

". . . Authentic moral teachings of the Ordinary Magisterium, while demanding 'religious assent of soul' and 'religious submission of will' are not incontestable and must tolerate competent theological dissent . . ."

". . . The general tone of the document, however, assumes that the values to be incorporated in and taught by the family are to be those of 'the Church', understood in the very narrow institutional and hierarchical sense. There is at least a faulty ecclesiology underlying this notion, and, perhaps, at work within the entire document. The rightful place of the *sensus fidelium* as a medium for the Spirit and a measure of moral truth is not acknowledged. The 'official' Magisterium stands always as teacher, never as learner in the document. This infers, at least, that moral values, even in their articulation in material moral norms, are both fully known by the 'official' teachers and comprehensibly communicated, regardless of any experience to the contrary by individual faithful, the family as a unit, the human sciences, or even the theological community. The latter are to stand as supporters only for the 'official' magisterial teachers, i.e., pope and bishops. There is a type of 'creeping infallibility' alive in the document which seems to retract all that the Church has taught and continues to teach about the freedom of individual conscience in searching for moral truth, and its unrestrained authority to act."

David M. Thomas, Ph.D.

". . . Sometimes it appears that the church exists apart from the family as an agent of assistance or as a teacher of truth . . ."

". . . the direction of activity or influence goes from the church to the family . . ."

"Yet, if consideration is left at this level, a profound disservice has been done to Christian families and a serious mistake has been made by positioning the family outside the mainstream of ecclesial life. At worse, without a strong and clear affirmation of the presence and participation of the family within the central dynamic of church life (worship, evangelization and ministry), the church's efforts on behalf of

family life will be paternalistic. Of lesser harm would be simply a continuation of an outdated description of church life which attributes full status to the ordained or consecrated religious and implies a lesser status for the laity . . .”

Robert A. Ruhnke, C.Ss.R.

“. . . I think that the *theology* of ‘Familiaris Consortio’ will have little impact on North Americans. If I appear to be saying that ‘Familiaris Consortio’ will have very little effect in North America, that is partly correct and partly incorrect. Consider for example the ministry to engaged couples which has developed at an amazing rate during the last few decades. There is no evidence to show that this took place because of any papal document. Rather, the present day marriage preparation programs which are best serving the needs of engaged couples have come into existence because of North American pastoral ministers who learned to respond to the real felt & voiced needs of young people. The successful programs have grown because pastoral leaders have paid attention to what people wanted & needed – not because of documents written by theologians or church leaders. The ministry to engaged couples will continue to grow even better in North America – and this will be true even if ‘Familiaris Consortio’ had never been written . . .”

Robert Kress

“Although F.C. offers many positive insights and exhortations, it generally remains bogged down in the old negativity. It was, I think, Thomas Gilby who once, to the initial consternation, apprehension and downright anxiety of his listeners, spoke of the three F’s of marriage: Fidelity, Fruitfulness and Fun. F.C. has contributed little to either the rehabilitation of the third, to the redress of the imbalance among all three.”

Richard McCormick, S.J.

“What significance does FC (in this section on Contraception) have for the American pastoral situation? Some of the following may be suggested. 1) Continuing disagreements between theologians on this matter. 2) Intensification of efforts to improve the effectiveness and broaden the use of NFP. 3) Continued choice by couples of their own preferred method of family limitation. 4) Decline of respect for authoritative teaching in the sexual sphere. 5) “ecclesiologizing,” of the discussion so that those who fully accept FC (and HV) are ‘loyal,’ others ‘disloyal.’ 6) Continued silence of most American bishops on this matter. In sum, FC both reflects and will have an impact on the collegial function in the American church. Specifically, many may continue to ask: who and where are the “many couples” in the light of whose experience FC asserts the profound difference in the forms (natural, artificial) of birth control? What “data provided by the different human sciences” establishes this difference? What is to be concluded if ‘theological reflection is unable to perceive’ it?”

Washington Consultation on Familiaris Consortio: An Evaluation

by

Fr. Henry Sattler C.Ss.R.
University of Scranton

The National “Consultation” on *Familiaris Consortio*, sponsored by *The National Institution the Family* (Washington, D.C. September 11-13, 1982), was not really a consultation. The audience was lectured by “presenters”, and allowed to ask questions of them, but not really to witness their own conviction from the floor. Those who made suggestions from the floor were largely placed in the position of dissenters from what was being said, rather than supporters of the insights of *Familiaris Consortio*. Finally, the questions proposed for the discussion groups did not consult the participants on the content of the Exhortation, but asked these groups to address how to take what they heard back home and make explicit what ought to be expected of various

church institutions and family organizations. The audience was not asked to witness to its own response to the exhortation. A demand from one gentleman from the floor to take home and make understandable the insights of John Paul and not those of objectors, was greeted with mere silence by the panel. More than a few couples present were very positive toward FC but did not speak up in what seemed to them a hostile atmosphere.

When a suggestion from the floor asked that the papal exhortation be given sympathetic time and explanation at least equal to the early objecting attitude it was ignored, and subsequent attempts to support the document were dismissed.

If one were to listen to the tapes of the actual presentation and read the brief preliminary papers provided for preparatory reading, one would hardly get the idea that the presenters were balanced pro and con John Paul's *Apostolic Exhortation on the Family*. Objection and rejection was the major tone, though some few speakers were bland or non-committal.

The first positive and approving presentation of the doctrinal content of FC was given by Archbishop Hickey, and he was not on the program to speak. He motioned those at the Liturgy to be seated after the Post-Communion Prayer and spoke without introduction. His intervention was a nice antidote to the majority of the other speakers. After Archbishop Hickey spoke, the tone of the remaining presentation became more bland, especially during the presentations on pastoral practice, and on apostolic activity. However, this blandness does not show up in the written work prepared beforehand by a number of the speakers.

Again and again it appeared that a number of the presenters objected to and rejected what they said was an erroneous ecclesiology of John Paul II. Repeatedly, they seemed to be saying that the Church is composed of both laity and hierarchy who have equal authority to the extent that one can determine the content of faith by the (con)sensus fidelium. John Paul II, with Vatican II, insists that though the insight of all the faithful (a *sensus fidei* – the supernatural sense of the faith) is to be taken into account as a theological source, the final judgment and certification of truth lies with the hierarchy (*Lumen Gentium* ¶ 12, 25; *Mysterium Ecclesiae*, ¶ 2). To wit:

The "supernatural sense of faith" however, does not consist solely or necessarily in the consensus of the faithful. Following Christ, the church seeks the truth, which is not always the same as the majority opinion. She listens to conscience and not to power, and in this way she defends the poor and the downtrodden. The church values sociological and statistical research when it proves helpful in understanding the historical context in which pastoral action has to be developed and when it leads to a better understanding of the truth. Such research alone, however, is not to be considered in itself an expression of the sense of faith.

Because it is the task of the apostolic ministry to ensure that the church remains in the truth of Christ and to lead her ever more deeply into that truth, the pastors must promote the sense of faith in all the faithful, examine and authoritatively judge the genuineness of its expressions and educate the faithful in an ever more mature evangelical discernment. (Familiaris Consortio No. 5)

A number of presenters objected to this ecclesiology of John Paul II as in error, and proposed their own ecclesiology as antithetical and contradictory to it. If this is what they meant, then the position is schismatic and Rahner wonders whether schismatic positions are not also heretical (cf. Rahner, *Theological Dictionary*, "schism").

Again and again it was suggested that the problem of "inculturation" implied that the truth of faith should be adapted to various cultures. This would be true in accidentals, but not in essentials. This would be implied also in the general suggestion that a *consensus fidelium* would make a statement doctrinally true in the historical context. If this were an accurate statement,

then the majority of the heresies of the past would be true and orthodoxy almost always false, since "the whole world woke to find itself Arian (etc., etc.)"; it would preclude any Christian criticism of moral evil, past or present (infanticide for the Romans; polygamy in the present Third World; successive polygamy in ours); it would make evangelization not a command but a sin! Finally, such an approach would make any attempt argue from the past or to criticize the past otiose, since both the positions of the past and present are mere historical relativisms. This is the reason that theologians who argue that, since, for example, no dissenting voices in any number have ever been raised in favor of divorce with remarriage, abortion, or sterilization (of act or faculty) among Catholics till recent times, these positions have been infallibly taught by the ordinary magisterium, are simply dismissed.

An interesting suggestion was repeated that the family is the *primary* Church, and that the universal Church is an extension of it, despite the statement of tradition that the family is an "ecclesiola", a *little* Church. Contrariwise, though the family might be the primary *paradigm* of the Church as a family of families, the primary *analogue* in the ontological order is the Mystical Body of Christ, the entire church, and the two way "Mysterion" of St. Paul (Eph. 5) is primarily "I mean in reference to Christ and the Church". There is little if any evidence that Christ in the Gospels, and the entire Church in the Acts and Epistles, made a primary appeal for family entrance. The appeal was to the individual person. The early disciples were asked to leave their families and follow him!

It was severally denied by the speakers that celibacy or virginity is a superior charism to that of marriage. This is a direct contradiction of John Paul: ". . . the church throughout her history has always defended the superiority of this charism to that of marriage, by reason of the wholly singular link which it has with the kingdom of God.⁴²" It would seem to deny this statement is to be objectively heretical, since the Council of Trent has an anathema on such a position! (cf. D/S §1810 and *Sacra Virginitas*, D/S §3911-3912).

