

# Fellowship of Catholic Scholars Newsletter

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## “Bishops As Teachers and Jesuits As Listeners?”

In June 1985, Father Richard A. McCormick, S.J., gave a lecture to his fellow Detroit Province Jesuits entitled “Bishops As Teachers and Jesuits As Listeners.” Normally, such intramural religious gatherings (‘Province Days’) are of keen interest only to those invited and those attending.

However, the American Assistancy Seminar on Jesuit Spirituality decided to publish this McCormick lecture in the May 1987 issue of *Theological Studies* (“The Spirituality of Jesuits”) vo. 18, #3, pp. 1-22.

In net result, Father McCormick, the doyen of dissenting moralists, has published a minor manifesto: “Bishops As Teachers and Jesuits As Listeners.” The title is a bit misleading since the conclusion actually is that episcopal teachers ought to listen to dissenting Jesuits if they want to be considered competent Bishops.

Father McCormick’s appeal to, involvement in and justification of public dissent from Catholic teaching will not surprise any readers of *America* magazine (4/5/86) or of *Theological Studies* (*passim*). What might surprise some readers is that his how-to-dissent manual is prefaced by an explanatory covering letter from the Jesuit Provincial, Howard J. Gray, S.J. of the Detroit Province of the Society of Jesus. The Provincial describes Father McCormick’s dissent as an “invitation,” which invitation, he tells us, “may not be exclusively an Ignatian charism; however, it is certainly an Ignatian emphasis.”

Not being a Jesuit myself, I have only spotty knowledge of Ignatian emphases. But I would gladly welcome any Jesuit or non-Jesuit citations that would verify that one of St. Ignatius’ emphases was dissent from authentic Catholic teaching.

The McCormick manifesto is basically five teaching points and a sixth survival tactic: I, the competence of Episcopal Conferences (pp. 2-4); II, the Doctrinal Status of Moral Statements (4-7); III, Variety of Competencies (7-10); IV, Levels of Authority (10-11); V, Proper Response to Episcopal Teaching (11-14); and VI, “McCormick’s Ten Rules for Dealing with Bishops” (15-20).

Limitations of space preclude a full review of all of Father McCormick’s points—and all should be reviewed for each can be refuted.

His comments of the ‘Teaching Competence of Episcopal Conferences,’ for instance, contribute nothing new to that discussion but they do reveal his harsh dislike for Cardinal Ratzinger’s contributions to that discussion. We are told that Cardinal Ratzinger is trying to ‘monarchize’ and ‘pyramidize’ Church teaching; indeed, that the good Cardinal’s teaching is “transparently political in purpose” (p. 3).

### WHAT TO EXPECT IN THIS ISSUE?

#### On the Nullity of Marriage

p. 5

“One consents to marriage by giving and receiving from another of the opposite sex, not the right to marriage nor even the right to a marriage relationship but, rather, the exclusive right to conjugal acts as long as both parties are alive.” (Bishop Egan)

#### Rules for Dealing with Bishops

p. 1

“Richard McCormick’s ‘Rules for Dealing with Bishops’ are not a new deal for him, nor a fair deal for bishops, but a strange deal that deals the bishops out of their own Magisterial functions.” — (Msgr. Smith)

#### On Poverty

p. 16

“Everyone would expect to have to help a man to save his life in a shipwreck; why not a man who has suffered a shipwreck of his life.” (G.K. Chesterton, *Fancies versus Fads*)

#### Father Curran

p. 10

“Father Curran has been judged by the highest authority of the Church to be out of harmony and, contumaciously so, with the moral teaching of the Church. We think the Catholic Theological Society should cease and desist from appealing over the head of the Pope, and from setting CTSA up as a rival institution of the Holy See.” (Msgr. George A. Kelly)

## “Bishops As Teachers and Jesuits As Listeners?”

Father McCormick's intemperate broadsides at Cardinal Ratzinger are not new (cf. *TS* 47 (1986) 69-88) but here he actually says that the Prefect of the Congregation for the Doctrine of the Faith is somehow unaware of Canon 753 of the Code of Canon Law.

Father McCormick quotes this canon only in part and only insofar as it seems to advance his argument against Cardinal Ratzinger. It is true that cn. 753 mentions Episcopal Conferences — a factual mention of which Cardinal Ratzinger is not unaware, nor is anyone else who can read. Curiously, this favorite canon of McCormick concludes that the faithful must adhere to the authentic teaching of their Bishops with religious assent of soul (*religioso animi obsequio*) (Cn. 753). The wording of this canon is *verbatim* the wording of Vatican Council II (*Lumen Gentium* #25).

Since much of the rest of the lecture will be a justification of why Father McCormick does not give the religious assent of his soul to much of what the Bishops do teach in the name of Christ, perhaps it is not at all curious that Father McCormick does not quote this canon fully since it would not help his real position. Such selectivity in citation, together with his collapse of theological courtesy toward Cardinal Ratzinger, might suggest to the calm reader that perhaps — dare we say it — something “transparently political in purpose” is at work?

Next, Father McCormick addresses the Doctrinal Status of Moral Statements (4-7). Here, he does cite the Council, *Lumen Gentium* #25 focusing on the oft-cited phrase “in matters of faith and morals.” McCormick claims that the exact meaning of “in questions of morals” was never established at Vatican I and the same must be said of Vatican II.

This point of his might lead the unwary to accept the minimalistic — even simplistic — reading of it he is about to impose on both Councils, Vatican I and II.

Father McCormick claims that “the charism of infallibility is coextensive with the ‘treasure of divine revelation’ (what Vatican I called the *depositum fidei*).” He acknowledges that J. Fuchs is the source of this reading (p. 4, fn. 7), as Fuchs is also the source of McCormick's distinction between “moral goodness and moral rightness.” The latter he describes as “promotive for human persons” since “rightness” is “not directly and in itself concerned with personal moral goodness.” Moral ‘goodness’ for McCormick may be a “truth of salvation;” but concrete moral norms of ‘moral rightness’ cannot be.

Apart from not accepting the McCormick-Fuchs proportionalist methodology — and there are compelling reasons not to: cf. J. Finnis, *Fundamentals of Ethics* (1983) 80-135; or, B. Kiely, S.J., “The

Impracticality of Proportionalism” *Gregorianum* (1985) 654-686 — the question of the object of infallibility deserves and requires a more careful understanding than McCormick offers.

A correct understanding of *Lumen Gentium* #25 requires information that all scholars concede is a key explanation and exposition of the teaching of Vatican I and Vatican II. This essential component is the official explanation (*relatio*) of Bishop Vincent Gasser at Vatican I. Vatican II specifically and officially refers to and depends on this explanation (cf. footnotes, #43-46; in Abbott trans. fn. 124, 126, 127, 128, pp. 49-50).

The object of infallibility ‘in questions of morals’ was not left unestablished at Vatican I as McCormick claims. Indeed, Bishop Gasser and the Deputation explicitly rejected the effort to limit papal infallibility to ‘general principles of morals’ (*Mansi*, 52:853) and defended and thus included an extension of infallibility that went well beyond the mere ‘general principles of morals.’

The Church's infallibility extended not only to matters of faith and morals revealed by God, but to all the truths needed to explain, guard and define truths which had been revealed (*Mansi*, 53:313).

This is well summarized in a recent and important study that touches precisely on this matter clarifying the crucial teaching of Vatican I repeated at Vatican II:

“It is to be noted that Vatican Council II completed the unfinished work of Vatican I in respect to the question of the object or extension of infallibility. In its Dogmatic Constitution, *Lumen Gentium*, the bishops at Vatican II taught: “Moreover this infallibility, with which the Divine Redeemer wished his Church to be endowed in defining doctrine of faith or morals, extends as far as the deposit of Divine Revelation, to guard it religiously and faithfully expound it’ (#25). And, in the declaration, *Mysterium Ecclesiae* of June, 1973, the Congregation for the Doctrine of the Faith repeated this teaching in the following words: ‘According to Catholic doctrine, the infallibility of the Church's Magisterium extends not only to the deposit of faith but also to those matters without which that deposit cannot be rightly preserved and expounded.’”

(J.T. O'Connor, *The Gift of Infallibility*  
The Official *Relatio* on Infallibility of  
Bishop Gasser at Vatican I)

(Boston: St. Paul Editions, 1986, p. 83.)

Since Father McCormick's minimalistic misreading of ‘questions in morals’ is not accurate for either Vatican

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I or Vatican II, his “Doctrinal Status of Moral Statements” is not as helpful as it is misleading.

Another major claim of Father McCormick is his 5th point — “The Proper Response to Episcopal Teaching” (11-15). This is vintage McCormick relying on the Komonchak thesis (p. 12, ftnt. 22) that when 3 (of 2,151) bishops at Vatican II proposed an emendation to *Lumen Gentium* (#25) about an educated person who confronting non-infallible teaching cannot, for solid reasons, give his internal assent. The Theological Commission of the Council rejected this proposal recommending that “approved” theological explanations should be consulted. At which point McCormick concludes: “Traditional theological manuals had for years justified dissent” (p. 12). This is, quite simply, a false conclusion.

First, one notes that the question raised at the Council concerns only non-infallible teaching. The question did not presume, nor did the Council presume, as McCormick does presume, that concrete moral principles cannot be the object of infallibility. Further, the same Council did teach that when the bishops spread throughout the world, in communion with the successor of Peter, are in agreement that a particular position ought to be held as definitive, then they teach the doctrine of Christ in an infallible manner (*Lumen Gentium* #25).

Next, on the question of authentic non-infallible teaching, the Council documents nowhere mention (much less justify) dissent. Indeed, the term “dissent” appears in no document in any context. The question to which the Theological Commission did refer and reject was the lesser question of withholding “internal assent” — no question was even raised about alleged positive dissent.

It's important to distinguish a *negative withholding of assent* (under limited conditions) and a *positive even public dissent* (under any conditions).

The Komonchak study (in C.E. Curran (editor) *Contraception: Authority and Dissent* (1969) pp. 101-126) examines some seven approved manuals of theology in use from 1891 to 1963. Throughout his study, the author uses and exchanges the *lack of assent* and *positive dissent* as if they were interchangeable terms which they are not. While it is true that some manuals allow for a graded and conditioned *withholding* of personal *assent* not a single one of them ever mentions a *positive right to dissent*, much less public dissent.

At the risk of boredom, one must repeat and repeat that of all the approved manuals of theology before Vatican II none of them, not one of them can be cited as claiming or justifying public dissent from teaching

proposed by the Magisterium — be that infallible Magisterial teaching or non-infallible Magisterial teaching. Not one of the authors in the Komonchak study makes such a claim. Thus, the McCormick claim that “Traditional theological manuals had for years justified dissent” is simply and completely false.

Furthermore, no Catholic theologian before Vatican II thought that theologians might properly counsel the faithful to form their consciences by dissenting or contradictory opinions rather than by the received, constant and certain teaching of the Church. (For a thorough refutation of “Radical Theological Dissent” confer the chapter (#36) by that name in G. Grisez's *The Way of The Lord Jesus*, Vol. I, pp. 871-916).

Also, even the possibility of an educated person who feels he cannot, for solid reasons, give internal assent to non-infallible but authentic Catholic teaching is not without conditions. There is and remains a duty in faith to assent to Church teaching. If ‘solid reasons’ exist to withhold that assent, these reasons would have to be grounded in some true theological source: Scripture, Tradition, Church teaching itself.

