

Newsletter

Fellowship of Catholic Scholars

Volume 11, Number 1

Fellowship of Catholic Scholars Newsletter

December 1987

The Future of the Fellowship

As the Fellowship enters its second decade, it seems fitting to think about its future. The first priority, I believe, is for us to remain faithful to our commitment to display, through our work and lives, that acceptance of the saving truths revealed by God, and mediated to us through His Church, is in no way incompatible with a love for learning and intelligent inquiry into every area of human knowledge. Quite to the contrary, we must bear witness to the truth that the Catholic faith stimulates, guides, and deepens the scholarly life.

A second priority is to continue doing what we have done in the past. Our annual conventions, in my opinion, are becoming more and more occasions for showing, as Gilson once said, intelligence in the service of Christ the King. Our Newsletter performs an indispensable service to the members, and it is imperative to continue it and keep working to enhance its value.

A third priority, in my opinion, is to involve the non-theologian, non-philosopher members of the Fellowship more deeply in our work. My hope is that Catholic scholars in the sciences, the humanities, and the social sciences will take a more active role. It would, for example, be good if scholars in these areas could, through brief articles and reviews of important works in their fields that could be published in the Newsletter, alert us to the significance of work in those areas for a deepening of our faith. This is already taking place to some extent, but we need to do more here.

A fourth priority is the recruitment of new members, particularly of women and men entering academic and professional life. I think it might also be possible to encourage many of our colleagues to join the Fellowship. Send them copies of the Newsletter to let them know some of the things we are doing.

WHAT TO EXPECT IN THIS ISSUE?

<i>The Future of the Fellowship</i>	<i>p. 1</i>
Dr. May: "My hope is that Catholic scholars in the sciences, the humanities, and the social sciences will take a more active role... in the Newsletter."	
<i>Faith and Morals: A Note</i>	<i>p. 2</i>
Dr. Finnis: "John Coventry, S.J... says that 'the deposit of faith' is 'a phrase dropped by Vatican II'... In fact, the phrase is used in each of the great Constitutions of Vatican II... Paul charged Timothy with guarding against... misrepresentation of the faith..."	
<i>Can an AIDS Victim Marry?</i>	<i>p. 6</i>
Msgr. William A. Varvaro, offers an analysis.	
<i>Nuclear Deterrence, Morality and Realism</i>	<i>p. 11</i>
Reviewed by Dr. William May: "...a study that in my judgment will stand as the most thorough, precise, and realistic assessment of the morality of nuclear deterrence."	
<i>The Closing of the American Mind</i>	<i>p. 14</i>
Reviewed by John Farrell: "... we have to reflect that Catholic students, even those from Catholic schools, come to college today with no real knowledge of the most elementary truths of our faith."	
<i>Deaconesses</i>	<i>p. 18</i>
Reviewed by Ronda Chervin: "Since many... believe incorrectly that it is only a matter of time before we have deaconesses... it is important to have on hand a book that enters into the subject with exhaustive scholarship..."	
<i>Catholic Christianity</i>	<i>p. 20</i>
Review: "one weeps to read this book... the sort of catechism that tends to generate... devout but unbelieving Catholics..."	
<i>Our New Board of Directors</i>	<i>p. 23</i>

The Future of the Fellowship (Cont'd.)

A fifth priority, closely related to the fourth, is the formation of regional "chapters" of the Fellowship. We have had one going in the Washington-Baltimore area for some years and, although I can't say the meetings attract enormous numbers, they are very helpful. Such meetings could be held twice a year, once in the Fall, once in the Spring, on a Saturday or Sunday afternoon. Some individuals could take the initiative by inviting a colleague to lead a discussion or present a paper on a topic of interest to members. A notice could be sent to Fellowship members in the area and, in addition, invitations could be given to non-member friends and, in particular, to graduate students. We have found it worthwhile, for instance, to have doctoral students report on their work. Such local meetings are most worthwhile for members who cannot, for one or another reason, make it to the annual convention, and they afford the opportunity for collegiality, stirring interest in the Fellowship, in students and professional colleagues, etc. The central office will help by sending interested parties a list of members, facilitating the checking off of those in one's region.