It was repeatedly stated by panelists that the Pope was moralistic. In its "nothing but" sense, this seems to mean that the Pope appeals to a blind obligation and not to the objective values to be placed into existence by the responsible choice of men. Yet there seemed to be no case in which, in writing or in speech, the panel members attempted to illuminate the Pope's beautiful and inspiring analyses of true personalism, the inherent, intrinsic, and inviolable meaning of certain human actions, the "given" spousal meaning of embodiedness of person, and ontologically sacramental nature of Matrimony. The doctrine of John Paul II seemed presented only to be rejected, objected to, or questioned as inadequate or incomplete. The two papers on morals (one by a presenter who was not actually present) are really *the* voluntaristic or moralistic stances, since their clear consequentialism refuses to admit that there are any intrinsically evil actions, because they do not see any actions of the will as good or evil in themselves but only in view of willed (moralistic!) consequences, which consequences are never more than physical, ontic, or pre-moral realities in themselves. It is sheer moralism that avoids objective intellectual evaluation of reality and intrinsically meaningful activity, and assigns variable weights to good or evil consequences of actions which have no meaning in themselves. A "calculus of consequences" is a moral cop-out since "calculus is an algebra of ever variable quantities" in which the person doing the problem arbitrarily assumes his own arithmetical weights for every algebraic symbol, allows to every other mathematician the same freedom, and is concerned only with the mathematically logical relations in which the variable quantities interact.

It was interesting too that the assigned moralists seemed to acknowledge only those who might agree with them, or with whom they might agree, to be considered among the competent, responsible majority of theologians whom they also considered "a practically unanimous consensus". For every quoted theologian who dissents from *Humanae Vitae* and therefore clearly from FC, there is an equally competent one on the other side, though not one was referred to by the panelists at the "Consultation". Further, there are literally thousands of couples who support

papal teaching, and there were even couples in the audience who were converts from dissent to assent, despite a rhetorical "who and where are the 'many couples' in the light of whose experience FC asserts . . .?"

Incidentally, there is a clear problem regarding "responsible dissent." Responsibility is not merely the willingness to put one's name on what one holds. One must also be willing to answer to competent authority if it has the right and power to judge. Further, responsibility demands that a speaker or writer "respond" to the argumentation for a contrary or contradictory position, or at least to acknowledge its existence. The position on divorce and remarriage by a panel of CTSA theologians published in *America* (October 7, 1982, 258-260) was refuted thoroughly (*AER*, Oct. 1973, 553-573), but there was no answer from that panel.

A position that the papal position against contraception and in favor of natural family planning is nothing more than obligatory ideal which may and should be set aside for reasons (*America* 144, 1981, 175-178) has been refuted repeatedly, but the refutations are not responded to.

It seems unconscionable for someone to quote from Vatican II's *Declaration on Religious Freedom* to support the formation of a conscience not bound by doctrinal teaching! The Declaration rejects (especially civil) force in insisting upon the freedom of Religious practice. The Fathers of the Council object to force being applied to prevent the practice of religion according to conscience convictions. They in no way support a freedom of conscience which is free from moral bonds! The magisterial church may not force conscience by physical threats, but it does bind conscience by both teaching and the threat of excommunication! A doctor may not force a patient to believe his diagnosis of cancer by putting him in prison or beating him up, but he binds the patient's conscience to that belief and to freely follow his proposals for therapy. He does so even with the threat of excommunication! "If you do not believe me and follow the suggested treatment, I will not treat you at all. Get another doctor (teacher!)" If you do not accept the authoritative medical truth, you are outside the pale of medical conviction. No one may force you to follow medical practice, or prevent you from trying voodoo according to your convictions, but don't call it medicine!"

There were several very good presentations, notably those of the several made by couples, especially by the couple who spoke (unscheduled and hastily requested to do so) of their positive experience as auditors at the Synod. The brief analysis of the proposed new Code on Marriage was excellent. The summations in the last session were good or at least conciliatory to the teaching of *Familiaris Consortio*.

It seemed, however, that most of the speakers took diametrically opposite positions to *Familiaris Consortio* in the areas of contraception, indissolubility, the sacramentality of matrimony, the right to the Eucharist for the divorced and "remarried", the superiority of celibacy and virginity as a state to Matrimony, ecclesiology, the "sensus fidei" as a theological "locus", inculturation, the right of the magisterium to teach authoritatively, the evil of marital coitus exclusively for pleasure, etc.

So pervasive was this attitude, that one could begin to wonder whether even statements to which one could do nothing but agree, might be being presented with contradictory meaning. For example, a summarizing appeal that the experience of married couples be listened to by the magisterium was greeted with applause. As stated the proposal was unexceptionable, unless one began to wonder whether a demand was not being made to accept the sociological survey of couple-thought as "truth" proved by statistical majority of opinion! A restatement of the position rejected by John Paul II (FC ¶ 5)!

(Fr. Sattler served for many years as associate director of the Family Life Bureau, N.C.W.C.)

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

by Professor William May

There are many questions that can be raised about this draft. Here I will limit comment to issues that in my opinion are of the most serious nature.

1. The authors of this draft state that the present nuclear deterrent of the United States includes the threat to kill innocent noncombatants (p. 49, line 19 to p. 50, line 6; p. 50, lines 9-10; p. 56, lines 22-23). The willingness to kill non-combatants (civilian populations) is recognized by the authors of the draft as one of the "negative dimensions" of U.S. deterrent policy (p. 56, lines 22-23).

Note: this is a factual judgment, and one that I think is true. But the truth or falsity of the factual judgment is not relevant to the following observations.

The authors of this draft likewise state, quite rightly, that it is wrong to threaten to attack innocent noncombatants (civilian population) (p. 52, line 24 to p. 53, line 2; p. 53, lines 10-14; p. 54, lines 1-2; p. 54, lines 6-10; p. 56, lines 21-23). In making this morally sound judgment the authors of the draft cite approvingly the relevant passage from the pastoral *To Live in Christ Jesus* (p. 55, lines 10-14).

However, the authors of the draft then claim (p. 57, lines 18-21) that "as clearly unsatisfactory as the deterrent posture of the United State is from a moral point of view, use of nuclear weapons by any of the nuclear powers would be an even greater evil."

This claim is valid only if one assumes that a *morally wicked act* (the threat to attack noncombatants, comparable morally to the threat to commit adultery) may *be freely chosen and done so that good* (prevent the actual use of nuclear weapons by nuclear powers) *may result therefrom*.

In short, what the authors of the draft do here is propose that it is morally right to adopt by choice an immoral proposal (the killing of innocent persons) if the adoption of this immoral proposal serves to avert an "even greater" evil. Put briefly, the authors are saying that we can do evil so that good may come about.

I submit that this claim of the authors of the draft is not reconcilable with the firm and certain teaching of the Church, which has consistently taught with St. Paul (Romans 3.8) that we are not to do evil so that good may come about.

To support this claim the authors of the draft interpret (p. 56, lines 12-23) Pope John Paul II's June 1982 statement on deterrence as if he agreed with them in claiming that a good end justifies a bad means. The authors do so because they interpret his June statement "in light of the negative dimensions of deterrence" (p. 56, lines 12-14), including in the first place "the intention to use strategic nuclear weapons which would violate the principles of discrimination and proportionality" (p. 56, lines 22-23).

I suggest that the authors are here misinterpreting the June statement of John Paul II, who has made it abundantly clear in his writings (*Familiaris Consortio*, *Love and Responsibility*, etc. etc.) that a good end cannot justify a bad means and that it is not morally right to do evil so that good may come about. Precisely how his June 1982 statement is to be interpreted is another question, but I am convinced that the interpretation of this statement by the authors of the draft is erroneous.

The section to which attention has been called in this commentary is indeed of crucial importance, and I hope that the bishops will not accept the moral reasoning set forth in it. If they do, they should realize that they are hereby instructing the faithful that it is morally permissible to do evil so that good may come about, and they should then consider some of the arguments used to justify the killing of the unborn or severely crippled newborns, etc.

2. p. 7, lines 6-15, on diversity (pluralism) within the Church. Here the authors of the draft take into consideration the existence of a plurality of viewpoints within the Church. This pluralism even extends to differences "over the norms it [the Church] employs in its teaching on warfare." I admit that there is a pluralism within the Church. Yet are there not some norms that the Church proposes that *ought to be accepted by all because they are true*? Did not the Fathers of Vatican Council II, in discussing warfare, appeal to the *universally binding principles* of the natural law (*Gaudium et Spes*, n. 79) precisely in order to show that it is *never* morally right, even to avert allegedly "greater evils" or to bring about allegedly "greater goods" to choose to kill innocent persons in warfare? As it stands, this section of the draft is quite ambiguous and open, I fear, to serious misinterpretation.

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

3. p. 23 ff. Here the draft claims that the pacifist position is, as it were, on a par with the just war position, and it appeals to the teaching of Vatican Council II to support this claim. I think that some question can be raised here. While the Council does praise those who seek to forego the use of violence to vindicate their rights and resort to other means of defense which are available to

weaker parties, it qualifies this praise by saying, "provided it can be done without harm to the rights and duties of others and of the community" (GS, n. 78). This seems to be significant proviso, and perhaps the draft document is to be criticized for failing to take this into account in its appraisal of the pacifist position.

by Professor Germain Grisez

Does this draft state that the present U.S. nuclear deterrent includes the threat to attack civilian population?

Yes, most clearly by quoting from and interpreting the *U.S. Military Posture Statement for FY 1983* (49, 19-50.6; cf. 50.9 10; 56.22-23). If the sentence just after the quotation from the *Posture Statement* had been included, the point would be even clearer, for that sentence explicitly says the deterrent must be "focused on Soviet values." In strategic jargon, "forces" and "values" divide targets. The former are military objectives; the latter, persons as such and the things they care about.

Does this draft state that it is wrong to threaten to attack civilian populations?

Yes, most clearly by quoting from the 1976 collective pastoral which says just that (53.10-14). The beginning of the quotation from Cardinal Krol's 1978 statement also makes this point (54.6-10). If the sentence just before this quotation had been included, the point would be even clearer, for Cardinal Krol said: "Such a threat runs directly counter to the central moral affirmation of the Christian teaching on war: that innocent lives are not open to direct attack."

What the draft indicates that Cardinal Krol's statement reflected the fact that "elements of deterrence policy were still substantially at odds with key principles of Catholic theology" (54.1-2), what theology does the draft refer to?