Surely, it cannot be called “solid” reasoning if one happens to encounter (and not understand) “mystery” in doctrine or “difficulty” in morals. True theological sources (*theologici loci*) are not merely human wisdom, and so we must look for principles located in Sacred Scripture (revealed by God), clarified by Sacred Tradition (guided by Holy Spirit) and taught in any given age by the teaching Church (Jesus invested a charisma in the Church to teach in His name). When we give the “yes” of faith, or religious assent of soul to these sacred sources, we say “yes” to more than human wisdom. The teaching of the Magisterium cannot be limited to one opinion among others. It enjoys the *charisma veritatis certum* (*Dei Verbum* #8) — the sure gift of truth. To this, the Catholic theologian, indeed all the Catholic faithful owe true religious obedience.

In pronouncing the importance of a variety of competencies, Father McCormick proclaims a new non-theological source of non-theological competence citing Patricia Crowley of Chicago: “It wasn't until later that we realized ‘the Church’ didn't know any more than we did. We were the Church” (p. 9). To this one might add Notre Dame's Richard-We-Are-the-Church-McBrien and New York's Mario-We-Are-The-Church-Cuomo. Surely a trinity of We-Are-the-Church persons, if you will, but none is revealed by God, guaranteed guided by the Spirit, nor endowed by Christ to teach in His name.

The certain charism of truth that we recognize and assent to in the Church is a theological and Catholic given. Even with non-infallible teaching, for any faithful

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Catholic to withhold ‘internal assent’ from that teaching requires indeed ‘solid reasons,’ in fact, reasons grounded in some true theological source. Otherwise, one must question whether we are even in the field or science of Sacred Theology any more.

In summary, Father McCormick’s suggested response to episcopal moral teaching is “an *active* listening, a personal reflection that must itself contribute to the formulation of the teaching. To say anything else would be to deny the responsibility implied in the gift of our experience and our expertise” (p. 14). It is difficult to read that statement as anything other than a convoluted statement of rationalism. Is it true to say that every or any Catholic’s ‘personal reflection’ MUST contribute to the formulation of Catholic teaching? Is the gift of even Father McCormick’s “experience” and “expertise” really a sacred source? Is his “personal reflection” now a required object of the religious assent of our soul or his? One need not deny the responsibility of his gifts to say *no* to all of these questions.

This is highly subjective stuff leading to highly subjective reversals. For example, Father McCormick contends that Church authorities “abused” their authority and brought their teaching office into “disrepute” in the case of Agnes Mary Mansour (p. 10). To correct a Catholic woman under solemn vows, who was freely administering the the public funding of elective abortions? To correct that situation — is an abuse?

Father McCormick cites still another highly subjective position of his own making — he professes “stunned scandal” (p. 16) that the Holy See intervened to prevent the Sisters of Mercy from authorizing some direct sterilizations in their hospitals. Now, some direct sterilization may have some place in some kind of theological hospital, perhaps in a McCormick hospital, but they have no theological place in any Catholic Hospital and Catholic faithful should be stunned and scandalized if they did. Apparently, Father McCormick’s *active* listening and personal reflection must not only contribute to the formulation of Church teaching (p. 14) but direct and control that teaching or he is left in stunned scandal when it is not.

The Dean of Dissenting American moralists closes his manifesto with “McCormick’s Ten Rules for Dealing with Bishops” (15-20). This truly is vintage McCormick — stating a put-down in up-beat words. McCormick’s Rules are ten sets of respectful-sounding restraints that seethe with the arrogance of what allegedly competent Jesuits have to put up with from allegedly incompetent Bishops. To be sure, there are the usual sour grapes in this harvest — an oblique shot at Cardinal O’Connor (p. 16), and another at the late Cardinal Medeiros (p. 18).

There will apparently be no purgatory for any Jesuit who has had to suffer the sayings of these prelates.

The sourest of all pontifical grapes is as ever, for McCormick, the “activities of the Congregation for the Doctrine of the Faith” (p. 16) When that Congregation correctly asked for the removal of the imprimatur from Wilhelm’s *Christ Among Us*, and, Keane’s *Sexual Morality*, McCormick tells us that many unnamed bishops were furious about this and similar activities (also unnamed) of the S.C.D.F. (p. 16). These bishops, McCormick tells, us, needed a spokesman — guess who volunteers to be the suffering servant of theological dissent? Richard A. McCormick, that’s who! And several bishops “told me subsequently that they were grateful” (p. 16). Strange days are these when Catholic bishops are grateful for the heterodox defense of heterodox doctrines.

McCormick’s “Rules for Dealing with Bishops” are not a new deal for him, nor a fair deal for bishops, but a strange deal that deals the bishops out of their own Magisterial function. It’s really not a Double Magisteria he proposes because all major restraints are on the bishops and only shrewd tactics are urged on theologians. It seems that the Magisterial teaching of the hierarchy is neither competent nor authenticated until and unless it is validated by competent theologians.

Thus, the title of the lecture is misleading. It reads: “Bishops As Teachers and Jesuits As Listeners” but it concludes “Bishops As Listeners and Jesuits As Teachers” with the cautionary *caveat* that only Jesuits of the McCormick-Fuchs-Rahner-Schuller mold really qualify as Teachers.

Again, the title is: “Bishops As Teachers and Jesuits As Listeners.” I am neither a Bishop nor a Jesuit, but am a teacher and listener. As at the start, so at the conclusion of Father McCormick’s “Rules for Dealing with Bishops,” I continue to be amazed that a Jesuit Provincial could preface such an effort as an “Ignatian emphasis.” Again, I make no claim to any special grasp of Ignatian emphases but it does seem to this non-Jesuit listener that McCormick’s Rules for Dealing with Bishops are about as far as one can emphatically be from St. Ignatius’ own emphasis, his “Rules For Thinking with the Church.”

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## The Nullity of Marriage

In the last issue of the Newsletter, we offered you excerpts from an article by Bishop Edward M. Egan, for twelve years a Judge in the Sacred Rota. It was the first of two articles published in the *Ephemerides Juris Canonici*. It was published in the *Ephemerides*, Annus XXXIX (1983) pp. 9-54. In this issue of the Newsletter we are pleased to publish excerpts from the second article published in the *Ephemerides*, Annus XL, pp. 9-34.

Copies of these articles are available from Msgr. Eugene V. Clark, St. John's University, Jamaica, New York 11439.

### The Nullity of Marriage for Reason of Incapacity to Fulfill the Essential Obligations of Marriage.

Every year tens of thousands of marriages are declared invalid by tribunals of Roman Catholic dioceses, especially in the English-speaking world, because of an alleged incapacity, distinct from impotence, in one or both of the partners to fulfill the essential obligations of marriage. Evidently, no other *caput nullitatis matrimonii* even approaches this one in the frequency with which it is being invoked in ecclesiastical marriage nullity cases today. Thus there would appear to be no need to justify a discussion of it here. Indeed, one wonders why it has occasioned so little literature over the past two decades in which it has become so dominant. For among issues canonical, it would seem to have no equal, first, in terms of its enduring impact upon the lives of large numbers of the faithful, but also in terms of its implications regarding the solidity of Catholic teaching in matters as fundamental as marriage and family life...

(The author proposes a series of principles and conclusions in thesis form and comments on them one by one...)

(...He now wishes to cut through whatever is accessory, peripheral, or merely decorative in this matter and focus upon what Rota judges have in other contexts rather grandly called *ipse argumenti nucleus*).

#### I. That to which one gives consent in marriage is marriage and nothing else.

Over the past several years, a new *genre* of Canon Law essay has come into being. The format has been repeated so often as virtually to constitute an art form, something on the order of the sonnet or the sonata. The author opens by announcing with evident pleasure that a wondrous, new discovery has recently been made regarding the nature of marriage. The discovery is this: Whereas theologians and canonists had for centuries held that Titius and Titia consent to conjugal acts on their wedding day, in our more enlightened times we have come to know that to which they actually consent is rather marriage itself.

The opening theme or premise having been exposed and developed, the author then moves on to drawing a series of conclusions from his and our discovery. And the conclusions, in a variety of formulations, come more or less to these: (1) the *merely physical*, *carnal*, even *animal* view of marriage which so long stalked the unhappy path of Catholic theological and canonical thinking has at last been abandoned; (2) In its place we are now to admit a more *spiritual*, *human*, and *personal* understanding of marriage in which the central issue is the relationship between the partners, their mutual fulfillment, *completion*, *integration*, and *enrichment*; (3) Hence, we are finally in a position to acknowledge that a marriage in which such a relationship has not been achieved or at least could not have been achieved in appropriate measure is invalid and susceptible of being declared such by tribunals of the Roman Catholic Church.

Faced with commenting on this kind of thing, one hardly knows where to begin. For not only is the premise false, there does not even seem to be any reason why the conclusions might flow from it were it other than false. Be that as it may, in this first section of our paper we address ourselves only to the premise by asserting that, if in the history of Catholic Theology and/or Canon Law anyone of stature ever seriously suggested that the object of marriage consent might be something other than marriage, that individual was not only mistaken but also at odds with the explicit assertions or at least manifest assumptions of both Thomas Aquinas (see, for example, his *Summa theologiae*, Suppl., quaest. XLVII) and Thomas Sanchez (see, for example, his *De sancto Matrimonii Sacramento*, lib. II, disput. XXVIII, n. 4), of both Francis Suarez (see, for example, his *Opera omnia*, Parisiis: Vivès, 1856-1878, tom. XIV, p. 783, n. 9, and tom. XV, p. 452, n. 18) and Francis Schmalzgrueber (see, for example, his *Jus ecclesiasticum universum*, lib. IV, pars I, tit. I, nn. 262-263), of both John De Lugo (see, for example, his *Tractatus de Sacramentis in genere*, disput. VIII, sect. VII, nn. 159-160) and John Prior (see, for example, his decision of July 18, 191 in *S. R. Rotae Decisiones*, vol. III, decis. XXXII, n. 2), indeed, of both Peter Lombard (see, for example, his *Sententiae in quattuor libris distinctae*, lib. IV, dist. XXVIII, cc. 3-4)

## The Nullity of Marriage (*Cont'd*)

and even the much maligned Peter Cardinal Gasparri (see, for example, his commentary on 'his' Canon 1134 in *Tractatus de Matrimonio*, 2nd ed., vol. II, n. 1,191).

In our estimate, therefore, the new discovery mentioned above is neither new nor a discovery. Who marries does so by consenting to something which has never been in doubt among Catholic theologians or canonists, and that something is marriage and nothing else.

II. *One consents to marriage by giving to and receiving from another of the opposite sex not the right to marriage nor even the right to a marriage relationship, but rather the exclusive right to conjugal acts as long as both parties are alive.*

Marriage is a reality which has been constituted by the Divinity and which is not available to substantial alterations by lesser beings. Thus, if Titius and Titia give to and receive from each other, "until death do them part," a moral faculty, denied everyone else, to perform together acts which may by their very nature result in procreation, they marry. If they do anything else, they do something other than marry. Or at very least, no one has to date been able to identify any element or elements which might be added to or subtracted from the traditionally recognized object of that right which must be given and received by a couple when they consent to marriage, without ending up with something which is simply not marriage.

With all of this in mind, we do not hesitate to affirm that it is patently absurd to suggest that, in order to consent to marriage (in order to effect a valid *matrimonium in fieri*), one must give and receive the right to marriage (one must give and receive the right to a *matrimonium in facto esse*). And should anyone require reasons for anything so obvious, perhaps from the many at hand we might simply choose the fact that there exists no such thing as a right to marriage which is capable of being given or received. Titius enjoys the right that he not be impeded from legitimate efforts to marry, and so does Titia. Still, neither can give anyone the right to marry...