Our tenth annual convention, of which more will be said in this Newsletter, was an outstanding success. Msgr. Kelly and Msgr. Clark did a marvelous job planning it. At it, Msgr. Kelly "retired" as president. I succeed him, but surely do not replace him. In the years ahead I know he will still give us his generous leadership.

William E. May
Catholic University of America

"Faith and Morals": A Note

John Finnis, Oxford University

Some mistakes of fact and logic in John Coventry SJ's "The Church's Authority in Morals" (*The Month*, March 1987, 112-3) should not pass unnoticed; most are not peculiar to him.

I

"Deposit of Faith"

Coventry says that "the deposit of faith" is "a phrase dropped by Vatican II as based on an inadequate theology of revelation."

In fact the phrase is used in each of the three great Constitutions of Vatican II, and in its Decree on Ecumenism. *Lumen Gentium* 25 recalls that Catholic bishops "do not allow that there could be any new public revelation pertaining to the divine deposit of faith." *Dei Verbum* 10 states that the Magisterium "draws from this one deposit of faith everything which it presents for belief as divinely revealed." *Unitatis Redintegratio*, 6, reminds us that the way in which doctrine is enunciated is to be "carefully distinguished from the very deposit of faith." *Gaudium et Spes* 62 adds the precision that "the deposit of faith, or truths [of faith], are one thing; another is the way in which they are one thing; another is the way in which they are enunciated, keeping the same meaning and the same judgment."

One may wonder, indeed, how likely the Church is to "drop" the concept of the deposit that Paul charged Timothy with guarding against intellectual pretensions which misconceive and misrepresent the faith (1 Tim. 6:20; 2 Tim. 1:12, 14). It is Vatican II's last document

that expresses again the Church's sense of vocation to "guard the deposit of the word of God" (GS 33).

II

Identifying natural law by revelation

Father Coventry says that "the Church cannot claim" (i.e. it is illogical to claim) "at the same time to be solely the interpreter of the deposit of revelation or faith, and the sole [authentic, authoritative] interpreter of what is open to man's natural reason, the natural moral law."

What Coventry considers illogical is in fact entirely logical. For, as the whole Catholic tradition has peacefully accepted, the principal *revealed* moral truths are indeed "open to man's natural reason." Start with Paul, *Romans* 2:14-15: "Gentiles who *do not have the Law*, do by nature what the Law requires... [and] show that *what the Law requires is written on their hearts*." In the second century, the point is elaborated by Irenaeus (*Adversus Haereses* iv, 13, 1 and 4), in the thirteenth by Aquinas (*Summa Theol.* I-II, 100, 1 & 3), and in the sixteenth century, shortly before Trent, by the Louvain theologian John Driedo:

"The teachings of natural and moral philosophy have nothing to do with faith, just insofar as they are entertained by philosophers or by peoples. But many of those teachings are *de necessitate fidei*, insofar as they could be demonstrated from sacred scripture, either expressly or by silent implication... Thus, for example, it is heresy to persist in assert-

Faith and Morals (Cont'd.)

ing that adultery, or theft, or false testimony are not wrongful." (*De Ecclesiasticis Scripturis et Dogmatibus* ([1533] in *Opera Omnia* I, 212).

The underlying logic is lucidly explained by Vatican I (DS 3005) and Vatican II (DV 6): God's revelation, whose authentic transmission is entrusted to the Church, makes it possible for certain "truths which are *per se* accessible to reason to be known by everyone (even in the present condition of humankind) with facility, with firm certitude, and without admixture of error."

It is, in short, a mere fallacy to claim that a teaching authority which extended only to revealed truths could not teach with full and unique authority certain truths (e.g. certain moral truths) which are in principle accessible *also* to reason unaided by revelation.

III

Trent's concern with moral teaching

Coventry claims that "The issue [at Trent] with Luther was not about moral questions. It was about Catholic practices or customs not attested in Scripture..." Similarly, John Mahoney SJ, *The Making of Moral Theology* (1987), 131, says that at Trent, "morality as such did not appear to be a major difference between the parties [i.e. between the Council and the Protestants]".