No theology at all, but the constant Christian teaching, clearly rooted in divine revelation itself, that to will to kill the innocent is always wrong.

We all agree that it would be wrong to carry out the threat of the deterrent by actually

destroying entire cities or entire areas along with their population (GS 80). But what, really, is wrong with threatening to do this?

Jesus teaches: Whoever (deliberately) lusts after a woman already has committed adultery; whoever (deliberately and gravely) hates another already has committed murder. The draft mentions this important truth, but rather cryptically and as if it were a sectarian opinion: "Still other observers, particularly in the Catholic tradition, which places a high value on the role of 'intention' in moral action, have stressed that the deterrent effect, however significant, should not be achieved by an intention to strike civilian centers" (52.24-53.2).

Given that the present U.S. nuclear deterrent includes the threat to attack civilians, and given that this threat violates the Christian truth that it is wrong to kill the innocent, how does this draft propose to justify maintaining the deterrent pending mutual and verifiable disarmament?

Two arguments are given. One is based on the authority of John Paul II's message to the second special session of the U.N. for disarmament, 11 June 1982 (55.8-14). The other is a one-sentence rational argument (57.18-21).

Still Rome has spoken. Doesn't John Paul II's statement on deterrence require every faithful Catholic to admit that deterrence is morally acceptable?

No. Vatican II teaches (LG 25) that religious assent is required according to the pope's "manifest mind and will, which he expresses chiefly either by the type of document, or by the frequent proposal of the same teaching, or by the argument for the position." ("*Ratio dicendi*" means

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

"argument for the position" – e.g., in a U.S. Supreme Court decision, the holding is the *dictum* and the opinion is the *ratio dicendi*.) John Paul's June message to the U.N. was not a particularly solemn document; more important, it was addressed by him as a world leader to an audience made up largely of people who do not consider him the Vicar of Christ. If this statement is thought to approve the present U.S. nuclear deterrent, it is the first and only time any pope ever said it can be judged morally acceptable to will to kill the innocent. And in the remainder of the message, there is absolutely no rationale for the statement. Thus, by Vatican II's criteria, it is hardly likely that in making this remark John Paul II intended to exercise his magisterium by proposing a moral teaching requiring the assent of the faithful.

The authoritativeness of the Pope's statement aside, isn't clear that he has personally committed himself to the view that the present U.S. nuclear deterrent is morally acceptable?

No. John Paul II only said that a deterrent ("une dissuasion") can still be judged as morally acceptable ("peut encore être jugée comme moralement acceptable"). In other words, it is still possible for people to think that some deterrent is morally licit. But his statement does not refer specifically to nuclear deterrence, much less to the present U.S. deterrent. The message as a whole is concerned with the arms race and disarmament in general, not just with nuclear weapons. Nor does the Pope bless any and every deterrent threat, regardless of what is threatened.

The draft says that the paragraph, in which the Pope "directly addresses the issue of deterrence, needs to be seen in light of the Holy Father's entire speech" (55.15-16). Does the draft do a good job of putting it in context?

No. The draft quotes from No. 3 of the message (55.20-56.4). But it omits the sentence just before its quotation, which makes clear what "this 'philosophy'" in the first line of the quotation refers to. It does not refer to anything specific, but to the "'philosophy of peace' which was proclaimed in the ancient Roman principles: *Si vis pacem, para bellum*."

Do you mean to say that the Pope was not thinking about the present U.S. deterrent, at least among other things, when he made his June statement?

He probably was. But there is no evidence that John Paul II knows (or believes) that the present U.S. nuclear deterrent includes the threat to kill the innocent. Some American bishops refuse to believe this, and some American government spokes-persons are denying it.

Overall, then, how do you assess the Pope's June statement as a possible basis for a moral teaching by the American bishops that the present U.S. nuclear deterrent is morally acceptable?

I think it is like trying to build a huge structure on a very flimsy foundation, which perhaps is not even located at the site where the structure is to be built.

You also mentioned that the draft gives a one-sentence rational argument to justify keeping the deterrent.

Yes, as follows: "As clearly unsatisfactory as the deterrent posture of the United States is from a moral point of view, use of nuclear weapons by any of the nuclear powers would be an even greater evil" (57.18-21). The unsatisfactoriness mentioned is the will to kill the innocent condemned by the entire Christian tradition. The argument is that this willingness is justified to avoid the "even greater evil" of the use of nuclear weapons by *any* of the nuclear powers.

This argument does not seem to have enough premises. Is there something missing?

Yes. The draft explicitly says that the nuclear deterrent, which threatens noncombatants, (1) is morally evil, (2) is less evil than the use of nuclear weapons, and (3) prevents this greater evil. To draw from these three premises the conclusion that the deterrent is justified, one must assume as a principle that to prevent a greater evil one is justified in doing a lesser evil. A classic formulation of this principle is: *A morally evil act (the threat to attack civilians) may be done that good (the preventing of the use of nuclear weapons) might follow from it.*

What's wrong with that?

It is alien to Christian morality (cf. Rom 3.8; *Humanae Vitae*, 14). Moreover, "greater" evil would make sense only if goods and evils could be reduced to a least common denominator. Many have tried to show how this might be done, but no one has succeeded.

Immediately after the one-sentence argument against deterrence, the draft says: "We face here, then, the paradox of deterrence in the modern world." Isn't what you have been saying merely

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

pointing up the paradoxical character of deterrence?

No. A paradox is a seeming contradiction. What we have here is an attempt to say that the deterrent, although immoral, somehow is morally acceptable. That is no paradox, but a flat-out self-contradiction. It is the self-contradiction all of us fall into whenever we try to rationalize something we know to be morally evil.

But surely the use of nuclear weapons is a greater evil than the threat to use them?

Evil for whom? Our will to kill the innocent is a moral evil for us. Someone else's use of nuclear weapons on us is for a nonmoral evil. Any sin is a greater evil than any nonmoral evil. That is why Plato says it is better to suffer injustice than to do it, and Jesus blesses those who suffer for justice sake. Hence, when it comes to making our own judgements of conscience — they are the only ones we can make — use of nuclear weapons by others must not be judged a greater evil than our will to kill the innocent.

That is all very idealistic, but must we not be a little bit realistic here? With the horror of nuclear war as the only alternative, can't we find some way to justify keeping the deterrent?

The horror of nuclear war is not the only alternative to the present U.S. deterrent posture. Deterrence enables the superpowers to continue to conduct old-fashioned power politics in the new nuclear age. There is another possibility, very repugnant but a real alternative: to quit this game before it is too late, if necessary by unilateral disarmament. The draft never considers this real alternative.

Still, deterrence does prevent the use of nuclear weapons, doesn't it?

Mutual assured destruction is not a sure way of

preventing the use of nuclear weapons. In the short run, it greatly discourages their use. But nations are unlikely to continue forever ready, willing, and able to wreak vast destruction without eventually doing it — perhaps beginning with an accident or an insane act. So persistence in the deterrent makes it probable that in the long run the "even greater evil" of the use of nuclear weapons will flower from the poisonous root of the constant will to use them.

How does the draft tie together its fallacious argument with its appeal to the authority of John Paul II?

It saddles the Pope himself with its argument. It says: "John Paul II's assertion that deterrence cannot be accepted 'as an end in itself' should be understood in the light of the negative dimensions of deterrence" (56.12-14), that the first of these negative dimensions is "the intention to use strategic nuclear weapons which would violate the principles of discrimination and proportionality" (56.22-23), and that "in spite of all these negative elements, John Paul's assessment is that deterrence may still be judged as morally acceptable provided it is used as a step toward progressive disarmament" (57.9-11). But, as explained above, the Pope was not speaking specifically about nuclear deterrence, much less specifically about the present U.S. nuclear deterrent, and there is no evidence that he knows (or believes) that the present U.S. deterrent includes the threat to kill the innocent.

Is there any reason to think that John Paul II would not accept this argument?

In saddling the Pope with its own argument, the draft implies that he himself accepts its necessary underlying principle: that a sufficiently good end justifies using an admittedly immoral means. John Paul II surely does not accept this.

by Rev. Ronald Lawler OFM

The Committee and its staff deserves the gratitude of the Catholic community for its labors thus far, and they should receive a generous response from those who are asked to study this latest document with them. However, importance of the questions involved is so great that the committee is surely right in calling for serious and helpful evaluations.

These notes are offered in such a positive spirit. Experts with whom I have discussed this latest draft are of the mind that major improvements still need to be made in this text. Obviously, only the Body of Bishops can make the decisive judgment on changes in the text, or in its ultimate disposition. As the religious teachers for the Church, they will determine whether their staff has

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

sufficiently taken into account the grave objections raised against the first draft. Those objections, then and now, concerned certain unsatisfactory theological conclusions proposed and some equally unsatisfactory principles underlying the initial study.

Among the points to be re-examined are the following: (each of these is treated in order on the following pages.)

- 1) First and foremost: the moral theory appealed to in critical points is that of "sinful situation" theology, or consequentialism, a form of dissent theology that the Holy See and the American bishops have regularly rejected.
- 2) Questionable uses of papal authority.
- 3) The "state of the question" is presented in an unbalanced way.
- 4) There are serious defects in the discussions of pacifism and just war theory.
- 5) The way in which expert testimony is used leave much to be desired.

1) *Dissent Form Of Moral Theory.* Very likely many of the committee and the staff who prepared the paper were not concentrating on the nature of the moral theory that underlies the arguments actually given for crucial theses in this document. Most seem to have been more interested in practical conclusions than in mere general moral principles. However, the bishops' theologian consultants did include a number of dissenting moralists, and these surely realized that essential elements in a basic form of dissent moral theology were present in this second draft, as they were in the earlier form. Sometimes this general dissent position is called "sinful situation" theology (note the use of this phrase on page 57 of the document); sometimes it is known as consequentialism, or "proportionate reason" theology. In any case, the typical dissenting moral theologian rejects most absolutes taught by received Catholic teaching, and holds that it can be legitimate to "do evil" (for example, the evil of slaying the innocent, committing fornication or adultery, engaging in homosexual activity) "that good may come of it" (i.e., if there is now a "good enough" reason for doing so.)