For while everyone of us, canonist or not, earnestly desires that all married couples achieve the kind of fulfillment, "completion", integration, and enrichment to which reference is made above, if they do not or even cannot, it does not follow that their marriages are invalid.

"Very well," you reply, "What about those persons whose relational abilities are remarkably limited? Are their marriages valid?"

Again, we do not know, since the *species facti* is

again inadequate. Nonetheless, we are confident we can provide an answer that will serve for all possible questions of this sort; and the answer, practically identical to the one just proposed, is as follows: If the individual about whom we are concerned knows what marriage is, is not insane, can sufficiently consider the wisdom of marrying, marries freely, is capable of the marriage act and capable too of honoring his or her commitment to the permanence and exclusivity of marriage, there can be no serious question of insufficient relational capacity to marry.

We hasten, of course, to observe that by "sufficient capacity to relate" we mean that *minimum* relational ability in the absence of which a marriage would be clearly invalid for *defectus habilitatis ad debitam nectendam consuetudinem* (to invent a formula which, because of its utter uselessness, cries to be forgotten), just as by "sufficient capacity to deliberate" we mean that *minimum* deliberative ability in the absence of which a marriage would be clearly invalid for *defectus debitae iudicii discretionis*. We do not therefore have in mind that *ideal* measure of geniality or congeniality which might ensure or at least render highly probable a harmonious marriage relationship.

Thus in résumé: If a male and a female can consent to marriage by exchanging a permanent and exclusive right to perform the marriage act, they can marry validly; and there is no point whatever in attempting to complicate the matter by claiming that they must also be able to exchange a right to marriage (nonsense) or even a right to a marriage relationship which is understood to mean a successful marriage relationship, even if this never be said out loud. For, while there are things in life which can be effectively obscured through artfully manipulated absurdities and tautologies, marriage in its essentials is not among them. It is just too common and everyday a reality...

IV. *Nor does marriage consent consist in or require the giving of oneself to one's partner or the receiving of one's partner for oneself.*

The tendency toward Manicheanism will probably never be totally eradicated. For when we look about us, we see so much that is evil in things corporal that we cannot easily escape the temptation — and a temptation it is — to identify the carnal with the bad or at least suppose the two to be somehow by nature linked.

Small wonder then that in an era of widely diffused pornography, erotic theater, "adult" cinema, and other similar outrages, even some Catholics find themselves strangely embarrassed by the physical aspects of the "Great Sacrament" of Matrimony and anxious,

## The Nullity of Marriage (*Cont'd*)

therefore, to "humanize" it and "personalize" it, and thus to "spiritualize" it, by eliminating from their understanding of marriage, or at least drastically muting, whatever is of the body. Nor are they without allies, largely unwelcome, in this enterprise, such as certain groups of feminists who consider the corporal dimensions of marriage to be manifestations of male domination and certain groups of male homosexuals who consider them a focus for discrimination in their regard.

There may be other causes; but this would appear to us to constitute the overriding reason why in so much Catholic Theology and Canon Law about marriage over the past two decades, the physical encounter of the married couple has been so generally ignored or soft-pedaled...

...With all of this before us, we admit that we feel very little sympathy for canonists who, preoccupied — as they think — with the human and the personal, strain to define marriage apart from its corporal reality and come up with such inventions as marriage consent is to be legally understood as an act wherein two people exchange themselves.

The Pastoral Constitution, "On the Church in the Modern World," of the Second Vatican Council on more than one occasion referred to marriage as a mutual gift of self by the married; and lest perchance anyone fail to appreciate the patently non-legal character of these references, the Fathers of the Council reminded one another over and again on the Council floor, at Commission meetings, in observations (*modi*) submitted to the Council secretariat, and in response to the observations from the Council secretariat, that they were not in their Pastoral Constitution speaking in "juridical terms or categories."

Poetically, artistically, homilectically, and pastorally, it is not only meet, just, and right to exult in the pastoral eloquence of the Pastoral Constitution, "On the Church in the Modern World;" it is esthetically invigorating and spiritually refreshing as well. Juridically, however, it is not only misguided to attempt to "legalify" that eloquence; it is manifestly erroneous. For both philosophically and juridically Titius does not have himself to give to Titia, and *vice versa*; and much less is Titia able to be received by Titius, and *vice versa*.

V. If, again "*per absurdum*," it were thought to be necessary for a valid marriage that the partners give themselves to each other, any question in a marriage nullity case as to whether they gave or were able to give enough of themselves would have to be treated

*according to the approach proposed above regarding the giving of a right to a successful, conjugal, interpersonal relationship.*

We are once again in the Land of Oz, and we hope that there will be a wizard on hand to assist us too. For this entire discussion about giving oneself and receiving the self of another in order to marry is so foreign to the rudiments of philosophy and law that we fear we might stray from the "yellow brick road." Nonetheless, we push on, not because the discussion has any merit of itself, but rather and only because the incapacity to give oneself sufficiently in marriage is considered a serious basis for declaring marriages invalid in the tribunals of certain Roman Catholic dioceses, however difficult this may be for some people to believe.

Oneself is a unit which is not susceptible of division except in its purely material component. Consequently, if to marry, one had to give himself or herself to another (and receive that other in return), he or she would inevitably be faced with a situation of "all or nothing at all," to borrow the title of the once-popular love song. Fifty percent, even eighty or ninety percent, of self would not do. Indeed, any partial giving would have as much meaning as marrying just a little or, for that matter, marrying a whole lot: none at all.

VI. *No diocesan tribunal is empowered to declare a marriage invalid by appealing to a "jurisprudence" according to which valid marriage consent requires the exchange of a right to a successful, conjugal, interpersonal relationship, no matter in what terms that right might be described.*

...There exists no canonical jurisprudence in the precise and proper sense of this formula according to which valid marriage consent requires the exchange of a right to a successful, conjugal, interpersonal relationship, an exchange of the spouses in whole or in part, or any other exchange which is in fact, even if not in expression, the same as one of these...

VII. *Only two groups of psychic afflictions have thus far been established by canonical jurisprudence, in the precise and proper sense of this formula, as realities on the basis of which a diocesan tribunal may declare a marriage invalid for reason of incapacity in either partner or both to fulfill the essential obligations of marriage, namely (1): satyriasis in male and nymphomania in females, because of which the afflicted is after marriage even for a time incapable of fidelity of his or her partner, and (2) sexual dysfunctions or aberrations, because of which the afflicted is after marriage irremediably incapable of the marriage act.*

## The Nullity of Marriage (Cont'd)

First, satyriasis and nymphomania impede the fulfillment of a negative obligation (not to perform the marriage act with others than one's spouse) which, because negative, binds at every moment throughout the marriage. Hence, when incapacitating at the time of a marriage, they render it invalid even if they might later be corrected by ordinary means. The sexual dysfunctions or aberrations which render a person unable to perform the marriage act, on the other hand, impede the fulfillment of an affirmative obligation (to perform the marriage act with one's spouse) which, because affirmative, does not bind at every moment throughout the marriage, they do not render it invalid if they might later be corrected, again, by ordinary means. Thus, in marriage nullity cases having to do with satyriasis or nymphomania, there is never any need to prove the affliction incurable, whereas, in cases having to do with psychic impotence, or any other impotence for that matter, proving the incurability of the condition is necessary to prove the nullity.

Second, in investigating the invalidity of a marriage for reason of psychic deficiencies or afflictions, there is an order to be observed as regards the various *capita nullitatis*, an order which is based upon how fundamental (basic, radical) are the juridical effects of each *caput*. If Titius, for instance, is alleged at the time of his marriage to have lacked due discretion of judgement and to have suffered from an incapacity to fulfill the essential obligations of marriage as well, one begins his investigation of the invalidity of Titius' marriage with lack of due discretion of judgement and passes on to incapacity to fulfill the essential obligations of marriage only after lack of due discretion of judgement has been seen either not to have existed or not to be susceptible of proof. For lack of due discretion of judgement is the more fundamentally invalidating situation, inasmuch as it precludes not just an act of *marriage* consent but any act of consent to something as serious as marriage.

### Final Note

The *bona matrimonii* are in the usual language of Canon Law three components of the object of the right which Titius and Titia give to and receive from each other when consenting to marriage; or more accurately: the object of the right (the marriage act whose natural outcome is offspring, the *bonum prolis*) plus two necessary qualities (properties) of that right (permanence, the *bonum sacramenti*, and exclusivity, the *bonum fidei*). They came to be called the "bona" ("goods") of marriage because during the first flourishing of Manicheism, certain Catholic theologians felt constrained to justify the carnal aspects

of marriage in the eyes of some of the brethren by appealing to three — what shall we say? — "more spiritual" benefits of marriage, to wit: children, "sacramental" permanence, and faithfulness. (*Plus ça change, plus c'est la même chose!*)

These *bona matrimonii*, however, are not the purposes (ends) of marriage, even though the purposes of marriage may at times be called its "goods," for example, in these words from "Gaudium et spes": "(H)oc vinculum sacramentale intuitu boni, tum coniugum et prolis, tum societatis, non ex humano arbitrio pendet." Accordingly, it is of the utmost importance that, when in marriage nullity cases we speak of the *bona matrimonii*, we make it altogether clear which ones we have in mind. For, if we do not, we may come up with something as outrageous as this: "It is universally acknowledged that, if a person be incapable of giving and receiving the *bona matrimonii*, he is incapable of marriage. But we know from the Pastoral Constitution, 'On the Church in the Modern World,' that the good of the couple, the *bonum coniugum*, is among the *bona matrimonii*. Anyone, therefore, who is not able to see to the good of his or her marriage partner marries invalidly."

We are almost ashamed to dignify this kind of thing with analysis. We shall, however, swallow our pride and do our duty. First, the *bona matrimonii* about which there exists the afore-mentioned universal agreement are those *bona prolis, sacramenti et fidei* which make up the object of the right exchanged in marriage, and not the purposes of marriage. Second, we hardly needed Vatican II to inform us that the good of the couple is a *bonum matrimonii* in the sense of one of the purposes of marriage. We knew that, if not from other sources, at least from a century of debate as to whether the *bonum coniugum* is a secondary purpose of marriage or a purpose co-equal with the other commonly recognized purpose, procreation. Third, the *bona matrimonii* in the sense of the purposes of marriage are not the object of the right which must be exchanged in marriage consent, even if one of them, procreation, has a ring very similar to *bonum prolis*. In marriage, you see, Titius does not give and receive a right to procreation; he rather gives and receives a right to acts whose natural outcome is procreation. And neither does he give a right to the well-being of his spouse. If he gives anything in this connection, the most it could be is the rights to acts which favor that well-being.