But what could be more central to a Christian understanding of morality than the claims summed up in the Reformation slogan "*sola fide*"? The early sessions of Trent lost no time in recalling the elements of Christian faith as it bears on Christian life, i.e. on morals. The last stage of the conversion which disposes one for remission of sins and sanctification is one's determination to "keep the divine commandments" (DS 1526) which Christ charged his apostles with teaching (DS 1527); keeping these commandments is essential if faith is not to be dead and fruitless (DS 1531). Again and again, Trent teaches that no one is exempt from observing the commandments (DS 1536, 1570). Again and again, Trent condemns those who claim that observing the commandments is impossible (DS 1536, 1568).

Nor did Trent just dream up the other moral claims it anathematized: that the only Gospel command is faith (DS 1569), or that the Decalogue is irrelevant to Christians (DS 1569).

Trent condemned, too, a Protestant way of speaking which finds an echo in Father Coventry's remark that "The moral teaching of Jesus, for instance, is Gospel, not law...." Trent: "If anyone says that Jesus Christ was given by God to men as a redeemer in whom they are to trust, but not also as a law-giver whom they are to obey, *anathema sit*" (DS 1571).

Trent's early sessions focused also on the Refor-

mers' treatment of sex and marriage, though events prevented the Council promulgating its teaching on this for fifteen years. In the forefront of Trent's teaching on the sacrament are the condemnations of various Protestant (mostly Lutheran) moral teachings: that it is licit for Christians to have several wives at a time, and not forbidden by the divine law repromulgated by Christ (DS 1802); that a marriage can be dissolved for heresy, domestic incompatibility or willful desertion (DS 1805); that the Church errs in teaching that anyone who remarries after dismissing his or her spouse for adultery is guilty of adultery (DS 1807); and more.

IV

"Fides et mores" and Trent

Father Coventry says that "in the *Heythrop Journal* in 1963 (Vol. IV, pp. 333-347) the late Dr. Maurice Bévenot showed conclusively that in the two uses at Trent of *mores* that council meant by the word, not 'morals,' but... 'traditional practices'..." Thus, when Vatican I ascribed to Church and Pope an infallibility in definitions *de... moribus*, i.e. in moral teaching, it was a "misuse or misunderstanding of Trent."

Similarly, Father Mahoney's new book maintains (p. 122) that "the most thorough examination" of what Trent meant by *mores* in its decree on Scripture and traditions "has been that of John L. Murphy in his examination [published in 1959] of *The Notion of Tradition in John Driedo... whose work very probably influenced the deliberations of Trent.*" Mahoney concludes (p. ix) that in that Tridentine decree *mores* referred to "not to matters of ordinary Christian morality but to... traditional religious and devotional practices..."

Coventry's and Mahoney's assessments of the *status quaestionis* are decades out of date. The studies by Murphy and Bévenot were superseded by, at latest, 1973, with the appearance of incomparably fully and more focused studies by Zalba (" 'Omnis et salutaris veritas, et morum disciplina': Sentido de la expresion 'mores' en el Concilio de Trento" *Gregorianum* 54 (1973) 679-715) and, especially, Lopez Rodriguez, " 'Fides et Mores' en Trento" *Scripta Theologica* (1973) 175-221).

Moreover, neither Bévenot nor Murphy were concerned at all with the question whether Trent was claiming for the Church an authority to teach moral doctrine as a part of the revealed truth. The article cited by Coventry focuses only on Trent's use of the word "traditiones." In an article published the previous year, Bévenot had concluded (*Heythrop Journal* (1962) 30) that "the use of 'mores' at the Council of Trent has not yet been investigated for itself... It is to be hoped that the fruits of such a study may one day be forthcoming." No careful reader of his 1963 article could imagine for a

Faith and Morals (Cont'd.)

moment that it presents the fruits of a study of Trent's use of "*mores*."