But the defect is not merely the dominant presence of dissenting moral theologians among the experts consulted in that area, or the use of the

distinctive phrase "sinful situation." The very form of key arguments is given precisely in the form which dissenting theologians have used to justify courses of action regularly rejected by the American bishops, the Holy See, and received Catholic teaching in general.¹ Catholic bishops surely are unlikely to support this kind of moral thinking.

Note, for example, how the paper's position on nuclear deterrence is reached. (The objection here is *not* to the conclusion reached, but to the *principles* underlying the argument for the conclusion.) First, reflecting on the testimony of selected experts, the bishops are invited to assert that nuclear deterrence involves a real willingness to actually bomb centers of population. This willingness to do something so gravely evil (and Vatican II has condemned such bombing as gravely sinful under any circumstances) is itself mortally sinful. But nowhere does the document draw the conclusion that nuclear deterrence must be abandoned because it is intrinsically wrong.

Instead, using the key phrase "sinful situation," the present document declares that it is permissible for government leaders to sustain, and for the faithful to approve, the present deterrent policy which has been said to involve such a gravely evil element within it. The approval permitted is only temporary; but for a while we may continue to sustain and approve such a *willingness* to bomb cities, because we have very good reasons for doing so.

Unfortunately, this argument is exactly parallel to the characteristic arguments with which various dissenters have rejected Catholic teachings in medical ethics, sexual ethics, on questions of abortion, and euthanasia, and in other areas. Some hold, for example, that there is something wrong and disordered in every act of abortion, contraception, sterilization, homosexuality, and the like. Yet, in our "sinful situation" when we find important reasons for engaging in such deeds, we are justified in so acting.

It should be stated here that other Catholic theologians hold to the contrary that nuclear deterrence does *not* necessarily involve a willingness to bomb cities, something which moral persons *must* not be willing to do. But political and military leaders need not advertise to any enemy this unwillingness. The enemy need not be sure that weapons with multiple capabilities might not

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

be used against them frightfully if they did frightful things. Such a deterrence posture is indeed morally and physically dangerous; to abandon it swiftly is also morally and physically dangerous. But the reasoning of the Pope seems to follow this more satisfactory path.² Deterrence has not been shown to involve intrinsically immoral elements; it is in every way a perilous course; other less dangerous means must be sought to obtain the important ends at stake; but it cannot be asserted in advance that every nuclear deterrence policy must have the evil intentions described.

An additional indication of the influence of dissenting scholars on this document is found on page 89. The bishops are asked, quite correctly, to invite us to turn from all our "sins against life," to obtain the spiritual vision to judge clearly the difficult questions raised in this pastoral letter. Yet, the pastoral is selective in its choice of the sins against life the bishops should mention. Sins which are not acknowledged by dissenting theologians to be sins are simply omitted from the texts. Probably the most common way in which the faithful in this country destroy innocent persons would be by using contraceptives that are abortifacient (that permit fertilization to occur, then act against implantation and further development of the very young new human life — as the pill and the IUD are known to be abortifacient); and contraception is not mentioned. Also unmentioned is the mutilating act of sterilization, an increasingly common sin of Catholic spouses. Bishops know that St. Thomas Aquinas, with Catholic tradition generally holds that sexual sins especially impede the spiritual vision to judge rightly in matters of justice.³ But some theologians who are indulgent toward sexual sins about sexual behavior also weaken by inadvertence at least character formation in prudence, justice and faith. In any event, this standard element of Christian moral wisdom is unmentioned in this draft.

Notice, thirdly, the blank spaces on pp. 91a and 93 in the treatment of penance. They suggest that something has been omitted. Notably absent is any mention of the sacrament of penance, and of the essential notes of true repentance — such as its universality and sovereignty. These elements have been stressed by Pope John Paul II recently.

2) *Questionable use of the Authority of Pope John Paul II.* Inadvertently against this document in its present form, uses the Pope's authority in

ways to which he could rightly object. John Paul II can be said to hold that "deterrence may still be judged as morally acceptable provided it is used as a step toward progressive disarmament" (p. 57, 11 10-11). But it is entirely wrong to say that he holds this "in spite of all these negative elements" (p. 57, 1.9. That suggests that he holds, with the document, that deterrence *does* involve elements that must be considered gravely sinful violations of the principles of discrimination and proportionality (p. 56, 11 21ff.)

But all his writing in moral theory, and on war and peace, follows theological reasoning different from that found in this document. He does not find that deterrence essentially involves intrinsically evil elements (and he believes that a will to violate the principle of discrimination *is* intrinsically evil.) He sees, with all good men, that deterrence is very dangerous morally and physically; he see that totalitarian dictatorships are also very dangerous morally and spiritually. Because of the great dangers in the present nuclear form of resisting totalitarian threats, we have a duty to seek better ways to resist tyranny; but we could not support the present ways for a minute *if* they involved intrinsically evil elements.⁴

In other ways too the authority of John Paul II is involved in unsuitable ways. A very weak argument for the position that it would be wrong to respond in any way with any kind of nuclear weapons even if we were first victims of nuclear attack (pp. 44-47) reaches its climax in a quotation from the pope. In that quotation the pope points out our duty to seek in every reasonable way to lessen and finally to do away with nuclear weapons. But his words are not intended to answer the precise question in hand. A general call to help remove the nuclear danger is presented in such a way as to suggest that the Holy Father is answering a specific and much debated question ("May we respond to a nuclear attack with *any* nuclear weapons?" which he has in fact not answered.

3) *Pacifism and just war theory.* The treatment of pacifism is simply puzzling. Intermingled with praises of peace and of those who labor for it (surely this is a task for *every* Christian, and not the position of a particular school) are suggestions that dogmatic pacifist theory is somehow a theoretical position that now is fully as acceptable as the received Catholic teaching on using force to

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

inhibit unjust attacks on individuals or nations.

Nuances that approved authors over the last decades have given to developments in teaching on conscientious objection are entirely missing. For example, *Gaudium et Spes*, 78, notes: "We cannot fail to praise those who renounce the use of violence . . . provided that this can be done without inquiry to the rights of others or of the community itself." So much harm has been done to Catholic pastoral teaching by scholars who appeal to a vague "Vatican II says . . ." that it would be lamentable if a pastoral document seemed to support less than careful and exact treatments of what Vatican II in fact does say.

Footnotes

1. The American Bishops have regularly shown their resolve to affirm that principled mode of moral thinking which acknowledges moral absolutes in many areas, notably its major statement on moral principles, *To Live in Christ Jesus* (1976), a work which received exceptional commendation by Pope John Paul II in his address to the American Bishops in Chicago in 1979, and in their many statements on medical ethics, e.g., *Ethical and Religious Directives for Catholic Health Facilities* (1971). The hostility of dissenting moralists to these documents is also well known.
2. For criticisms of consequentialist modes of thinking, see: Karol Wojtyla, *Love and Responsibility*, pp. 34-39; John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon, 1981) pp. 112-19; Bernard Williams, in J.J.J. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge, 1972), pp. 77-150; G. Grisez, "Against Consequentialism," *American Journal of Jurisprudence* 23 (1978) pp. 21-38.
3. See Thomas Aquinas' Classical article on the "offspring of lust," II-II, q. 153, a. 5. See also J. Pieper, *Fortitude and Temperance* (London: Faber and Faber, 1955), pp. 66-71.

by Father William Smith

A first general impression is that this Draft is far too ambitious in scope, far too ambiguous in argumentation, one-sided in its documentation and quite unbalanced in its emphases.

In ways, the Draft is not very forthright — while its claims "to point toward basic common ground" (p. 7:24) "without solving differences on very specific questions" (p. 7:25-8:1), it fails on both counts. Basic common ground is not well explained and some highly specific questions are rendered extremely specific solutions.

Again, as a general impression, there is a continuing imbalance of emphases. All of the emphasis is on the evil of war with no serious attention given to the real evils of losing religious, political and human rights. If one is to make a prudential judgment about real risks, then one must at least present what all the real risks are. The effort of moral reasoning to fit the use of military force into the objective order of justice is paradoxical enough and thus false dilemmas or unbalanced ones should be disqualified as possibly irrelevant and surely dangerous.

Some larger questions require radical revision, if not complete rejection:

I Without commenting on the fact question of deterrence, the Draft employs a form of moral reasoning that is not acceptable. This Draft maintains that the key element of deterrence is

wrong ('sinful situation' p. 57) but judges that 'morally acceptable' and then attempts to foist this kind of moral reasoning on a general statement of the Holy Father (Pope John Paul II to U.N. June 11, 1982).

In essence, this would have the U.S. Bishops teach that while "X" is wrong, it is acceptable in order to prevent "Y" (i.e., the actual use of nuclear weapons). In sum, the end justifies the means. (Again, I offer no comment here on the fact statement; but the moral reasoning embedded in this Draft is precisely the reasoning of dissenting moral theologians variously called 'consequentialism' or 'proportionalism.' It would not be wise for the NCCB in a teaching document to adopt the very methodology used to encourage people to dissent from or depart from authentic Catholic teaching.)

II The extended statement of the question (pp. 23-30) which presents Pacifism and Just War Theory as *ex aequo* in Catholic moral teaching is not simply a misstatement but simply erroneous (cf. details below).

III There are serious deficiencies in the presentation of arguments for specific points and for concrete positions (e.g., No. 2, p. 43:6-9; No. 3, p. 44:20; specific oppositions p. 53:10-18; specific recommendations, p. 59:22 — immediate freeze.)

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

In almost every instance, there is a failure to give fair treatment — sometimes any treatment — to alternative or opposite positions on such highly specific and highly concrete questions. Anyone who pretends that alternative and opposite positions do not exist is simply not telling the truth.