All of which, we sincerely hope, pulls away the mask from the entire *bonum coniugum* approach to marriage nullity. For in the final analysis, *incapacitas quod ad bonum coniugum attinet* is nothing more than *incapacitas iungendae coniugalis relationis*

## The Nullity of Marriage (Cont'd)

*interpersonalis* and *incapacitas ineundi consortii totius vitae* in a new, and perhaps the most unconvincing, guise. When, therefore, Titius is said to have been incapable of the *bonum coniugum*, what is meant — though never said — is that he was incapable of doing those things whereby Titia might be fulfilled, “completed,” integrated, enriched, etc., by the marriage; and about this we have already spoken at length. Nonetheless, we beg our reader’s indulgence if we insist upon saying it all again in one unconscionably long sentence. If Titius knows what marriage is; is not insane; can sufficiently consider the wisdom of marrying; marries freely; is capable of the marriage act and capable too of honoring his commitment to the permanence and exclusivity of marriage, in virtue of the substantial unity of the human person—he will also be

able to perform, at least in the minimum measure required and at least for a while, such acts, in addition to intercourse, as will be conducive to his own and Titia’s fulfillment, “completion,” integration, enrichment, etc., in their marriage, that is to say, such acts as will be conducive to their well-being as husband and wife. Consequently, there is no more need in marriage nullity cases to become involved in discussions about the *bonum coniugum* than there is need to become involved in discussions about conjugal interpersonal relationships or *consortia totius vitae*, unless, of course, you are “developing” the theological doctrine of the indissolubility of Christian marriage into something heretofore quite unknown.

—Edward M. Egan

## The Bishops’ Economic Pastoral

More than forty years ago, Msgr. Francis Haas, then Dean of the School of Science at the Catholic University of America, told a class in labor economics that if the word “socialism” had not been pre-empted it would have been as good a word as any to describe Catholic social thought. This future bishop of Grand Rapids, the best-known of John A. Ryan’s disciples, knew full well that the socialism, as conceptualized by European thinkers, especially that form of “scientific socialism” called Marxism, was unacceptable because it was (1) anti-family, (2) anti-private ownership, (3) anti-religious. The older textbooks also called it unacceptable because it was inefficient. But by itself the word “socialism” means nothing more than a belief system in the social aspect of human enterprise, including the business of making a living or making a profit.

Indeed, the two basic Christian moral virtues — charity and justice — are of their nature social, i.e., directed to the well being of others. The Apostles created deacons to guarantee better service to the needy. And the Church ever since has been preaching commandments as old as Moses, all of which involve demands of justice, “Thou shall not kill, steal,” etc. If ever there was a Christian virtue it is social justice, defined simply by Pius XI in *Divini Redemptoris* as the “demand from each individual of all that is necessary for the common good.” That old Jesuit sage, Wilfred Parsons, translated this to mean we are impelled to do as members of society what we would not necessarily be obligated to do as individuals. And, if we fail to do what is required in those circumstances, competent authority can make us do it. Anyone with a dollar in the bank is entitled to withdraw it at his moment of choice, unless everyone else decides to withdraw all his money at the same time. At this moment someone with authority closes the bank and regulates the subsequent withdrawals for the sake of the social good of all the depositors.

For all the *brouhaha* about the Bishops’ 1987 Pastoral “Economic Justice for All,” the letter itself contains the substance of what has been Catholic social teaching from the Fathers of the Church. If within the last century this has become a “corpus” with more and more detail, we can explain the development as the result of the unfortunate aspects of Capitalism and its 19th Century offspring, Marxist Socialism.

What is wrong with saying —

1. Every economic decision must be judged, at least by Christians, in the light of its impact on human dignity.
2. Human dignity can be protected only in community.
3. All people have the right to participate in the economic life of society.
4. Everyone has a special obligation to the poor.
5. Human rights are minimal conditions for community life.
6. Society as a whole has a moral responsibility to enhance and protect human rights.

These are the bishops’ six guiding principles and they call for a “New American Experiment” in applying them. What is wrong with that? The Bishops concede that on many points of application men and women may disagree.

## The Bishops' Economic Pastoral (*Cont'd*)

They agree, too, that their specific judgment and recommendations on economic life do not carry the same moral authority as "our statements of universal moral principles and formal Church teaching" (No. 135). They expect and invite debate. But not, they hope, over the fundamental principle that our individual rights beget their own social obligations, of which the Bishops remind us in great detail.

Americans after birth are socialized to become little capitalists, even if they never own more than one pair of shoes. They are motivated to be little individualists and to go after whatever they can get, even if it means trampling on the other guy. The system encourages initiative and creative enterprise, but it also begets grief that so large a proportion of mankind "should be living disgracefully in a wretched and tragic situation." Leo XIII said that in 1891. Pius XI reasserted it in 1931. And every pope in his own way has said the same thing ever since.

The trouble is we have not paid attention as well as we might. The U.S. Bishops' 1986 Pastoral is only one more reminder. The Catholic Community is well advised to listen.

—Msgr. George A. Kelly

## Fellowship Asks Theologians To Get Out Of Politics

The Fellowship of Catholic Scholars, responding to a request for support of Charles Curran by the Catholic Theological Society of America asked that Society to "cease and desist from turning what is really an issue of Catholic truth into a matter of partisan politics."

CTSA had requested its members to write Dr. Andrew G. Favret, Chairman of Catholic University's Academic Senate in favor of Father Curran's cause. Some of CTSA's members also belong to the Fellowship. Responding to CTSA's invitation, Msgr. George A. Kelly, the Fellowship president wrote:

"I have been asked by many Fellowship members who belong to CTSA to tell you that we oppose its political efforts on behalf of Charles Curran." He added:

"Father Curran has been judged by the highest authority of the Church to be out of harmony, and contumaciously so, with the moral teaching of the Church. We think CTSA should cease and desist from appealing over the head of the Pope, and from setting CTSA up as a rival institution to the Holy See. This has been done before and it does not work. Furthermore, it is not worthy of those who profess the noble vocation of Catholic theologian."

Fellowship member William May, a professor at Catholic University told Dr. Favret: "Unless the Holy See explicitly and by effective action repudiates the notion of dissent proposed by the Rev. Dr. Curran, the conclusion will inevitably be drawn that the magisterium, by tolerating such dissent, regards it as

legitimate." Scranton University's Dr. Henry Sattler told Favret that CTSA's President Monika Hellwig has a constituency of no more than seventy or so voting members out of a thirteen-hundred-book membership. Father Ronald Lawler of St. John's University added: "It is my hope that CTSA will develop a more Catholic Spirit and give some voice and recognition to those important scholars who defend Roman Catholic positions in ways that all our CTSA predecessors did."

Msgr. Kelly concluded his remarks with these observations:

"On October 7, 1979, John Paul II presented the Catholic University community with the norms by which Catholic theological enterprise is to function, and to be judged. We recommend that Fr. Curran submit to those norms, since it is the magisterium of the Church, not he, which is the ultimate guarantor of what is authentically Catholic.

"Finally, those who were closely identified with CTSA during its first days (1946) recall its foundation commitment of loyalty to the Holy Father. Indeed, we recall also with some affection the first official act of the newly constituted CTSA to be a recommendation to Rome that Pope Pius XII declare the Assumption of Blessed Virgin Mary as Dogma of Divine Faith. We recommend the return of CTSA to those positive and progressive directions and to that filial spirit which is identical with that of Vatican II."

## Censoring the Sources

By Barbara Cohen

Many of our members are familiar with a painful phenomenon—that the world of publishing, titulary the fierce enemy of censorship and orthodoxies, exercises a wide open censorship in the name of its own orthodoxy. George Gilder, a best-selling author, we are told, suffered such discrimination recently. With this in mind, we thought you might enjoy this well-written piece by Barbara Cohen, the author of *Molly's Pilgrim; I am Joseph; R My Name is Rosie*, and other books. The piece below appeared in the SLI School Library Journal, March, 1986, pp. 97-99.

### A Diary of Events

*October 3, 1985:* A photocopy of *Molly's Pilgrim* arrives from my agent, Dorothy Markinko. It was forwarded to her by the permissions person at Morrow for my approval. It is the version Harcourt Brace Jovanovich wants to use in a third grade reader. Entire pages are crossed out. The first half of the story has been ditched entirely. I'm used to that. They usually cut drastically for textbooks. But I've allowed some of my other stories to appear in textbooks anyway, for the sake of the exposure. It's tempting to think that a story which might, if you're lucky, sell 10,000 copies will instead be seen by perhaps half a million kids. And they'll see your name, too. In this case the story isn't merely cut. It's maimed. All mention of Jews, Sukkos, God, and the Bible has been excised. I return the copy to my agent with a note denying permission for its use.

*December 18 (10:03 A.M.):* My agent calls. The textbook editor has phoned and again asked for my permission to use the story. I repeat myself. Nothing doing. Dorothy says she'll call the textbook editor and inform her of that fact immediately.

*December 18 (10:45 A.M.):* Dorothy Markinko calls again. She has spoken to the textbook editor. "When I said they couldn't use the story, she gasped."

"Listen," I say, "for fifteen hundred dollars, I won't sell my soul. For nine million, maybe I'll sell it."

"Don't let the devil hear you," she responds.

*December 18 (11:27 A.M.):* The phone rings. The caller identifies herself as a professor of children's literature at New York University. "It is I," she says, "who recommended *Molly's Pilgrim* to the textbook publisher. I am working as a consultant trying to get these publishers to use good literature in reading books. Your story is wonderful. They want to use it so badly."

"I'm not sure *Molly's Pilgrim* is literature," I reply. "I'm flattered that you and the textbook editor think so. But if what they're looking for is literature, why are they cutting everything out of the story that makes it distinctive? Literature isn't cream of wheat."

"I know that," she says. "But they operate under so many constraints. I admire your work a great deal." She mentions serving on a committee that awarded one of my books a prize. I thank her. "Now this story is so universal . . ." she continues.

"Only because it's specific," I interrupt. "Look, Harcourt Brace Jovanovich has an agenda, but I have an agenda too. They like the story because it universalizes Thanksgiving. I like it because it's specific. The fact that Molly is Jewish is important to me. The fact that Sukkos is mentioned is important to me. It gripes me that the only Jewish holiday most non-Jews have heard of is a minor one, Chanukah. That holiday has been blown up out of all proportion to its traditional significance because it happens to fall at Christmas time. I want non-Jewish kids to know about other Jewish holidays too. That's why Sukkos is in there. I won't have it removed."

"O.K.," she said. "I understand. I sympathize. I'll tell them."

We say goodbye and hang up. Immediately I call my agent to report the conversation. She's busy on another line. I hang up. She calls me. She says she supports my position entirely.

*December 18 (2:55 P.M.):* The phone rings. It's the Harcourt Brace editor calling from Orlando. We discuss HBJ's move south. Does she like Florida? The weather is nice, but she's working so hard she scarcely knows where she is. Then she gets down to business. "We love your story," she says. "Please let us use it."

"Not in the version you sent me," I say.

"Try to understand. We have a lot of problems. If we mention God, some atheist will object. If we mention the Bible, someone will want to know why we don't give equal time to the Koran. Every time that happens, we lose sales."

"But the Pilgrims did read the Bible," I reply. "That's an historical fact."

"You know that," says she. "I know that. But the textbook won't be purchased if it has things in that people object to, no matter how unreasonable their objections. That's the reality out there. I don't like it anymore than you do. But that's the way it is."

"O.K.," I say. "I understand you operate under constraints. But your constraints are not my constraints. I don't need my story to appear in your book. Just don't use it. Forget about it."

She tries flattery. "But we love it. It's such a wonderful story. It has so much to say to kids. Don't you want them to hear it?"

"One of the things it has to say is that this little girl is Jewish," I reply. "For me, that's as important as anything else in the story."