Indeed, the only conciliar use of "*mores*" which Bévenot examines is in the phrase "*traditiones ipsas, tum ad fidem, tum ad mores pertinentes*." Traditions of the latter sort, he argues (vulnerably),¹ were conceived by Trent to be changeable and of an authority not "equal" to that of traditions *ad fidem pertinentes*. Still, Bévenot simply contradicts Coventry's general thesis about the meaning of *mores*, for he says (p. 341) that the correct translation of the phrase "veritates tum ad fidem tum ad mores pertinentes" (as used in a preparatory conciliar paper by a *peritus* very influential in the formation of this decree) is "truths involving faith or morals."

Now, *pace* Coventry, Trent's decrees use *mores* not twice but about a score of times — and thrice in the two decrees mentioned by Coventry. The use overlooked by Coventry in those decrees is the first and unquestionably the leading use, later repeated by Vatican II (DV 7): the Gospel, whose purity is to be preserved in the Church (by the elimination of errors), was first promulgated by Christ by his own mouth, and then "he ordered that it be preached by the apostles to every creature, as the source of all saving truth and all *disciplina morum*" (DS 1501).

As already noted (sec. III above), Trent firmly taught that Christ's Gospel included divine law on specific moral matters such as polygamy and adultery. Trent's decrees plainly imply that the divine mandate to "teach all nations to observe all that I have commanded you" (Matt. 28:19; DS 1527) included a mandate to teach moral norms, which are integral to the saving truth and to *disciplina morum*. As the quotation from Driedo in sec. II illustrated,² the Church's teaching of the natural and revealed morality of, e.g., adultery was understood as *de necessitate fidei*.

Coventry's view that at Trent "*fides et mores*" meant only "faith (not including morals) and changeable traditional or customary practices" is untenable. The Tridentine fathers delegated to reform the Index spoke of the way in which obscene books often corrupt their readers "non solum fidei sed et morum" (DS 1857); the morals corrupted by such books are obviously not merely "traditional practices" but rather the dispositions and acts regulated by norms of natural and revealed morality concerning adultery, etc.

The couplet "*fides et mores*" had, in fact, been used for centuries by theologians, canonists, Popes and Councils to refer, *inter alia*, to teachings which included divine and natural law.

Martin V's bull *Inter cunctas* (1418), on the Wyclifites and Hussites, recalled that what the Council of Constance had condemned as contrary "*fidei vel bonis moribus*" was to be held by all Christians as condemned (DS 1248). Constance in 1415 had condemned as heretical and as erroneous "in fide et moribus" a proposi-

tion giving wide approval to tyrannicide (DS 1235). To Pope Leo the Great was attributed the condemnation, nearly a thousand years earlier, of the Priscillianist opinion ascribing to demonic and astral forces a power over religious faith and the norm of morals: "*religionis fidem morumque rationem*" (DS 283).

In passages excerpted for distribution to the fathers at Trent,³ Augustine constantly juxtaposed *fides* and *mores*; in none of these passages would a reader be tempted to restrict the meaning of *mores* to "traditional practices" — the sense, rather, is *everything* that is normative for Christian life. At the outset of his fundamental treatise on justification, Thomas Aquinas speaks of the two aspects of the Gospel Law: (i) the grace of the Holy Spirit, and (ii) the "*documenta fidei et praecepta ordinantia affectuum humanum et humanos actus*," precepts which he immediately specifies as "moral precepts, such as those found in the Gospel," and which he promptly shows include the commandments of the Decalogue (which he teaches are also precepts of natural law): S.T. I-II, 106, 2c; 107, 2c; 100, 1 & 3.

Commenting on John 17:17 ("sanctify them through thy truth"), St. Thomas writes: "in truth", i.e., in the knowledge of the truth of faith and of your [the Father's] commandments." Commenting on Titus 3:8 ("these things I will that thou affirm constantly"), Aquinas writes: "these things", i.e. relating to God's favours, to the reproof of sins, to the teachings *fidei et morum*...." Commenting on 1 Corinthians 14:23, he remarks that prophecy has its worth *ad confirmationem fidei et instructionem morum* — and the previous sentence makes clear, if anyone could have doubted it, that the *mores* in question are those whose contraries are *mali mores et vitia*.