IV In general — the composition, timing and schedule of this Draft raise some very serious questions:

- a) serious attention should be given to the list of consultants, especially those in Catholic moral theology;
- b) arrangement and timing of the Draft; if the Draft was released in present form for some media 'help', that has already succeeded (cf. *Time* 120 (11/8/82) pp. 16-18). Yet I cannot recall another instance of where a Draft of a Bishops' teaching document was released to the press and the public before the Bishops themselves met to discuss it.
- c) the "tentative schedule" (Supp. Document A-2) for the Bishops' own discussion seems structured to prevent a free consideration and full discussion by the Conference, as a Conference; instead the bulk of available time is locked into 'small groups.' It would appear that the NCCB as a Conference is to serve as a rubber stamp in service to a Committee instead of the Committee at the service of the NCCB.

In view of these elements, the NCCB is asked to make a gigantic act of faith in the "staff" of the Ad Hoc Committee when there are strong and reasoned positions (re fact situations or fact assessment) that really deserve the full consideration of the Conference.

Would it not be reasonable and prudent to provide at least two summaries of fact assessment to underline the complexity (particularly of highly concrete and specific factors) and let the Bishops either judge these for themselves and/or realize what kind of judgments are being issued in their collective name?

V All admit that Deterrence is a dangerous thing — that it is morally and physically dangerous. Of course, all weapons of war are dangerous things. But if the NCCB is to promote a moral judgment on US deterrence (i.e., nuance it; distinguish it; move away from it; reject it; condemn it

completely, et al) that move must be in a principled way. Whatever the NCCB decides in this regard it must not adopt a dissenting moral methodology (ends-justifies-the-means) to ground or support that decision — whatever the decision or non-decision.

VI This Draft in its emphases and attention is almost the reverse of Pope John Paul II, who said to the U.N. (June 11, 1982) (n. 1): "I neither wish nor am I able to enter into the technical & political aspects of the problem of disarmament as they stand before you today. However, I would like to call your attention to some ethical principles which are at the heart of every discussion & every decision that might be looked for in this field." (6/11/82; n.1)

Where the Pope put sharp limits on his own competence (technical & political) he argues clearly for ethical principles as pre-conditions for all discussion and decisions. Unfortunately, this Draft reverses those Papal priorities: too technical & political and not principled enough.

The Introduction:

pp. 1 & 2

The language of 'supreme crisis' (1:15,16; 2:4) might be more reasonably stated as 'supreme threat.' Indeed, the crisis is no more critical than when the superpowers first achieved the capacity for mutual unlimited destruction which long antedated the publication of this draft.

3:15.

The Draft states that it will draw upon the "teaching of Roman Catholic tradition." This basic premise should be well noted.

5:23.

The Draft states that Catholic teaching on Peace & War has had two purposes:

- 1) to help Catholics form their consciences;
- 2) to contribute to the public policy debate about the morality or war.

This seems to be a highly Western democratic view applicable only to the 20 or 21 functioning democracies in the world in which such debate is possible.

According to John Courtney Murray the 'traditional doctrine' sought

- 1) to condemn war as evil;
- 2) to limit the evils it entails;
- 3) to humanize its conduct as far as possible

(cf. his *We Hold These Truths* p. 270).

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

pp. 6 & 7.

There is muddled reasoning here concerned with so-called "styles of teaching" (p. 6:13-14).

Page 6 argues two different but complementary audiences: religious community that shares faith perspective (6:14) (and) civic community not sharing same faith, but sharing reason and experience (6:18)

Page 7 argues distinct audiences and styles are because of distinct and different positions WITHIN the Catholic Church (7:8).

Page 7, lines 9-19 try to anticipate and defuse serious differences and very serious criticisms of the draft as if they are simply differences about the nature of the Church's social ministry, the *norms* employed in Catholic teaching and the role of Catholics in civil society.

One notices immediately that there is no mention of truth here: i.e., true nature of Catholic social teaching; true norms etc.

To state, as this Draft does, that "Others assess the value of Catholic teaching principally in light of its impact on the public debate" (7:19) is to introduce a totally untheological criterion.

The Draft states it wants to point toward "basic common ground" (7:24) "without solving differences on very specific questions" (7:25)

The Draft fails to keep this latter promise since it will formulate very specific judgments about 'government purposes' (p. 58), "specific proposals for our present deterrence posture" (p. 59), specific recommendations about 'sufficiency' of an adequate deterrent" (p. 59) and specifics re development, production and deployment of weapons and delivery systems (p. 62).

The Draft claims to be "more an invitation to continue a new appraisal" . . ." than a final synthesis" (10:2) . . .

"We have a sense of the characteristics of a theology of peace but not a systematic statement of their relationships."

Again, no mention of truth, nor of true principles nor true doctrine; rather a 'sense'; Again, can the very detailed specifics (mentioned above, i.e., pp. 58, 59, 59 & 62) really rest on the 'sense' of a single committee?

Can such a 'sense' approach really be described as a theologically thorough document?

I. Religious Perspectives

A. *Peace and the Kingdom:*

pp. 11-19.

This represents a richly eclectic description of 'peace.'

There is a heady mixture here of "spiritual peace" (i.e., tranquility of soul of the just man) through faith in Christ which our Catholic tradition simply does not look for in political and public events. Indeed, the Lord's own peace (the untroubled soul in Christ) is a peace we are taught that the world cannot and does not give (Jn. 14:27).

It is not clear to me how this section is addressed to the non-faith community.

C. *The Moral Choices for the Kingdom* (1, Nonviolence; 2 Just War);

pp. 23-25. 1, Nonviolence.

The Draft here considers "two legitimate modes of Christian witness" (i.e. Pacifism & Just War Theory).

While perhaps no one would question the possibility of diverse witness, there are profound reasons (of Catholic teaching and Catholic tradition) to question whether these modes are *ex aequo* Catholic Teaching.

23:18

Martin Luther King. Should not a Catholic teaching document recommend Catholic examples so as to verify Catholic teaching and Catholic practice?

23:20

Pacifism. Definition – "that any use of military force is incompatible with the Christian vocation." (23:20)

Since non-violence and Christian pacifism are here used interchangeably in the Draft – is non-violence limited only to military force? Why not police force? Or any use of force in legitimate self-defense?

24:6

If the level of opposition to military service is as "clear" as this Draft says, it should be easy to document this clearly. (There is no such record in the New Testament.)

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

24:18

Part of the problem is here stated – the attempt to convert a 'charism' (a counsel) into an 'imperative' (a mandate). There is confusion here between a biblical prerogative and a biblical mandate.

In the absence of a pacifist mandate and in the presence of a mandate to protect and secure (by reason of the virtue of justice) the order of tranquility; it is simply illogical to treat a counsel and a mandate as *ex aequo*.

Catholic Tradition has never done so; for this Draft to state that such is in accord with Catholic Tradition is erroneous.

Pacifism is, as the Draft once correctly states, an 'option' (25:4) and an option is not an imperative.

The Draft simply announces "the Council's clear endorsement of a position of conscientious objection to all war as a valid Christian position." The citation is *Gaudium et Spes* nn. 78 & 79. However, *G.&S.* n. 78 does state: "we cannot fail to praise those who renounce the use of violence . . . provided that this can be done without injury to the rights and duties of others or of the community itself."

Thus, the text of *Gaudium et Spes* mentions qualifications which this Draft does not mention. *G.&S.*, n.79 "it seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms, provided however they accept some other form of service to the human community." While then this Draft speaks of a "clear endorsement" (25:6) D.R. Campion (a commentator in the Abbott (ed.) of *The Documents of Vatican II*, footnote 256, p. 292-3): "the text makes no judgment on the objective moral claim of the conscientious objector. It neither accepts nor rejects the arguments in support of such a position."

Thus, page 25 of this Draft makes unqualified claims about the teaching of Vatican II which cannot be verified; indeed, unqualified statements can be rejected.

What the Draft here proposes about Pacifism in Catholic Tradition is more announced than documented. A simple check of conventional Catholic references will prove that what the Draft here proposes is not traditional teaching but a novel presentation;

Please confer:

R.A. McCormick, "War, Morality of," *New Catholic Encyclopedia* (1967) v. 14 pp. 802-807; esp. p. 804 re pacifism

A. Fagothey, *Right And Reason* (6th ed.) re Pacifism (St. Louis, MO: C.V. Mosby Co., 1976) pp. 405-406.)

p. 26:1-9. *Just War*: The alternative moral response . . ."

This whole paragraph is misstated and misleading. Pacifism and Just War Theory are not *ex aequo* in Catholic Tradition – almost any reading of Catholic Tradition (except for this Draft) will document that.

Nor do Pacifism and Just War Theory start with "the same presumptions" as the Draft states (26:3). Logically, Pacifism presumes that no use of force is legitimate even in self-defense; Just War Theory begins with the opposite presumption, i.e., the legitimate use of force in legitimate self-defense.

p. 27, line 15, footnote 18.

The authors and authorities cited to explain just war theory are themselves instructive: R. Potter and J. Childress are both non-Catholics. Is it not possible in a Catholic teaching document to find and cite competent Catholic teachers to explain Catholic teaching? Indeed, would not the Draft profit from the acknowledged expertise of Jn. C. Murray, *We Hold These Truths* (pp. 249-273) or Bishop John J. O'Connor's *In Defense of Life*;

27:21-25.

Are not the last three sentences on page 27 a bit of special pleading for 'revolutionary' and 'unconventional' warfare quite out of step with the tone of the Draft up to this point? Would not many readers conclude that it is very hard to justify the use of force (according to Catholic Bishops), unless, of course, it happens to be a political cause one favors or fosters. Why is not the 'pacifism' so heavily endorsed three pages prior invoked here as "sorely needed"? How can one reasonably refute the political tone of these last three sentences on page 27?

29:17

"Discrimination" is here described as a principle at the very center of a Christian evaluation. Nevertheless, is not what is here described as

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

'discrimination' simply the core negative component of the 5th commandment – not directly kill the innocent or helpless?

30:6.