(Continued on p. 14)

## The Convention

### Tenth Convention Fellowship of Catholic Scholars September 25th, 26th, 27th, 1987

**Theme: The Catholic Church's Message to United States Citizens of the Twenty-First Century**

*Program Chairman: Msgr. Eugene V. Clark*

(718) 990-6394 or 6395

The New Otani Hotel  
120 South Los Angeles Street  
Los Angeles, California 90012  
(213) 629-1200  
Mr. Gregory Rosicki  
Sales Manager

#### **Friday, September 25th, 1987**

12 noon —1:00 p.m. Hotel Registration  
12 noon —6:00 p.m. Convention Registration  
2:00 p.m. —Meeting of the Executive Board  
Monticello Room

2:00 p.m.—4:00 p.m.

#### **Workshop 1—In the Ballroom**

On the Church's Socio-Economic Teaching  
Dr. Brian Benestad (Scranton), Chairman

##### *Consultants*

Robert George, Department of Politics,  
Princeton University  
"Natural Law, American Politics and  
the Common Good"  
Philip Lawlor, Editor  
The Boston Pilot  
"Moral Basis of Capitalism"

#### **Workshop 2—Four Seasons Room**

On Religion, Culture, Media  
Theme: Catholicism—The Heart of the  
American Counter Culture of  
the Twenty-First Century

Msgr. Eugene V. Clark, Chairman;  
John A. Flynn Professor in Contemporary  
Catholic Questions  
St. John's University

##### *Consultants*

Msgr. William B. Smith,  
Dean and Professor of Moral Theology,  
St. Joseph's Seminary, Yonkers  
"The Unexpected Death of Hedonism"

4:00 p.m.—6:00 p.m.

#### **Workshop 3—In the Ballroom**

On Religion and Modern Science  
Theme: The Church and Science in the  
Twenty-First Century

Dr. Steven Barr, Chairman;  
Associate Physicist  
Brookhaven National Laboratory, New York

"Natural Theology in the Twenty-First  
Century: Four Developments in Modern  
Physics that Subvert Scientific  
Materialism"

##### *Consultant*

Father Paul Quay, S.J.  
Loyola University, Chicago

"The End of the Enslavement of Science  
to Philosophy"

#### **Workshop 4—Four Seasons Room**

On the Politics of Religion and the United  
States Constitution

Dr. John' Guegen, Chairman;  
Department of Political Science  
Illinois State University

##### *Consultants*

Thomas A. Droleskey  
Illinois State University  
Gerard V. Bradley  
University of Illinois

6:00 p.m.—8:00 p.m.—Supper at will

8:00 p.m. —**Plenary Session—In the Ballroom**

Father Benedict Ashley, O.P.  
Dominican House of Studies, St. Louis  
"The Church's Message to Artists and  
Scientists"

9:30 p.m.—11:00 p.m.—Reception—Foyer

#### **Saturday, September 26, 1987**

7:00 a.m. —Mass at St. Vibiana's Cathedral

7:30—8:30 a.m.—Breakfast

## The Convention (*Cont'd*)

### 9:00—10:00 a.m.—Plenary Session—In the Ballroom

William Bentley Ball, Esq.  
Ball & Skelly, Harrisburg, PA

"The Church's Message about Religion to  
Government and Institutional Leaders"

10:30 a.m.—12 Noon

### Workshop 5—In the Ballroom

On the Impact of Technology on Family Life

Dr. John Haas (Josephinum), Chairman  
Theme: Family: Impact of Technology and  
Modern Ideology-and-Roles

#### Consultants

Dr. Herbert Ratner

National Commission on Human Life,  
Reproduction and Rhythm  
"Natural Institute of the Family"

Mrs. Rita L. Marker  
Co-Director of the Human Life Center  
University of Steubenville

"Shaping the Future: Social Implications  
of School-Based Health Clinics"

### Workshop 6—In the Four Seasons Room

New Forms of Church Ministries

Theme: Features of and Factors in the Decline  
of Lay Catholic Life; Movements  
Directed Toward Re-establishing and  
Sustaining Catholic Life

Kevin Perrotta, Chairman;  
University of Ann Arbor

#### Consultants

Father Thomas Weinandy  
John and Eileen Farrell

4:00 p.m.—5:30 p.m.

### Workshop 7—In the Ballroom

The Church: Particular and Universal  
Theme: Local Churches and the Holy See

Dr. Ralph McInerney, Chairman;  
Notre Dame University

#### Consultants

Mary Rousseau, Department of Philosophy  
Marquette University, Milwaukee

Thomas Langan, Pontifical Institute of  
Mediaeval Studies, Toronto

Rev. Marvin O'Connell, Department of History,  
University of Notre Dame, Indiana

Rev. Leonard Kennedy, Center for Thomistic  
Studies, University of St. Thomas, Houston

### Workshop 8—Four Seasons Room

*On Man, Woman, and Child: Christian  
Role Playing*

*James and Helen Hitchcock, Chaircouple:  
University of St. Louis*

6: p.m. —Banquet—Cardinal Wright Award—  
In the Ballroom

8:30 p.m. —Plenary Session

Msgr. George A. Kelly  
St. John's University

"The Church's Message to United States Family  
Leadership"

10:00 p.m. Reception—Foyer

### Sunday, September 27, 1987

7:00 a.m.—8:00 a.m.—Breakfast

8:30 a.m. —Business Meeting—In the Ballroom

10:00 a.m.—March to St. Vibiana's Cathedral

10:30 a.m.—High Mass

Homilist: Archbishop Roger Mahony

"The Church's Message to Pastors  
and the Faithful"

12 noon —Dismissal

## Censoring the Sources (*Cont'd*)

(Continued from p. 11)

"We can leave that in," she returns. "We can leave Jewish in. We can leave Sukkos in. We'll explain it in the teacher's edition. We have to take out 'tabernacles.' That word is too hard for third graders. But we can leave Sukkos in."

"Well, I don't know . . ." I hesitate. Sukkos. Half a million third graders hearing the word Sukkos. Their teachers read the notes in the teacher's edition and explain the holiday. Jews aren't just Chanukah. They're Sukkos too, and Sukkos is one source of a holiday we all celebrate, Thanksgiving. I feel myself weakening.

She seizes upon my hesitation. "I'll send you the new version. See what you think of it."

I hang up and call my agent to report on the latest development. In addition to doing almost no work this day, I have spent a fortune in phone calls. They are, however, deductible.

*December 19 (10:45 A.M.):* The doorbell rings. I leave my machine and run downstairs to open it. A delivery man stands before me with a packet in his hand. I sign for it, take it in, open it up. It contains the version of *Molly's Pilgrim*, promised me only half a day ago. Express mail, a wonder of the modern world. I read the manuscript. Molly's Jewishness is mentioned in the summary with which the editor plans to replace the first half of the story. But the sentence near the end of the book reading, "The Pilgrims got the idea for Thanksgiving from Jews like Molly and her mama," is cut out. "She came here, just like the Pilgrims long ago, so she could worship God in her own way," is in, but with the word "God" eliminated. "They read in the Bible about the Jewish harvest holiday of Tabernacles," has been changed to "They read about the Jewish harvest holiday."

I compose the following letter to the editor:

Thanks for sending me so promptly the version of *Molly's Pilgrim* you wish to use in a Harcourt Brace Jovanovich textbook.

You have numbered the pages. In the copy you sent me, the page numbered "19" should be "20," and the page numbered "20" should be "19." I'm sure this was just an error made in haste, but I thought I'd better mention it.

I can live with all the changes you made except the ones on page 25. I will accept the elimination of the word "God" from the sixth line, but I will not accept any of the other omissions on that page. Your changes leave a paragraph which makes no sense. Where did the Pilgrims and Miss Stickley read about Tabernacles if not in the Bible? They weren't perusing anthropological studies. And what's wrong with saying "The Pilgrims got the idea for Thanksgiving from Jews like Molly and her mama." For me, that's one of the main points of the book.

And if you can leave in "Sukkos" and explain it in the teacher's notes, you can do the same with "Tabernacles." Miss Stickley would not have known the word "Sukkos." In that classroom, only Molly would know that word.

I understand that you have certain constraints which may make it impossible for you to leave in the words to the excision of which I object. But those constraints are not my constraints. You do not have to use the story. I am flattered that you like it and want to use it, but I will understand perfectly if, given my objections to your version, you decide you cannot.

Thank you for all the trouble you have taken in this matter. Very truly yours, Barbara Cohen.

I placed the letter in the mailbox outside my house. That's the end of the matter, I'm sure. I forget about it and return to work.

*December 20 (9:50 A.M.):* The phone rings. It's the textbook editor. She sounds as if she's fifteen years old and is convinced she's speaking to Louisa May Alcott's ghost. "What do you think of the packet I sent you yesterday?" she whispers.

"I wrote you about that," I reply briskly. I summarize the contents of my letter. "Oh," she says. She hangs up.

I inform my agent of the conversation. I am convinced this is *really* the end of the matter. I go back to work.

*December 20 (11:05 A.M.):* The phone rings. Once again, it's the Harcourt Brace editor. I'm beginning to understand what's going on. So convinced were they that permission would be granted to use this story that it's too late now to go look for something with which to replace it. This editor does not whisper. She knows I'm not Louisa May Alcott. "Half a million kids," she reminds me, "here's your chance to have half a million kids learn about Sukkos. Are you going to let it go?"

"God and the Bible have to go too?" I ask.

"Yes, But Sukkos can stay in."

"How about the sentence that says the Pilgrims learned about Thanksgiving from Jews like Molly and her mother. Can that stay in?"

"Yes, that can stay in." So, if we're pressed, we can retain the Jews. It's only God and the Bible which remain eternally unacceptable.

"Since you leave in the verb 'worship,' I can live without 'God,'" I admit. "Everyone will understand 'God' as the object of worship, even those third graders whom you're so sure can't grasp 'Tabernacles.' But I'll let Tabernacles go too, because you leave in 'Jewish harvest holiday.' But how can you cut out the word 'Bible'? The sentence makes no sense without the word 'Bible.'"

"We can't mention the Bible. We'll get into terrible

## Censoring the Sources (*Cont'd*)

trouble if we mention the Bible."

I had an idea. "All right," I said, "then make the sentence read, 'The Pilgrims *knew* about the Jewish harvest holiday.' That makes a little more sense than their reading it in no book that was ever written."

"You're wonderful" she exclaims. "I love you."

"Yeah," I mumble. "I'm wonderful."

And so I let them have the story. Did I do the right thing? I don't know.

But I found out something. Censorship in this country is widespread, subtle, and surprising. It is not inflicted on us by the government. It doesn't need to be. We inflict it on ourselves.

## Dr. Paul Vitz On School Texts

Dr. Paul Vitz, of New York University, made a careful study of textbooks used in American schools. He published the study under the title: *Censorship Evidence of Bias in Our Children's Textbooks* (Ann Arbor, Michigan). Professor Vitz wrote to Msgr. George A. Kelly recently about textbooks in Catholic schools:

"... With reference to U.S. Catholic schools the following points are relevant.

1. U.S. history and social studies textbooks as well as the books used to teach really have almost left religion, especially Christianity out of American history, life and literature.

2. The almost non-existent treatment of Catholicism in these books is part of this biased coverage.

3. The great majority of U.S. Catholic schools use the same textbooks. (This point needs special em-

phasis). That is the textbooks used in Catholic and Public schools are typically the same. They all pick their texts from the same 10 or 15 major secular publishers.

4. The result is that the curriculum in our so called "Catholic" schools has been turned over to indifferent or hostile outsiders. Meanwhile, the people in charge of Catholic textbooks haven't even noticed!