In short, it is groundless to suppose that Vatican I was relying peculiarly or even principally on Trent. As Congar said, commenting on Murphy's study, the modern (Vatican I) understanding of "*fides et mores*" is essentially the "classical" understanding, having been "classical" in the 12th and 13th century theologians whose thought so shaped the subsequent centuries.⁴

But, in any case, it is a sheer fallacy to suppose that, because Trent's "*traditiones ad mores pertinentes*" plainly *included* a reference to apostolic religious practices (some of which could be changed), therefore neither that phrase nor Trent's similar locutions ("faith and *mores* and "saving truth and *disciplina morum*") embraced moral teachings such as those that Council itself was to insist upon as intrinsic to revealed and salvific truth. Some commentators point to parallelisms of words and phrases, of *veritas* and *fides*, on the one hand, with *morum disciplinae* and *traditiones ad mores pertinentes*, on the other.⁵ Such commentators sometimes overlook the *sentences* which convey the *propositions* which Trent taught — e.g. the proposition that "the Gospel is the source of all *saving truth* as well as forma-

Faith and Morals (Cont'd.)

tive of the Christian's choices, way of acting, life... Truth saves by way of the conversion of the sinner, and — as we saw in section III — the last stage of the sinner's preparation for the reception of sanctifying grace is his or her willingness to observe the divine commandments.

The leading *peritus* on the Commission which first (on 17 March 1546) introduced the couplet "fides et mores" into the Council's *acta* (in a context which became DS 1507, where it cannot possibly refer to traditional practices) was Alphonsus de Castro. His treatise *Adversus omnes haereses* (1534) has six preconciliar editions (Paris and Cologne) and six more during the Council (at Paris, Lyon and Venice). There he argues that *traditiones aut definitiones* of the universal Church in matters relating to *fides* are to be acknowledged with *integra fides*, even when they lack express Scriptural warrant; and this is for various reasons, of which the first is that the voice of the teacher is not less efficacious than Scripture in teaching *fidem et mores*...⁶ It is this breadth and flexibility in the use of *fides* that Trent, like (in varying ways) the whole tradition including Vatican I and Vatican II, manifestly takes for granted.

In sum: Moral teachings are embraced not only by the second term in the two-term phrase "fides et mores," but also by the first, and by both together.

What Catholic theologian, in any era, would have denied that there are moral teachings which are part of the deposit of faith?

V

Intrinsically wrongful actions — described as merely physically?

Fr. Coventry says that "Gospel insights are of a general nature, and there is nothing in them about whole classes of action described merely physically, being on every occasion wrong irrespective of person and circumstance, whether using a contraceptive or an atom bomb." In this, he implies, the Gospel differs from the "increasingly common" claims made by "the Catholic Church or its Vatican spokesmen."

It is not made clear how Fr. Coventry manages to eliminate from the Gospel such "insights" as that adultery is absolutely wrong. Most hearers of the Gospel since the first century have judged that its account of adultery cuts through all "the most complicated circumstances" that must have been common in the first century Mediterranean world: "*whosoever* marries a divorced woman commits adultery," and so forth.

But here I wish only to observe that the absolutes of Catholic moral teaching are not specified in terms of "classes of action described merely physically." Take Coventry's two examples. The act of contraception which is wrong whatever the circumstances is specified

by *Humanae Vitae* 14, following the whole tradition, as: "every action which, either in anticipation of the *conjugal act*, or in its accomplishment or in the development of its natural effects, *proposes, whether as an end or as a means*, to impede procreation." The use of the atom bomb solemnly condemned by Vatican II (GS 80) is: "every act of war *directed to the indiscriminate destruction of whole cities or large areas with their inhabitants*...."

What is in question, then, is not certain physical movements as such, but certain types of choice — the adoption of certain sorts of proposal. Measures to prevent conception occurring after rape can be physically identical to measures to prevent conception after voluntary (e.g. conjugal) intercourse, yet not fall under the Christian judgment on contraception. Some measures adopted as remedy for, say, cancer have a sterilising *modus operandi* physically identical to measures adopted for the sake of sterilization, but do not fall under the Christian judgment on sterilization. Similar distinctions are central to Christian judgments on military operations.