"Proportionality" is described as a principle. It is more accurate in Catholic tradition to describe 'proportionality' not as a principle but as one of the four 'conditions' in the conventional Double Effect analysis.

Those who claim "proportionality" as a principle of its own may well be using the language of Catholic tradition but most make it function as a very different moral methodology entirely; i.e., 'consequentialism' based on a utilitarian calculus (e.g., P. Knauer; B. Schüller; R.A. McCormick, et al.)

II. War and Peace: Problems and Principles

31:2

The phrase "both the classical Christian positions" assumes incorrectly that Pacifism & Just War Theory are *ex aequo* in Catholic Tradition.

31:10.

No doubt, to "undertake a completely fresh reappraisal of war" would allow and require that we begin with an accurate appraisal of Catholic tradition accurately stated. This Draft does not do that.

p. 35:5. A. *Nuclear War*

The term 'nuclear war' appears here and throughout without any precise definition.

I presume 'nuclear war' would be a war in which one, or more, or many nuclear weapons are used.

The Draft simply states (without demonstration) that "the possibilities for placing political or moral limits on nuclear war are so infinitesimal.."

This statement assumes what it would like to prove but that is highly problematic since the term 'nuclear war' is left undefined.

If in fact there is not any possibility for placing political and moral limits on one or more or many nuclear weapons then the discussion is no longer within the framework of Just War Theory. The Draft accomplishes this by stating this is so without demonstrating it is so.

35:23

"In light of the evidence" (from hearings) the Draft draws a first "sure" "moral imperative . . ."

Are we not required to draw moral imperatives from moral premises and from moral principles?

The "advisors of varying persuasions" (35:16) may well add a certain symmetry to the Draft Committee's investigative hearings, and I personally have no competence to judge the competencies of most of those named in the Appendix; however, as a Catholic moral theologian I am amazed at the number of the dissenting Catholic theologians cited on p. 108.

Perhaps this is one reason why the principles and doctrines of Catholic Tradition are so poorly articulated within this Draft.

37:20

"May a nation threaten what it may never do?"

This point has not been proved. Clearly an all-out indiscriminate use of nuclear destruction (or indiscriminate conventional destruction) in the Vatican II-condemned sense is not a moral option for us.

However, is the single use of a single nuclear weapon not also a nuclear war? If so, this Draft has not proved that that is condemned by any authentic Catholic teaching.

As above, it would certainly help if the Draft defined what it meant by 'nuclear war' before proscribing it absolutely.

38:6

Before the Draft concludes that "our 'no' to nuclear war must, in the end, be definitive and decisive," it would help greatly if readers knew what the Drafters were saying 'no' to so definitely & decisively. Indiscriminate nuclear destruction? Any use of any nuclear weapon? Even a single one?

pp. 39 ff. C. *The Use of Nuclear Weapons.*

p. 40:17, footnotes 26, et al. . .

I question without hesitation whether it is the charism or the competence of an ecclesiastical committee to present their best reading of the many entries in secular publications such as Foreign Affairs or International Security.

The reliance on Foreign Affairs is quite heavy cf. footnotes: nn. 26, 27, 33, 56 & 63 (in the extreme); also secular and/or technical position papers cf. nn. 36, 49, 51, 60, 61, 68, 72, 73.

To my knowledge neither Bishops, nor Priests, nor Theologians have any special competence by office or grace in these areas. And those who do enjoy or claim to enjoy competence in these areas can come to different or differing conclusions. The heavy

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

(indeed excessive) reliance of a Catholic teaching document on such clearly non-theological sources is simply a flag inviting controversy (perhaps even ridicule) upon Church leaders as Church teachers.

To my knowledge, it is not the purpose of a Pastoral Letter to sum up their best current reading of some 'findings' in sociology, anthropology, economics et al, and the excessive dependence of this Draft on non-theological sources seriously moves the authority of a Pastoral away from theological sources to non-theological sources.

Given the debatable nature of debatable 'findings', this Draft openly invites criticism as a socio-political document because so many of its conclusions are concluded on the Committees 'findings' of 'hearings' of socio-political matters.

I do not question that this is what the Draft Committee heard from those they did hear from – but I seriously question whether that non-theological base is secure enough or even proper for concluding on concrete specifics as the Draft does so often.

40:22

Is it really the competence of a Drafting Committee to decide whether or not public officials have or have not refuted a conclusion of the Papal Academy of Science?

page 42. Re teaching of Vatican II in *Gaudium et Spes*, n. 80

"Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself" (GS.80)

42:4

The Council's condemnation of *direct* indiscriminate attacks is accepted by all Catholic authors.

42:9

However, what the Draft next describes as 'indirect' attacks are correctly said to pose a problem different from that addressed by Vatican II, and we are told "moralists are divided in their response" (Draft 42:8,9; 12-13.

Therefore, it should follow that if the second case is different from the first (and all agree to that) then:

1) If different from what Vat. II condemned; it is safe to say it is not condemned by Vat. II; and

2) "moralists are divided" on this (i.e., 'indirect' attacks)

However, 'moralists' in a Catholic teaching document should be thought to be Catholic moralists working within Catholic teaching and Catholic tradition.

N.B. When this text states that 'moralists are divided' (42:13) footnote 31 of the Draft documents the so-called 'division':

one side: the non-Catholic (but well-versed in Just War theory) P. Ramsey; and Catholics W. O'Brien and Jn. Connery; whereas, the other side is the view of non-Catholics: W. Stein, J. Douglas and J. Bennett.

(As a Catholic moral theologian, I am unaware of the competencies or the convictions of these latter three).

It is misleading to say in a Catholic teaching document that "moralists are divided" (42:13) when it is not clear that one part of that division might be non-Catholics who hold perhaps little (perhaps none) of the principles and doctrines of Catholic moral theology.

42:14

While the Draft here admits "the controverted nature of the issue" (i.e., 'indirect' attacks), it then registers its "opposition" to a policy of attacking targets which lie so close to concentrations of population . . .

Thus, while moralists are divided (32:13)

while evidence and reasoning is inconclusive the Draft concludes to opposition (42:16). The precise force of the conclusion eludes me; from inconclusive premises, how does one draw a certain conclusion?

page 43, C, 2

"We do not perceive any situation in which the deliberate initiation of nuclear warfare, on however a restricted scale, can be morally justified." (43:6-9)

This seems to preclude the reality of the present NATO posture in Europe or any similar situation vis-a-vis numerically superior combat-ready divisions of the Warsaw pact. According to this statement, one could not defend against numerically superior combat-ready divisions by even the use of a single nuclear missile.

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

The uncertainty of whether or how nuclear escalation could be prevented (44:8) may well be uncertain. However, uncertainty does not logically exclude the possibility of limited response.

Essentially, this absolute statement (43:8) begs the question: it assumes no possible restriction of any nuclear weapon, and then excludes any use 'however restricted.'

Neither that premise nor that conclusion is proved here; it is simply stated.

page 44, C, 3, *Limited Nuclear War*.

Although this category (Limited Nuclear War) and the previous one (Initiation of Nuclear War) are treated separately, they are really mixed together.

If the initiation of a nuclear weapon can not be justified "however restricted" (43:8) how could one be justified in retaliation (however restricted)? Again, as above, the prior premise ("however restricted") was neither proved nor demonstrated.

pages 44ff. D. *Deterrence in Principle & Practice*

many points of clarification are needed re Cardinal Krol's testimony re "tolerating" the "lesser evil"

It is neither clear nor certain that this particular testimony (54:2) attends to the "key principles in Catholic theology" (54:2)

- a) the so-called 'lesser of two evils' is much more at home in the Protestant tradition since it is not an application of double effect;
- b) an actual good (the non-use of nuclear weapons 53:24) is compared with a possible but non actual evil 53:25);
- c) the Draft states that these two texts (55:3) really do match; the texts being:
 - 1) NCCB, *To Live In Christ Jesus* ('76)
 - 2) USCC Testimony (1979)

In fact, it is highly questionable whether these two texts really do match; indeed, it is not immediately clear from the USCC testimony that tactical weapons are included (cf. 54:7)

56:7

The shift from the Pope's quote (June 11, 1982 re deterrence) to the Draft's statement "sinful situation" (57:7) is a large non-sequitur.

If deterrence is sinful in itself, "toleration" will not unmake it – that would be toleration of what is in se evil.

Indeed, the terminology 'sinful situation' (57:7) is not accepted or received Catholic terminology. It is indeed the language of the Rev. Charles E. Curran, but I consider it unwise for a Bishops' teaching document to employ here what it must repudiate elsewhere.

Rather than gratuitously state, as the Draft does (57:24) that "John Paul II's statement . . . was designed to limit the acceptable function of deterrence precisely to the one positive value it is said to have . . ."

why not simply let the Pope's statement say what it does say. Does the Draft Committee have any indication from Rome that the Pope's statement was designed precisely as the Draft so constructs it?

Page 58.

This page represents a loosely reasoned collage from generalities to narrow specifics without benefit or argumentation.

Thus, two conditions (pp. 56-57) are imposed on the Pope's statement of (6/11/82)

which become "criteria" (58:7)

which provide "recommendations & judgements" (58:21)

which are next called "principles" (59:8)

from which specific opposition is gleaned against the specifics 1-3 on page 59

re specific 3, the Draft, incongruously, opposes "lowering the nuclear threshold" (59:16)

p. 59 the Draft recommends (59:22) an immediate bilateral freeze:

- a) no evidence is presented to support this recommendation;
- b) is almost verbatim that of one Democratic Senator)

While not urging unilateral disarmament – the Draft does urge each side to take some first steps, what it now calls "individual initiatives" (63:3).

- a) here and hereafter, 'independent initiatives' seems to be a functional code word for 'unilateral' (66:5)
- b) encourage the Soviet Union (63:11) to do same; if no appropriate response is forthcoming "the US would no longer be bound by such first steps"

Nevertheless, the independent initiatives by the US

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

in 1970 were responded to by massive Soviet build-up, and, almost simultaneous with the release of this Draft, Chairman L. Brezhnev of the Soviet Union announced a quite opposite direction (Oct. 27, 1982 to Soviet Military) cf. *N.Y. Times* (10/29/82) pp. 1; A,8,9; *Time* 120 (11/8/82) p. 45

There is a highly peculiar political judgment prominent p. 74:4-22.