5. There are a *few* publishers that are somewhat better in their treatment of Catholicism and of Christianity than most. It should be possible, until really good books are available, to support these better publishers in the interim.

6. Because Catholic schools primarily use books published by secular presses there is no market to support Catholic publishers. No wonder Catholic publishers have almost disappeared in the U.S."

## Books Received

- Richard G. Cote *Holy Mirth: A Theology of Laughter*

Father Cote explores how laughter can be a sign of God's presence and how it can affirm our hopes for redemption and encourage us in the face of evil. He writes about why we find it difficult to laugh, God's sense of humor in the Bible, elements of the theology of laughter, and the practical applications of this theology in our faith and ministry. *Holy Mirth* gives us a refreshing message of hope and shows we can build our faith in a challenging, revitalized way.

- Charles E. Rice, *Fifty Questions on Abortion, Euthanasia and Related Issues* (Cashel Institute, Box 375, Notre Dame, IN 46556. 102 pp. \$7.00 Discounts Available)

A handy manual of factual data, legal analysis, and theological reasoning. Clearly written.

### Paulist Press

- Kenneth Kramer, *World Scriptures: An Introduction to Comparative Religious* (298 pp. \$12.95)
- John J. Schmitt, *Isaiah and His Interpreters*, (137 pp. \$8.95)
- John M. Lozano, *Life as Parable: Reinterpreting Religious Life*, (194 pp. \$8.95)

*World Scriptures* is a guidebook seeking answers to basic questions about creation, suffering, and dying, from Hinduism, Buddhism, Confucianism and other religions and philosophies. *Isaiah* takes up that biblical prophet's main themes — doom, conversion, promise and purification. Lozano's book on religious life is what its subtitle indicates and bears the approval of Jesuit Michael Buckley. Biblicists will be interested in the first two books; leaders of religious communities in the third.

## Books Received

- Michael Gilchrist, *Rome or The Bush: The Choice for Australian Catholics*: Foreword by Malcom Muggeridge (John XXIII Fellowship, Melbourne 285 pp. \$13.95)

- Anne Roche Muggeridge, *The Desolate City: Revolution in the Catholic Church* (Harper and Row 217 pp. \$16.95)

Malcolm Muggeridge resisted coming into the Church for a long time but, now that he is in, he does not mind recommending stories of how so many went out. Gilchrist writes about the breakdown of faith and unity in the Church of Australia with assistance from a convert who wrote immediately after Vatican II *Backward, Christian Soldiers*.

Mr. Muggeridge's daughter-in-law, Anne Roche Muggeridge, has also written a brilliant book from a Canadian Catholic's perspective covering a similar scene, but in terms more profound than Mr. Gilchrist's. Her book is almost "must" reading. Her substantial case is marred marginally by trivial excesses like maintaining that we would go a long way toward restoring Catholic sense by turning the priest at mass to face the wall. But, overall, it is an excellent and perceptive study of the fissures in Catholic thinking and practice today.

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### Ignatius Press

- Hans Urs von Balthasar, *The Office of Peter and the Structure of the Church*, 358 pp. \$12.95.

The original German title of this book was "The Anti-Roman Attitude," a theological attitude that must be overcome on a theological level; the Professor creates a powerful case.

- Henri DeLubac, *The Splendor of the Church*, 384 pp. \$12.95.

A Catholic classic reprinted after 30 years.

- Ronda Chervin, *Feminine, Free, and Faithful*, 143 pp. \$7.95.

How to be a woman and a Christian in three easy lessons.

- Louis Bouyer, C.O., *Newman's Vision of Faith*, 210 pp. \$10.95.

Few scholars wrote more profoundly about the faith than Newman. Few can explain Newman to post-Vatican II Catholics better than Bouyer.

- *The Quotable Chesterton: A Topical Compilation of the Wit, Wisdom and Satire of G.K. Chesterton* (391 pp. \$24.95 hardcover; \$14.95 softcover)

Those who wish a book of handy references to the best *Bon Mots* of G.K.C. will find it here. A source of vast delight and wisdom and a source of good quotations to salt any talk.

- Luigi Giussani, *Morality: Memory and Desire* (176 pp. \$8.95)

by the founder and leader of Italy's largest Catholic movement *Communione & Liberazione*, this book is based on one priest's work with young adult-workers and students.

- Joseph I. Dirvin, C.M., *Frederic Ozanam: A Life in Letters* (St. Vincent DePaul Society, 4140 Lindell, St. Louis, MO 63108. 382 pp. \$10.00)

A beautifully edited and published collection of one of the 19th Century's most intellectual and apostolic laymen. The price is a steal.

- Sebastian Moore, *Let This Mind Be In You*, (Harper & Row, 174 pp. \$8.95.)

This monk of Downside Abbey has written an exercise in spiritual theology endorsed by David Tracey. He rethinks original sin, limbo, fundamentalism, etc.

Please return your completed fellowship data card as soon as possible in order that our list be updated and complete; it is especially important to list terminal degrees and field of specification. Also, please tell us now about your attendance at the conference... or as soon as possible.

## Items of Interest

- Mr. Lawrence Henderson, an old friend of the Fellowship and former editor of the Canadian Catholic Register is now a contributing editor with Malcolm Muggeridge of *Challenge*, a Canadian monthly. Write 1050 Grosvenor Ave., Winnipeg, Manitoba, R3M ON7, Canada.
- Mr. Stephen Porcelli, a competent and experienced Diocesan Director of CCD, is available for new opportunities. Call (703) 494-6857.
- *The Religion and Society Report*: (Oct. '86) told us: *The Economist* did a roundup of recent British books on religion, in the course of which it mentioned Ronald Knox's "Modernist's Prayer." In case you've forgotten, it goes like this: "O God, forasmuch as without thee / We are not able to doubt thee, / Help us all, by thy grace, / To teach the whole race / We know nothing whatever about thee!"
- The Sisters of the Immaculate Heart of Mary of Wichita are a remnant of the I.H.M. community whose majority in the late 1960's received world-wide news

coverage by rebelling against the Holy See. (See *The Battle for The American Church*, pp. 261-271).

Since that time, these Sisters have concentrated all their efforts on defending the Church, teaching the faith, living and forming young women to live an authentic religious life. Sister Joanne Brummel, IHM, and Sister Eileen MacDonald, IHM, are memberships of the Fellowship of Catholic Scholars.

The Sisters have sent us this notice:

The Church is under attack. DEFEND HER!

So many people don't know the faith. TEACH THEM!

People don't pray. HELP THEM!

God is greatly offended. ADORE HIM!

All these you can do as a Sister of the Immaculate Heart of Mary. Write or phone: 605 North Woodchuck, Wichita, Kansas 67212, (316) 722-9316 / 9778 / 6890.

## Friend of the Fellowship

Bishop John F. Hackett

## Book Reviews

*La Sabiduria Moral Cristiana* by Ramón Garcia de Haro and Ignacio Celaya. 2nd ed. Pamplona: Ediciones Universidad de Navarra, S.A., 1986. 248 pp.

This well-documented study is an excellent work in moral theology. It is divided into three long chapters. Of these, the first is a lengthy and incisive critical analysis of the leading themes and ideas of the "new morality," its source in modern philosophic thought, and the tragic way in which it misconceives and distorts the meaning of Christian morality. The second is a superb presentation of the "perennial newness" of authentic Christian morality and its supernatural character. The third is a summary of the main ideas of the work, in which the authors first focus on the sterile immanentism of the "new morality" and then develop in masterful fashion the unity between doctrine and life, between the moral and the spiritual life, all the while stressing the supernatural character of the life made possible for us by our participation in the saving work of Jesus Christ.

In the first chapter (pp. 21-108) a perceptive analysis of the major themes and ideas of the "new morality," the authors show that leading proponents of the "new morality" (J. Fuchs, B. Häring, et. al.) hold that what is distinctive about Christian morality is not its

specific content. For them, Christian morality is distinctive in that it is rooted in a "following of Christ," understood *not* as an endeavor to shape one's life in accord with specific moral norms founded in God's revelation through His Incarnate Son but rather as a subjective disposition or attitude to be open to the transcendent, to love. According to this idea of Christian morality, there are indeed absolutes in the sense of formal, "transcendental" dispositions or attitudes of the subject: one is to be loving, brave, chaste, faithful, etc. Yet, in the minds of the advocates of the "new morality," these formal, transcendental norms can never be concretized in specific, categorical norms, such as "one ought not to kill the innocent." For them such categorical norms are simply culturally and historically conditioned ways in which "man becoming" seeks to express the absolute requirements that he finds within himself as he is called, on the transcendental level, to surpass his limitations and "follow" Christ.

Thus advocates of the new morality stress personal responsibility as the basic category for discerning what one ought or ought not to do. They likewise distinguish sharply between the ordinary free choices that we make every day of our lives in choosing to do this or that (e.g., to cheat on one's income tax, to lie to one's wife) and

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the "fundamental option" at the core of our being as free and responsible beings where we orient ourselves either for or against God, claiming that one can freely choose, at the level of what is termed "categorical freedom," to do something one knows to be seriously wrong without necessarily rupturing, at the "transcendental level," one's fundamental option to life "for" God. Advocates of the "new morality" are thus led to stress the "creativity" of personal conscience, which they conceive as a special moral faculty creative of norms and values rather than as a practical judgment about what is to be done. They are likewise led to reinterpret the natural law and the Decalogue, seeing in the former man's evolving understanding of himself as a being called to freedom and responsibility and in the latter temporally and culturally conditioned expressions of man's historical being and not perennial requirements of an objective moral order.

Garcia de Haro and Celaya argue, cogently and logically in my judgment, that the roots of the "new morality" are found in the "turn to the subject" that has typified modern philosophy since Descartes and, in particular, since Kant. They argue that in the "new morality" the "fundamental option" functions in a way analogous to Kant's categorical imperative; and they believe that the "new morality," by making man in his inner being and constitution — one, by the way, continually changing — the starting-point and source of morality and its norms, has turned Christian morality topsy-turvy. The "new morality," despite the intentions of some of its promoters, is one that ignores the objective character of grace, that undermines the significance of this grace freely given to those who participate in Christ's redeeming act, as the inner principle of the Christian moral life. The "new morality" not only leads to disastrous consequences in the practical order (the acceptance of abortion and of other objectively immoral actions as morally choiceworthy if conducive to the "greater good" of human transcendence), it has, Garcia de Haro and Celaya maintain, lost sight of the reality of God and the metaphysical foundations of human moral existence. It ultimately leads to the reduction of the human person, the dilution of personal liberty in the swamp of an alleged human progress toward liberation, and to a purely man-made ethics, one subject to constant shifts and turnings.

In sum, the first chapter of this work provides one of the most extensive and incisive critiques of the "new morality" available.

In the second chapter (pp. 108-175) the authors are at pains to show that authentic Christian morality — the morality rooted in a true wisdom about human

existence — is one that is acutely conscious of the truths of revelation. Man has been made for a supernatural destiny — life with God. This life begins here and now by the acceptance, in faith, of the truths of revelation and by participating, through baptism, in the saving work of Jesus Christ. Authentic Christian morality realizes that human beings, by reason of sin, are incapable of living morally upright lives without the grace of God made manifest in the life and work of His Son.

In this part of their work, Garcia de Haro and Celaya make it clear that the Christian moral life is possible only if those who have, through faith, accepted God's revealing truths, cooperate with the abundant graces that God wills to communicate to His people. They must pray and participate in the sacramental life of the Church and heed the truths proclaimed by the magisterium when it speaks in the name of Christ on questions of moral life. Here too the authors stress the absolute need for contemplation and for total abandonment to the will of the Father if Christians are, indeed, to walk worthy of the vocation in which they have been called.