Christian moral thought has always relied, at least implicitly, upon a distinction basic to Christian understanding of the world, and taught by Trent (DS 1556): the distinction between what God brings about only "permissively" and what he brings about as *his deed* "properly speaking and *per se*." Morally, the distinction is between (A) what we intend as end or choose (intend) as means and (B) what we *accept* as the other implications or consequences of our chosen action. Jesus "freely accepted" his death, but did not commit suicide. We do have moral responsibility for what we merely accept, but it is not the same sort of moral responsibility as we have for what we intend as end or means, i.e. adopt as our proposal and our deed.

In free choices, human persons integrate themselves around, and in a certain sense synthesize themselves with, the *ends* and *means* that they *adopt*. So persons who intend to destroy, damage or impede a basic human good embrace and integrate into their will (i.e. into themselves as subjects) the evil which, precisely by thus choosing and adopting it, they treat as if it were a good. The moral absolutes which they violate are in no case physico-biologist taboos; each is a requirement to refrain from any choice to violate a human person in some basic aspect of his or her own personal life and well-being.

To say this in no way cuts off the debate about the meaning of Catholic moral doctrine and the methods of Catholic moral theology. But at least it locates that debate without misstatement.

Faith and Morals (Cont'd.)

FOOTNOTES

1. Bévenot fails to reconcile his claim (that apostolic traditions *ad mores* are held by Trent to be *not* of equal authority to those *ad fidem pertinentes*) with the Council's own most deliberate and primary teaching that they are to be held with *equal* (the final debate rejected the drafting commission's word "similar") loyalty and reverence. He assimilates (p. 339) the changeable traditions *ad mores pertinentes* with "ceremonial" traditions, and fails to note the Council's deliberate refusal to make that assimilation (see *Conc. Trid. V, 77, 11.125s, with I, 492, 11.10-19*). He seems to muddle the chronology, by putting the questionnaire after the introduction of "tam de fide quam de moribus" and immediately before the final revision of the decree (pp. 339-340); in fact the phrase was introduced by way of response to the questionnaire, which was before the first of the two main revisions of the decree. These points are additional to those advanced against Bévenot by Zalba and Rodriguez. A definitive account seems called for.
2. Murphy quotes the passage from Driedo and paraphrases it in his text (p. 216), with no hint that he thinks Driedo's position out of line with Trent.
3. E.g. *Ep. 54, 2; Ep. 55, 18*, quoted in Seripando's tract, *Conc. Trid. XII*, at 518-19. See also Augustine, *De Doctrina Christiana II, 9*
4. Yves Congar, *La Tradition et les traditions: essai historique* (1960), 225 n.7. Zalba, loc. cit. at pp. 607-705, gives many samples of this classical theological usage in the pre-Tridentine era.
5. Focus upon supposed verbal parallelisms at the expense of the sense of the text reaches an extreme in Mahoney's suggestion that in DS 1501 "the distinction between saving truth and regulation of *mores* appears to correspond to the distinction between Scripture and traditions": op. cit. 130. This is an impossible construction. DS 1507, promulgated on the same date, affirms that *Scripture* contains teaching *in rebus... morum*; DS 1501 itself plainly states that *traditions* relate not only to *mores* but also to faith (*traditiones ipsas, tum ad fidem, tum ad mores, pertinentes*); and in saying that the saving truth and the *disciplina* are contained both in scripture and in unwritten traditions, DS 1501 gives no syntactical hint that it is the written books that contain the truth and traditions that contain the *disciplina*. As Mahoney himself notes, his interpretation has "strange" implications; all strangeness disappears if his needless hypothesis is set aside.
6. Alfonsus de Castro, *Adversus omnes haereses* (1534), l. c. 5, which speaks also of the appropriateness of believing the Church *circa credenda et agenda a Christo mandata*. A later Tridentine *peritus*, Melchior Cano, writing in the conciliar years, illustrates the common teaching: "...*moralis doctrina* is not less required for the saving nourishment of Christ's flock than is the *fidei disciplina*. In these matters, therefore, the pastors of the Church cannot err. Moreover, as the Lord promised, the Spirit would teach the Church all truth, that is all truth necessary for the pursuit of eternal life. But each truth is necessary: both that which pertains to contemplation, and that which pertains to action; so in defining each kind of truth, the Church is taught by the Spirit." *De locis theologicis* (Salamanca, 1563), V, 5 at p. 192.