That Afghanistan & Poland (not to mention Ethiopia, South Yemen, Angola & Nicaragua) "unfortunately lead some . . . to an obsessive perception that Soviet policy is striving insanely directed by irrational leaders . . ." No one need suggest insane strivings under irrational leaders. These very events can be judged as the rational and sane pursuit of Marxist objectives with very good results for Marxism.

79:4-11

"Soviet behavior in some cases merits the adjective monstrous, but neither the Soviet people nor their leaders are monsters . . ."

Since the consultation on the Draft has said to have been wide, might we not solicit Archbishop Glemp's views on this page (p. 79); Would anyone suggest that this page of the Bishops pastoral be

read from the pulpits of Churches in Poland?

96:25

"In this document, for example, we have spoken clearly against the deliberate use of weapons against civilian populations. ..." (97:1) "Catholic military personnel must observe those prohibitions."

What is the object of this prohibition?

- a) direct attacks against civilian populations agreed;
- b) indirect attacks? that is not clear? same lack of necessary distinctions as noted on p. 42 above.

100. IV. *To Men and Women of the Media*

Is this a plea or a prayer or a thank-you?

Just how direct was the direct dependence on the media so generously acknowledged here?

It is at least atypical for a Catholic teaching document to stress its dependence upon such non-theological sources, unless, in ways, it is a 'media-document' so to speak.

102:21 "Pluralism"

The mention of 'pluralism' is left undefined.

Is this a complementary pluralism or a contradictory pluralism?

by Fr. Richard R. Roach, S.J.

The document through ambiguity and rhetoric seems to countenance consequentialism. Two paragraphs from the proposed document make my point. I begin by providing a sketch of how consequentialism works. The dissent from *Humanae Vitae* launched this "ism" as a "new moral theology," and is the historical reason for its apparent presence in this proposed pastoral. At least a generation has been trained in that dissent, and its thought forms are now second nature to many. If caution is not exercised, it is inevitable that signs of consequentialism would appear in documents like this. Consequentialists always argue that it is all right to do some things under certain circumstances that traditional moralists believe

God has forbidden. Furthermore, at least some of their conclusions are at variance with what they like to refer to as official Church teaching.

The structure of consequentialism is most easily seen when using sexual sins as examples. For example, sodomy is absolutely prohibited. Sodomy stands for all homosexual acts and none of them are hard to specify. A male engages in fellatio with another male. It is homosexual fellatio or it is not, and the issue is not complicated. God absolutely forbids the act. The Church infallibly teaches that this is so through Her ordinary magisterium according to those conditions set forth in *Lumen Gentium*, 25.

A consequentialist would disagree. His argu-

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

ment might take the following form. It would be stipulated that Joe is a "constitutional homosexual," and further stipulated that he is incapable of complete abstinence, at least at this time. (Of course, I deny this stipulation is true in real cases.) In this way a dilemma is set up: either promiscuity or a limited number of sexually active relationships. In resolving the dilemma, the consequentialist would judge that fellatio with a few is preferable to fellatio with the many. If so, granted the impossibility of abstinence (which I deny) homosexual fellatio cannot be absolutely prohibited, i.e., bad-in-itself or intrinsically evil. Thus, consequentialists claim that there are exceptions to God's no longer absolute prohibitions.

It is impossible in a few sentences to expose the bad psychology, bad spirituality, bad moral theory of this consequentialist approach. The consequentialist likes to think of himself as more compassionate than the hard-line absolutist, but if he is wrong in judging the difference between right and wrong and actually provides people with rationalizations for doing morally bad things or for not repenting after having done them, then he is far from compassionate. As an absolutist, I believe that God's grace will save anyone from sin who sincerely asks for deliverance. I also know that rationalizing sin and remaining in it is a moral evil even worse than the initial sin. So, for me, compassion consists in pointing out sin and announcing God's promise of deliverance.

Murder is absolutely forbidden along with its cognates, abortion and suicide. But when the proper authorities justly execute a criminal, they do not commit murder. When those rightly conducting a just war kill a combatant on the other side, they do not murder. In fact, the deadly deed is morally good. For the consequentialist, these distinctions are too fine. They prefer to say that killing is bad, without being clear as to whether it is merely physically or morally bad. Then they say that only "unjustified" killing is forbidden — morally bad in the proper sense. The only difficulty is that, behind the facade of distinguishing between justified and unjustified killing, the consequentialists maintain that some of the acts God's law forbids as murder (i.e., intentionally or directly killing the innocent — abortion, or suicide) can be justified. They are really once again arguing for exceptions. The second draft can be read as endorsing consequentialism on just this point, specifically, by seeming to say that we may maintain a deterrence with murderous intent for

the time being as a "lesser evil." (Real intent to commit a forbidden act is, of course, just as forbidden as carrying out the act.)

The proposed draft quotes Cardinal Krol:

The moral judgment of this statement is that not only the *use* of strategic nuclear weapons, but also the *declared intent* to use them involved in our deterrence policy, are both wrong. . .

Then in the next paragraph, Cardinal Krol's testimony on Salt II continues:

. . . , Catholic moral teaching is willing, while negotiations proceed, to tolerate the possession of nuclear weapons for deterrence as the lesser of the two evils. (*Origins*, vol 12, no. 20, p. 316.)

The juxtaposition of these two paragraphs in the proposed draft can be, and I am sure will be, understood as saying we may do something that is (morally) wrong in order to achieve a greater good or avoid a greater evil. This is the moral error which today is called consequentialism. A more detailed analysis follows.

In the first paragraph quoted, the proposed pastoral says that the *use* of strategic nuclear weapons is wrong. The reader naturally assumes that the term "wrong" is used in the moral sense: that is to say, it here means morally wrong or forbidden by God's law, and not "wrong" in the sense we use when saying, "I think you bought the wrong stocks and bonds. If "wrong" meant the latter in this context, there would be no question of consequentialism, because there would be no question of a moral judgment. It seems obvious that the meaning of "wrong" intended is the moral one.

(This statement goes beyond that of the Second Vatican Council in condemning "strategic nuclear weapons" by name. The Council said in effect that the indiscriminate use of weapons or the use of weapons which are by their nature indiscriminate is morally wrong. (Cf., *Gaudium et Spes*, 80.) The Council did not attempt to decide the question as to whether all nuclear weapons or all strategic nuclear weapons are indiscriminate in the requisite sense. I believe the Council was wise not to attempt to do so.)

The first paragraph under consideration also says that the *declared intent* to use these weapons is wrong. It further says that this *declared intent* is involved in our deterrence policy. It does not say whether this involvement is a necessary characteristic of deterrence or an accidental characteristic that could be set aside. Furthermore, it does not

Comments on the Second Draft of the Bishops on "The Challenge of Peace"

(Continued)

say whether this *declared intent* is that real intent to commit a forbidden act which is a sin. The Second Vatican Council rightly said that possession of recently developed scientific weapons could lead to sins of intention alone. (Cf., *GS*, 80, official Latin text.) But wisely the Council avoided saying just how we could judge whether or not such evils were occurring, because it is very difficult to do so. A declared intent is not necessarily the real intent, which can be a sin.

We live in an age in which equivocation has of necessity been developed into an advanced art. Contemporary tyrannies, such as Hitler's and Stalin's, engaged in lying as a principle of statecraft. Countries whose leaders wish to be moral have no choice but to equivocate in response. The result is that I think it unwise to go in a straight line from "declared intent" to an assessment of the real intent of those in such positions of power that they could sin by merely intending to use weapons immorally. Nevertheless, we must bear in mind that the Council did remind leaders in positions of power that they could sin by their *consilia*. (*GS* 80, Latin)

The proposed draft says that "the *declared intent* to use them (strategic nuclear weapons) involved in our deterrence policy" is wrong. If the drafters mean to say that they know as a matter of fact that intentions (*consilia*) which are morally wrong are an essential or necessary part of our deterrence policy, then they are saying that our deterrence policy is made up of acts which are forbidden. If this were true, the proper response is to condemn the policy. But first we should remember that neither the Council nor the Holy Father since the Council have condemned deterrence. Since the Church does not practice consequentialism, this means that she judges it is possible, under certain conditions, to build and maintain weapons which we might not be able to use morally in order to deter potential aggressors, and she further believes that we can do this without involving immoral intentions in our deterrence policy. If she thought otherwise, the Church would have to condemn deterrence. According to the way they characterized our deterrence policy, the drafters of this proposed pastoral should have condemned it. Instead they say that we may "tolerate the possession of nuclear weapons for deterrence as the lesser of the two evils." (I assume that the other evil referred to would be unilateral disarmament. Unfortunately, the authors fail to say whether they consider this

possibility a merely physical evil or also a moral evil.)

At this point the authors of the proposed pastoral could have avoided consequentialism completely. Since the second paragraph of the quotation from Cardinal Krol's testimony does not include the term "declared intent" nor the term "strategic nuclear weapons," the authors could have used the quotation to say that possession of nuclear weapons (but not "strategic nuclear weapons") as a deterrence without a declared intent to use them is morally licit. But they did not do that. They retained the phrase "the lesser of two evils" which implies that the deterrence they are referring to is that deterrence which was declared wrong in the preceding paragraph. If this is not what they meant, the text at the very least is a dreadful muddle.