The second chapter of this work, in short, is a well thought out and ably developed presentation of the authentic meaning of Christian morality as one rooted in divine revelation and objective truths rooted in the being of man as one called to life in union with God.

In the third chapter (pp. 177-235) the authors return, in the first part (pp. 177-222), to an examination of the roots of the "new morality." Here they focus on the philosophy of immanentism, one that centers on human subjectivity and substitutes a kind of psychological phenomenism for an objective understanding of the human person rooted in a realistic metaphysics of creation, as one of the key causes of the problems found in the "new morality." They argue that the intellectual bases of the "new morality," which include the philosophy of immanentism and the loss of a sense of the supernatural (and of sin), have been reinforced by contemporary awe for the methods of empirical science. There has emerged the temptation for humankind to be free in a boundless sense, unconstrained by any limits that do not find their origin in man himself. There has thus emerged a feeling of resentment toward any objective restraints and the idea that any kind of "servile" fear of God is unworthy of humans (the pages devoted to this issue, pp. 202-205 are most illuminating). The result is the moral malaise typified by the "new morality."

In the second section of the final chapter (pp. 223-236) the authors again focus on the true meaning of Christian morality as a wisdom rooted in divine

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revelation and of moral theology as a wisdom precisely because it is based on principles that have been divinely given and known through the gift of faith. They once again stress the unity of the moral and spiritual life and the need for prayer if one is to live a life of moral rectitude, and they conclude by reminding Christians of their task to participate in the apostolic work of the Church, to bring the truths of revelation to men of our day.

This fine book ought to be translated into English. The authors, Spanish priests, both teach in Rome at the Pope John Paul II Institute for the Study of Marriage and the Family.

—William E. May  
Professor of Moral Theology  
The Catholic University of America

*Woman: First Among the Faithful*, Francis J. Maloney, O.S.B., Ave Maria Press.

The author himself helps us to locate the book in the initial chapter (p. 15). He is a follower of Mary Daly, Elisabeth Schussler-Fiorenza, Monika Hellwig, Rosemary Reuther and other popularly called "radical feminists." He not only praises them highly, but he quotes almost exclusively their treatments of "women's issues" (there are, in fact, alternative treatments available). He cites the Catholic Biblical Association's task force report "Women and Priestly Ministry," but he does not note the existence of the Fellowship of Catholic Scholars' response, nor the existence of the Congregation of the Doctrine of the Faith's "Declaration on the Question of the Admission of Women to the Ministerial Priesthood."

*Women: First Among the Faithful* grew out of lectures given to a group of sisters by Father Moloney, an Australian Salesian Scripture professor. It is a somewhat simple presentation of the Scriptures' "use of the image of 'woman'." It contains a common contemporary treatment of the Scriptures, presented popularly and designed to reveal that the Scriptures project a favorable image of women. This is important because many people are misled by finding passages in Scripture that seem to establish some differences in role and ministry between men and women, and concluding, thereby, that Scripture is unfavorable to women.

The central position of the book (as reflected in conclusions 2-4, pp. 103-4) is essentially correct: the New Testament presents "woman" in a favorable way, in fact, as often the first to have faith and to welcome God's word. The backing for that central position is,

moreover, on the whole adequate. As is often the case, however, the shortcoming of the book is not in what is presented and argued for, but in what is presupposed. In this case, the shortcomings arise from the interpretive framework, drawn from radical feminist ideology and not justified in the book (unless a favorable image of women is enough, all by itself, to make one a radical feminist).

The author asserts that "Jesus of Nazareth came to establish a reign of God where all accepted fears, taboos, distinctions and divisions between male and female have been wiped away," moving rapidly from Jesus' rejection of *some* distinctions, etc., to a conclusion that he rejects *all* of them (p. 35). The author presents the positive treatments of women in Luke-Acts as designed to "correct situations where women were gradually being pushed back into the roles they previously had in the pre-Christian experience of the communities" (p. 103), and also designed to help Paul's "difficulties in the pastoral application of his theological principles" (p. 103). He does this with the lightest of justifications, namely, quick references to a standard feminist view that everything Paul says about women must be understood in light of his central view about the abolition of all distinctions or divisions between men and women (pp. 41-2). Perhaps, most notably, the author moves from the view that women are (often) first in faith, to the view that they are to be followed, without distinguishing between following them as exemplars and following them as leaders (p. 104). One of the effects of the feminist framework (and more that could be cited) is that even though the book claims not to treat the ministry of women, but only the image, it ends urging us to ask about how we are to implement the leadership of women in matters of faith.

Moloney's book is not especially noteworthy in the current flood of feminist Catholic books. It is most useful as a relatively short, clear presentation of "positive-image" exegesis. It would probably be more useful to go to the works of the women writers that Moloney has followed and praised so highly, the leaders of feminist thought.

*Vatican II Revisited*, Albert Stacpoole, O.S.B., Editor, Winston Press, Minneapolis 1986, pp. 365, \$24.50.

Both the twentieth anniversary of the closing of Vatican II and the Synod of 1985 which was, in effect, a major review on the Council, have produced a stream of articles and books that supplement the already immense literature evoked by what is clearly the most

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important ecclesiastical event of this century. The subject is so vast and the vantage points from which it can be viewed are so numerous and varied that no one book or series of books can cover it adequately. Hence we must be grateful for each book, however partial its coverage, that adds to our knowledge and will be useful to the master synthesist who will ultimately provide the balanced and manageable overview of the whole story that is impossible now.

This book is in that contributing category. The editor, a monk of St. Benet's Hall, Oxford, who tells us very little about himself, invited a number of people, all of whom, except Cardinal Bernardin, were members, experts, observers or spectators at the Council, to discuss their reactions at first hearing of it and, in some cases, their own reflections on their participation in it. The articles are uneven in length, quality and provenance, but that does not detract from the value of the book since all are readable and informative and it makes no claim to be complete.

Six writers are from England and five (Bernadin, Ellis, Stransky, Tavard and Outler) are American. Continental Western Europe provides nine articles including three from Germany, two from France and one each from Austria, Belgium, Holland and Italy. That leaves one from Asia (Cardinal Cordeiro of Karachi), one from Latin America (Archbishop McGrath of Panama) and two from Africa (one a retired Irish Missionary Bishop; the other an English priest who defected years ago). Most of the writers come from countries that were more prominent at the Council than they could hope to be in any future one. Catholic Americans will find the articles by the two non-Catholic observers very interesting. Two are by John B.U. Moorman, the Anglican Bishop of Ripon, and Albert C. Outler, an American Methodist. Both are distinguished scholars and veteran ecumenists and they write temperately with balance and insight. Bishop Moorman is also the author of an excellent history of the Franciscan Order down to 1527.

There are other prominent names among the contributors. Cardinals Koenig, Suenens and Willebrands, write respectively of problems from the East, the organization of the Council and Christian-Jewish relations. Archbishop Capovilla tells us John XXIII was speaking of the Council only five days after his election. Dr. Kung, writing in 1978, and ignoring the plain teaching of Vatican I and II, is still urging a papal primacy that will be "understood less as a primacy of honor or jurisdiction and more as a pastoral primacy in the service of the unity of the Church as a whole." The editor suggests that Dr. Kung's recent difficulties with the Roman authorities have been amply compensated for by an honorary doctorate in divinity from Cambridge

University! Since the book is celebratory in intent, the contributors — with the exception of Father Congar — had little desire to mention or evaluate possible defects and failure. That might have been different if some of those who refused to contribute had felt able to do so. They include Cardinals Alfrink, Dearden, Martini, Volk, Hamer and Ratzinger.

Important historical anniversaries demand comparisons between then and now. So much has happened since October 11, 1962 and so much of it is in clear contradiction of what had been foreseen or promised, that it is difficult to place the Council in perspective and to recapture the spirit of that time. We must remind ourselves that, as usual, there were many pressing problems in the Church. Two in particular had been singled out by Pius XII in his first Encyclical *Summi Pontificatus* (October 20, 1939). They were the revival of the pagan worship of the State and the growing acceptance of the relativity of morals. If the Council met no new problems, it put some existing ones in a different perspective. Though in doctrinal matters it kept step with all the previous Councils, especially Trent and Vatican I, the changes carved out in its name revived a number of old problems once thought to have been taken care of (like Modernism) and the changes carried out in its name have had incalculable consequences.

Few will deny that the practical results of the Council have differed greatly from what was expected by most Catholics. Next to the vernacular liturgy, the most obvious fruit of the Council, as it was implemented, is the collapse of discipline on every level. The root of that collapse is to be found in the personality and character of Paul VI which determined his program. His purpose — stated clearly in his first encyclical (*Ecclesiam Suam*, August 6, 1964) was to "make the practice of Christian life as easy as possible in conformity with its supernatural character." The second part of that sentence was soon forgotten. His second goal was to bring all non-Catholic Christians back to the Church and he was willing to go to quite extraordinary lengths to do that.

Paul VI, a decent, intelligent and industrious man, was also the outstanding example in his time of an admirable number two (or three?) who was woefully miscast as number one, especially in a most critical hour. As Tacitus said of the unfortunate Emperor Galba he was "in the opinion of all judged capable of wielding supreme authority until he received it." His great, innate reluctance to make up his mind was seen by all who dealt with him. Less obvious but just as real was his sensitivity to criticism of any kind that made him dread confrontation and to think of schism on any scale as the ultimate horror. Not for him Thomas Scott's maxim

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"Holiness Rather Than Peace" that made such an impression on Newman. His problems were compounded by his refusal to seek or accept the help he needed. His eager acceptance of Pope John's notion of the Council having only one remedy — mercy — for all evils left him helpless when dealing with problems where mercy was quite inadequate. Inevitably, such a man found himself subjected to intense pressure from people who are strongly opposed to traditional Catholic doctrine and practice but wish to remain in the Church. This resulted in the strongest internal attack ever made on Catholic ascetical doctrine and norms. It was all the more dangerous and damaging because it came with the protection of supreme authority.

The attack on discipline went so far that a reaction was inevitable. It is now underway and provides the agenda of the present pontificate. The slogan "Ecclesia Semper Reformanda" which was so effective and

destructive during Pope Paul's years is now being used against the "Progressives." Once again, we hear from Rome the themes stressed by every strong reforming pope since St. Gregory VII (died 1085): strong bishops, better educated and disciplined priests, religious, male or female, who make a serious effort to live by the fundamental rules of the religious life sanctioned by the Church for centuries; and a better instructed and more active laity. A much harder task will be to restore a sense of the transcendence of God, of mystery and of the sacred to a sadly impoverished liturgy. Though the tide has turned it is still very far out and no one should underestimate the problems that lie ahead. The Pope will need all the help he can get but, fortunately, he is not afraid to use authority to reach the goal he knows he is bound to seek.

## Dr. James B. Brown

• Dr. James B. Brown, Ph.D., University of Edinburgh, 1952. D.Sc., University of Edinburgh, 1970 is a Fellow of the Royal Australian College of Obstetricians and Gynecologists. (Present Position: Professor Emeritus and Associate, Department of Obstetrics and Gynecology, Royal Women's Hospital, University of Melbourne). He has worked since 1947 on the application of hormone assays in the identification of the phases of fertility and infertility during the menstrual cycle. In Edinburgh he was involved in the development of the first accurate hormone assays for estrogens, pregnanediol and total gonadotrophins in urine, and later, in Melbourne, refined the assays for estrogens and pregnanediol for rapid and mass application. During the 1960's, Dr. Brown used these assays in helping Drs. John and Lyn Billings develop and validate the Ovulation Method.