An Opinion: Can An AIDS Victim Marry?

CASE: *The New York Times* reported on January 9, 1987, "A Victim of AIDS is Denied a Wedding at St. Patrick's."

David Hefner, a 38 year old Protestant, wanted to validate a three year civil marriage with Maria Ribeiro, a 33 year old Catholic. This couple had lived together for a year, and then married at City Hall in February of 1984. Although a date, February 14, 1987 at 9:00 A.M., had been set for the validation ceremony, the Rector of the Cathedral, Msgr. James Rigney, reversed this decision on the grounds that it was his "own personal judgment" that people in a "life-threatening situation" such as AIDS would receive better pre-marriage counselling in their local parish rather than the Cathedral. (The couple's own parish was Our Lady of the Scapular on East 28th Street in Manhattan.)

In May-June of 1986 Mr. Hefner was diagnosed as having AIDS, the disease that destroys the body's immune system thereby leaving the person vulnerable to a fatal disease. The *Times* article states that at the previous meeting at the Cathedral "they made it clear that Mr. Hefner was a homosexual before their marriage and

that he was suffering from AIDS."

Another reason offered by the Cathedral for not performing the ceremony was that "Mr. Hefner's disease was 'transmittable.'" Mr. Hefner rightly asserted that, in his case, it was "transmissible only through sexual contact." Evidence has been offered that Maria's blood was not infected by the AIDS virus, by three negative tests. It was also reported that Mr. Hefner was admitted to New York University Hospital on January 5th.

On Monday, January 12th both the *Times* and the *Daily News* reported that the Archbishop of New York would review this ruling given by the Rector of the Cathedral. He stated, "If they would meet the requirements of the Church for a church wedding, I would see no problem, and if that's determined and the appropriate instructions are given, perhaps best by a parish priest, then I would imagine the rector of the Cathedral would welcome them to the Cathedral."

On January 13th The *Times* reported that "John

An Opinion: Can An AIDS Victim Marry? (Cont'd.)

Cardinal O'Connor yesterday reversed the decision of the Rector of the Cathedral, Msgr. James F. Rigney." A compromise was reached whereby "the couple will be prepared for marriage by their local parish priest, but will take their vows at St. Patrick's."

Within three months Mr. Hefner died on May 3, 1987 and succumbed to an illness that he was not able to combat due to the AIDS virus depriving him of immunity to disease.

What are the "requirements of the Church" in this and similar situations. And what should be done in these cases?

A related NC News release, in *The Tablet* on January 17, 1987, reports an opinion expressed by Msgr. William B. Smith regarding this case. "AIDS itself is not an impediment to marriage, Msgr. Smith said. But the impossibility of physically consummating a union — presumably the case for an AIDS patient trying to avoid transmitting the disease to a spouse or child — would be an impediment, he said. If the couple intended to prevent the birth of children, it would be impossible for a priest to witness the marriage, he said. And if they planned to prevent transmission of disease through the use of contraceptives, an 'intrinsically wrong act,' the church could not approve the marriage, he said."

OPINION: The *Times* article of 1/9/87 also quotes a spokesman for the Archdiocese of New York, Joseph Zwilling, saying "Obviously, this is a new area that will have to be addressed by the Church." True as this may be, I believe there are enough principles of moral theology and canon law available to shed considerable light on this situation, and perhaps to reach a satisfactory decision on this case, or other similar ones.