If by the expression "the lesser of two evils," the authors mean to have the American bishops say that Catholics may "tolerate" themselves performing evil acts, then it is straightforward consequentialism, and as such it counsels immorality. If by "tolerate" the authors mean that Catholics may tolerate others performing acts which Catholics know are morally evil, then it is not technically consequentialism, but it is objectionable on other grounds. On this latter hypothesis — namely, that the authors are saying we Catholics may tolerate others doing bad acts — the teaching could be linked to traditional and established moral doctrine. We have, for example, said in the past that we could tolerate prostitution, meaning, for instance, that we Catholics were not obliged to vote for a sheriff who would close down all houses of prostitution, *if* attempting to suppress prostitution would lead to even greater evils. But this "toleration" can exist only while trying to save both prostitutes and customers from their sins. "Tolerate" may never be used to mean counseling someone to sell himself or herself as a prostitute in preference to starving to death because it is the lesser of the two evils. Clearly, the right thing to do is to starve, if it comes to that, rather than become a prostitute. St. Mary Goretti is a manifest example of this moral principle. She preferred death to submitting in any way to sin. In exactly the same way, *if* our deterrence policy were made up of morally wrong acts, then no Catholic could "tolerate" himself performing those acts. And I think it would be horrendous to think of Catholics saying in effect to our non-Catholic brothers and sisters, "You go ahead and perform these bad acts

(Concluded on Page 3)

Book Reviews

J. Brian Benestad, *The Pursuit of a Just Social Order: Policy Statements of the U.S. Catholic Bishops, 1966-80*. Foreword by Avery Dulles, S.J., (Washington, D.C. Ethics and Public Policy Center 1982) 206 pp including Appendices. No price listed.

More than a year ago Dr. Benestad gave *The Fellowship of Catholic Scholars* a preview of this book's thesis. His remarks to the Chicago Convention opened with the comment: "It is not possible to understand the Church's specific social teaching without grasping her doctrine about God the Father." As for the role of bishops in political matters this Scranton University professor, calling on John Paul II at Puebla, listed bishops' priorities in the following order – "first as teachers of truth, then as builders of unity and finally as defenders and promoters of human dignity."

The Pursuit of A Just Social Order 1966-1980 is a book describing and evaluating how Catholic bishops have functioned as a body since 1966 in the political arena of the United States. In an important respect it is an evaluation more of what Bishops' Washington staff has been doing during these fourteen years than of bishops, the vast majority of whom are rarely involved personally in the activities described. The book is divided into three parts: (1) an analysis of the Church's tradition of political involvement; (2) a review of USCC statements on foreign and domestic affairs; (3) an evaluation of the Bishops' performance and a restatement of fundamental Catholic political principles.

In the first section Benestad repeatedly makes the point that Church documents going back at least to Pius XI define the chief objective of the Church in politics as evangelization. If the Church civilizes it is by evangelization and not through politics. Catholic social thought teaches that formation of character, a certain kind of education, strong religious beliefs, and the preservation of worthy traditions and mores are indispensable to the well-being of society. Good laws and good structures will not benefit a people ill-prepared to receive them. Evangelization, therefore, is a religious, not a temporal or profane work. Policy statements by bishops which seek to apply Catholic social teaching to particular issues are not necessarily by intent alone wise, effective or the only way to promote the well-being of society, nor do they necessarily advance evangelization.

The theological foundation of the Church's interest in the political order (as articulated by Popes) is the dignity of the human person redeemed by Christ for God's eternal purposes. Political systems based on an inadequate view of man's nature or his destiny leads inevitably to injustice (1) because of the unjust distribution of material goods and (2) the abridgment of political liberties. The USCC's Administrative Board (1976 and 1980) summarized the Church's political role to include education of the faithful in Catholic social teaching, political activity of citizens based on religious convictions, promoting justice, denouncing injustice, social change directed toward a just society. The Church's specific role does not include concrete political proposals so much as the enunciation of principles according to which formed citizens may make appropriate applications, the major responsibility of the Church's laity. Paul VI and John Paul II clearly distinguish between human liberation and salvation in Jesus Christ, while the USCC staff tends to make working for justice as important to the Church as preaching the gospel and administering the sacraments. According to Benestad (pp. 22-23) such an identification does not reflect Catholic social thought. Popes repeatedly have warned against reducing the Church's message to political and social action. Paul VI showed by word and deed that he was not satisfied with the 1971 Bishops' Synod's reflections on the Church and Justice. He never signed the Synod document *Justice in the World* (a little mentioned fact) and his closing address to the 1974 Synod warned that human advancement "is not to be excessively emphasized on a temporal level to the detriment of the essential meaning which evangelization has for the Church of Christ." (p. 24)

The American Bishops' perspective on foreign policy includes condemnation of wars of aggression or the use of weapons of mass destruction, calls for reciprocal disarmament, modification of U.S. Selective Service Act to permit selective conscientious objection and the redistribution of international wealth, not as a matter of charity (relief) but as a matter of justice (obligation). The American bishops do not have a formally stated moral perspective on domestic politics, says Benestad (p. 33), beyond asserting man's right to life and sustaining services, to seek truth, to his honor, to appropriate information, to property, freedom of religion, work, assembly, etc. USCC

Book Review *(Cont'd)*

policy does not pay much attention to personal virtue as a constituent of good public order. Chapters Three and Four summarize in detail the Bishops' policy statements on both foreign and domestic matters: wealthy nations are held responsible for Third World poverty, pacifism is legitimated, the argument that Salt II fails to protect U.S. security is discounted, the regulation of multinational corporations, whose motivation and existence are suspect (p. 59), is called for. Over and above its natural interest in matters of abortion and tuition aid, the USCC supported a full employment bill, housing legislation, national health insurance, the family farm, farm workers' unions and boycotts, affirmative action programs, prison reform and an end to capital punishment.

Part three of this book (Chapters 5-6) is entitled "Toward the Recovery of Catholic Political Wisdom", an implied but obvious suggestion that in the author's view the present episcopal posture in politics is unsatisfactory: (1) because it is an activity not clearly part of the Church's evangelization process, (2) because it does not adequately represent Catholic social thought (which remains an unknown to the faithful), (3) because it does not involve the laity who (in Catholic teaching) are the main agents of social reconstruction, (4) because the bishops' approach is by and large quasi-partisan favoring so-called "liberal" and "left" causes, (5) because it tends to support federal and collectivist programs rather than the demands of subsidiarity, (6) because the USCC staff on which bishops rely for policy determination "limited theological competence and no political diversity" (p. 98), (7) because bishops are not sufficiently competent to propose concrete solutions to complex social problems, leaving themselves open to criticism for political naivete and incompetence, (8) because since 1966 bishops' statements no longer stress (as they once did) personal virtue as the most important element of social reform, (9) because some of their testimony (e.g. on national health insurance) is poorly prepared, (10) sometimes dogmatic about a particular solution, when there are equally good or better alternatives, (11) sometimes, too, poorly

argued (e.g. on selective conscientious objection).

Professor Benestad takes notice of the topics missing from the long list of USCC statements, usually issues opposed by secular liberals: "The bishops have unwittingly allowed the secular world to set their political agenda." (p. 107) Absent from the USCC agenda, he says, is the tradition of Catholic social thought which links politics with character formation. This omission is especially ironic since it is the clergy and religious who mainly compose episcopal formulations (pp. 113 ff) and one would expect character formation to be important to clerical educators.

The final chapter of Benestad's book begins as follows (p. 119): "Unlike the old National Catholic Welfare Conference, the USCC does not stress individual conversion through evangelization or education to Christian life in the home, school and Church as its principal means of working for justice. The bishops preach conversion, of course, but not in their political statements. In nearly every political statement issued by the NCWC, however, the bishops emphasized individual change of heart as a necessary element of lasting political reform. Structural changes in society obviously do not eliminate self-regarding and unjust behavior.

While the internal moral decay of American society is observable in alarming crime statistics (white collar and otherwise) and rising rates of sexual deviance, it is also noteworthy that unfaithfulness to Church standards and to the Church institution (in religious vocations e.g.) has become part and parcel of this social decay. Benestad properly considers good religious life important for the just society, directing attention to the political consequence in Eastern Europe of the religious revival in Poland (p. 126).

This is a valuable study available from the Ethics and Public Policy Center, 1666 Connecticut Avenue N.W., Washington, D.C. 20009.

George A. Kelly

Book Review (Cont'd)

Buckley, Rev. Thomas W. APOSTLE TO THE NATIONS: The Life and Letters of Saint Paul, St. Paul Editions (Boston 1981)

Father Buckley has written a respectable introduction to the Pauline correspondence and to Paul, the man behind the letters, although not everyone will find it easy to make this admission. The reason is that B. takes the Acts of the Apostles seriously as a historical record. This is simply not chic within the "Scripture establishment" at the moment. It is true that Martin Hengel and W. Ward Gasque have

recently cautioned against writing off Acts as a dependable account and that a man of such unimpeachable scholarship as F. F. Bruce could within the past five years write a book on Paul (PAUL, APOSTLE OF THE HEART SET FREE, 1977) that draws on Acts without scruple or embarrassment. Still for all that it remains unfashionable to make much of Acts as history.

If one is not offended by this "deviation" or can bring oneself to pardon it, one will find much to praise in B.'s book. For example, the history of the research done in this area of biblical study

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which could be tedious is very attractively woven into the discussion of such topics as "Paul and Hellenism" and also "Paul and Judaism." B.'s presentation of Schweitzer's views is a case in point. B. is quite conversant with the literature of Pauline studies. To his credit, he is not intimidated by "big names" and does not hesitate to dissent from the best of them, although one could wish at times that he went deeper into the reasons for his dissent.

Because of the complexity of Paul's thought and his personality, it is almost inevitable that any discussion of him and his teaching should tend to end up as mortally dense prose. B. has mercifully taken this into account and has brightened up his account with allusions to or citations from Shakespeare, Yeats, Catullus and others. It is a welcome touch.

The book is organized as a study text with a glossary and questions for discussion at the end of each chapter. If this book can get by the prejudices that some will harbor against it for the reason given above, it should have a long and useful life.

Fr. James Turro

(Fr. Turro teaches Scripture at Darlington Seminary, N.J.)

The Fellowship's Convention will be held in Washington, D.C. March 25-27, 1983.
General Theme: *Faith*