Fellowship Members may be interested in this notice published by the Family of the American Foundation.

"Dr. Brown is currently working to perfect an at-home kit he has developed for measuring estrogen and progesterone levels during a woman's cycle. The kit registers when there is a significant rise of estrogen early in the cycle, which shows the beginning of the fertile phase, and again when the progesterone level reaches a height that indicates that the woman has

ovulated and the late infertile phase of the cycle has begun.

If Dr. Brown completes his work soon every woman wishing to use Natural Family Planning will be able to use this low cost kit either as an aid in learning the Ovulation Method so that she can be sure she is identifying her mucus symptoms correctly, or to provide further reassurance that she has pinpointed the fertile and infertile phases of her cycle.

Women who have difficult mucus symptoms, such as those breast-feeding, discontinuing the Pill or approaching the menopause, will find the kit most helpful in supplying absolute markers of fertility and infertility.

Obstetricians and gynecologists will find the kit valuable as an indicator of ovulation and the time of maximum fertility in infertility cases, and as a means of identifying abnormal but benign ovarian activity in the perimenopausal women and thus reduce the need for surgery at this time.

In underdeveloped countries the kit could be available in training centers for use in giving confidence to women learning to chart their mucus symptom.

The kit is now being field tested in Australia. Dr. Brown is already proceeding towards mass production and it should be available outside Melbourne within the next year."

## Frederic Ozanam

*It is helpful for our perspective to recall how a bright young man, with a sound education and high spirits, helped the Catholic community to refocus and realign its best intellectual and charitable efforts. Indeed, Frederic Ozanam was sure that no one in his time could separate the intellectual from the charitable dimensions of life without unbalancing Catholic life and piety.*

*Our Catholic education and sense of history should permit us to read through the formal style of his age and his youthful earnestness to discover his clear mind and refined Catholic instincts.*

*The notes below were made by Vincentian Father Joseph Dirvin who has just written Frederic Ozanam: A Life in Letters (cf. Books Received, this issue).*

That the heart of Frederic Ozanam belongs to the poor is what the world knows best about him. But there are other facets, other charisms, of this incredible man which have equal importance in these perilous times for Church and Society. He was an effective apostle to youth. He was a militant Catholic apologist. He was a pious, manly husband and father. He is the first lay scholar since St. Thomas More to be considered for the honors of the altar.

Ozanam was aware, in 1834 when he was only 20, that "because God and education have endowed me with a certain tact, a certain grasp of ideas, a certain breadth of tolerance, they wish to make me a sort of leader of Catholic youth in this country. Numerous young men full of merit accord me an esteem of which I feel myself most unworthy, and men of mature years importune me."<sup>1</sup>

A few months before, with six companions, he had founded the Society of St. Vincent de Paul, "to rekindle and refresh in youth the spirit of Catholicism."<sup>2</sup> He elaborated on this purpose in a moving passage which, *mutatis mutandis*, could have been written by a Catholic-college freshman today:

"In Paris we are birds of passage," he wrote, "separated for a while from the paternal nest, and upon whom unbelief, that vulture of thought, swoops to take his prey. We are poor young minds, nursed in the lap of Catholicism and cast out among an impious and sensual mob. We are sons of Christian mothers, arriving one after another within alien walls where irreligion seeks to redeem its losses; and so it is necessary before everything else that these feeble birds of passage gather under a protective cover, that these young minds find a rallying point during the time of their exile, that their Christian mothers have fewer tears to shed, and that their sons return home just as they were sent. It is important, therefore, to form an association of "mutual encouragement" for young Catholic people where friendship, support and example could be found, where could be found, so to speak, a likeness of the religious family in which we had been nurtured, where the elders would receive the new pilgrims from the provinces and afford them

some moral hospitality. But the strongest tie, the principle of a true friendship, is charity, and charity could not exist in the hearts of many without refreshing itself from outside. It is a fire which dies without being fed, and good words are the food of Charity. So it is in our own interest first of all that our association has been established, and if we meet under the roof of the poor, it is less for them than for ourselves, it is to become better and closer friends."<sup>3</sup>

This self-protection was far from over-defensive. It was, indeed, clearheaded and objective in his circumstances. He confided to a friend, that "the world is a file of fire which wears down young lives; do not give it yours."<sup>4</sup> For this reason he admitted that the infant Society of St. Vincent de Paul was "forced to expand, even at the risk of relaxation, to take into our circle the greatest possible number of young people."<sup>5</sup> But he also rallied his fellow students to counter attack "unbelief, that vulture of thought," to protect *all* youth.

For a friend, he described some of these counter attacks, always respectful, polite and well-reasoned, but ever implacable.

"Every time a rationalist professor raises his voice against revelation, Catholic voices are raised in reply. There are many of us joined to this end. I have already twice taken part in this noble work by addressing written objections to these gentlemen. We have especially succeeded in M. Saint-Marc Girardon's history course. He twice attacked the Church... Our responses, read publicly, have produced the best result, both on the professor who has all but retracted, and on the audience which cheered. Even more useful than this is to show student youth that it is possible to be Catholic and to have common sense, love religion and freedom, and finally draw it out of indifference to religion and get it accustomed to grave and serious discussion."<sup>6</sup>

Again: These young men respectfully and repeatedly pressed a philosopher named M. Jouffroy, "one of the most illustrious rationalists of our day." A third response, signed by fifteen of the young men, was read to two hundred students. The result was fascinating.

## Frederic Ozanam

After days of floundering and attempted rebuttal, Jouffroy "confessed that natural proofs did not satisfy our minds, and that after exhausting them he felt a great emptiness and found himself led irresistibly to seek supernatural enlightenment."<sup>7</sup>

These young Davids who bearded the Goliaths of rationalism in their own lecture halls, fearless of bad marks or of being flunked, were only nineteen and twenty years old! It becomes clear that their astonishing success was primarily due to the clear personal faith and scholarship of Frederic Ozanam. He wrote from Paris: "You know what was, before my departure from Lyon, the object of all my desires — that I aspired to the formation of an association of friends working together for the building up of knowledge under the banner of Catholic thought."<sup>8</sup> He had prepared for it by deep and intense and wide reading in both Catholic and hostile literature, and by beginning to publish in learned magazines at the age of sixteen. A series entitled "The Truth of Christian Religion Proved by Parallels in All Beliefs," written when he was seventeen, ran in five consecutive issues of the magazine *l'Abeille*. Of Ozanam as a student and young professor at the Sorbonne University of Paris, Professor Jean-Baptist Duroselle wrote:

"For nearly ten years (approximately 1832 to 1841, or from his 19th to his 28th year) he had taken part, sometimes in the front line, in the religious disputations of the day, so much so that he would emerge, with the passage of time, as a founder not only of social Catholicism, but also of Catholic intellectual movements..."

"At the Sorbonne he came to be the representative of a school that concentrated on two themes: the rediscovery in the course of the history of religions and beneath superstitious degradations, traces of a single primitive revelation; and to look for another proof of the truth of Christianity in the excellence of its civilizing force."<sup>9</sup>

These theses were pursued in the voluntary literary, philosophical and theological gatherings known as the Conferences of Law and of History — the latter the source and seedbed of the Society of St. Vincent de Paul — and in the weekly salons at the home of Comte de

Montalembert where Ozanam met and discussed his observations with the great Catholic minds of the day, the Amperes, Saint-Beuve, Lamartine, Victor Considerat, Lacordaire, and the great Montalembert, his host.

All of this personal concentration blossomed in a vast output of scholarly writing on medieval literature, especially German and Italian, on historical figures as disparate as Francis Bacon and St. Thomas of Canterbury, and culminating in his great work on Dante which established him as a major scholar — all of it gathered into an *Ozanam Bibliography* published after his death.

In another dimension, Ozanam's letters to his fiance and wife, Amelie Soulacroix, breathe a sweetness, tenderness, reverence and love for her, as well as the confidence and fortitude with which they suffered the uncertainties of his early career, slim finances and large bills that universally plague young married couples. Amelie's several painful miscarriages before the arrival of a lovely little daughter; and then his own illness and early death at the age of forty, and the nobility that they evoked hint of deep virtue.

Frederic Ozanam was not, then, a man who focused on the poor alone. He was a compelling and exemplar for youth. He was an estimable husband and father. He was a friend and paragon of scholars and academicians. He was a champion of Catholics, indeed of all Christians.

All of these people need him desperately today, and Frederic Ozanam will reward scholarly attention.

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### Footnotes

1. Ozanam to Falconnet, January 7, 1834.
2. Ozanam to Lallier, August 11, 1838.
3. Ozanam to Curnier, November 4, 1834.
4. Ozanam to Falconnet, January 7, 1834.
5. Ozanam to Curnier, November 4, 1834.
6. Ozanam to Falconnet, February 10, 1832.
7. Ozanam to Falconnet, March 25, 1832.
8. Ozanam to Falconnet, March 19, 1833.
9. J.B. Duroselle, "Introduction," *Lettres de Frederic Ozanam, Premier Annees a la Sorbonne, (1841-1844)*, pp. 19ff.

## Miss Carol Hand, R.I.P. — 1934-1987

If there was a midwife at the birth of the Fellowship it was Carol Hand. She was Professional Assistant at St. John's University, New York City, who made all the early arrangements for those meetings out of which the Fellowship developed, took care of the membership list in the first years, presided over every issue of the Newsletter until December, 1986, served as assistant to Msgr. Kelly since 1970. A hidden face behind many Fellowship reports and publications. She died of cancer January 3, 1987. Please pray for her.

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## Correction

Page 12 of the December, 1986, issue of the Fellowship *Newsletter* introduces an article on the "exception clause" of Mt 19:9 by attributing its authorship to myself. This attribution is incorrect: I am not the author of the article, but have only made it available to the membership of the F.C.S. as a matter of the highest importance. The author of this article is a scholar to whose great learning and probity I am most pleased and indeed honored to attest.

Donald J. Keefe, S.J.  
Marquette University

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## Item of Interest

- Thomas Aquinas College, Santa Paula, California, is looking for exceptional teachers who can lead seminars in the great books from Homer to Einstein. Applicants must be able and willing eventually to work in the whole of the curriculum, including its mathematical parts (e.g., Euclid, Ptolemy, Galileo, Newton, Descartes, Dedekind). Essential also is a willingness to study as a disciple the philosophy of Aristotle and the theology of St. Thomas Aquinas.

The College is devoted to the intellectual life and is seriously Catholic. Its faculty and students are excellent. Write to Thomas E. Dillon, Dean, Thomas Aquinas College, 10000 North Ojai Road, Santa Paula, CA 93060.

## Nice to be Noticed

- "*The Wanderer, Catholicism in Crisis*, the Fellowship of Catholic Scholars, the Congregation for the Doctrine of the Faith — all are led by well-intentioned people who have made great sacrifices for their ideals, but they are wrong — wrong not only in their procedures but in their apparent goal of restoring a church whose mission is exhausted by the word 'no!' "

—Msgr John Egan,  
Head of Archdioceses of  
Chicago's Office of Ecumenism  
and Human Relations,  
*National Catholic Reporter*,  
Dec. 5, 1986.