1. First of all, let us look at the *rights of persons to enter marriage* in the Catholic tradition. This is one of the very basic and fundamental human rights which has always been protected by the Church throughout her history. This principle of freedom is stated very clearly in the contemporary law: "All persons who are not prohibited by law can contract marriage" (Canon 1058).

This, however, does mean that *some persons are indeed prohibited by law from entering marriage: who might they be?* *The Commentary on the Code of Canon Law* tells us that sometimes prohibitions are placed on marriages in view of the effect this would have on "the spouses, the children, and the community" (p. 743, col. 2). It goes on to say that such prohibitions "are not an unjust denial of individual freedom but a limitation placed on the right to marry for the good of all concerned." (p. 743, col. 2). The *Commentary* notes that throughout history customary or legal structures have been provided "which in certain instances restrict the exercise of the right to marry."

These restrictions may arise from Divine Law or ecclesiastical law. As examples we may cite the case of marriages between natural brothers and sisters which are incestuous and forbidden by Divine Law, or adulterous unions which are again forbidden by Divine Law. We may also cite the prohibition of all clerics in sacred orders to marry, which is a prohibition of ecclesiastical law.

It is clear that a person would be forbidden to marry if free marital consent cannot be given. So for example, the mentally insane, the intoxicated person, the abducted person, cannot validly marry. Also people who cannot fulfill marital obligations cannot validly marry, e.g. two females, two males, a certainly impotent person (e.g. completely lacking sexual organs). But there are also cases like the AIDS situation, which I believe fall into the category of a Divine Law prohibition to marriage.

Why? Because the natural law forbids a human being to place him/herself in a situation which is extremely dangerous to life and health. This is clearly expressed in the fifth commandment of the Decalogue: "Thou shalt not kill," since the moral theology which applies here demands that we have care and concern for our own physical bodies.

2. What is AIDS?

While the present medical stage of understanding this disease grows with each passing day there are still many unanswered questions. One of the things we do know for certain is that this disease is transferred by sexual intercourse with an infected person (vaginal or anal intercourse, homosexual and also heterosexual relations) and by exchanges of blood through intravenous injections with needles which have been used by others whose blood has been infected with AIDS (drug addicts), or by transfusions with infected blood. AIDS is transmitted through invisible breaks in the surface inside the vagina or on the penis; the virus may also enter through mucous membranes in the genital areas.

Another thing we know for sure is that AIDS can be harbored as a debilitating virus for a long time, for many years in fact, without the immune deficiency syndrome erupting or becoming visibly apparent.

We therefore must distinguish two segments of people affected by this disease: 1) the AIDS *victim*, who is in an actual state of immune deficiency, liable to many diseases especially Kaposi's sarcoma (a form of cancer), pulmonary difficulties, etc.; and 2) the AIDS *carrier* who harbors the virus and is a possible transmitter of the disease while he/she may not directly be visibly affected by it.

I believe the question of possible marriage for each of these classes of persons must also be distinguished.

3. There is no known cure for an AIDS victim.

The AIDS *victim* is affected by a certainly fatal dis-

An Opinion: Can An AIDS Victim Marry? (Cont'd.)

ease. There is no known way at the present time to control or eliminate the disease. As Msgr. Eugene V. Clark states in "The Deadly Silence" (*Crisis*, May 1987, p. 35): "AIDS is 100 percent lethal." Present statistics show us that over 50% of AIDS *victims* have already died, and the other *victims* will eventually die also. Msgr. Clark states this dramatically: "Every AIDS victim diagnosed in 1982 and 1983 is now dead. Soon those of 1984 will be dead — all of them."

On January 30, 1987 the New York Times quoted Dr. Otis R. Rowen, Secretary of Health and Human Services, to the effect that 50 to 100 million people will be affected worldwide over the next two decades, and that about 270,000 cases are expected in the U.S. within the next five years.

There is no known cure for AIDS. On January 17, 1987 New York City's Health Commissioner reported that "there are 500,000 people in this city who are infected with the virus," equal to one in every ten adults (New York Times, January 17, 1987).

As of April 14, 1987 there were 33,000 confirmed AIDS cases in the U.S.; this refers to AIDS *victims*. The New York Times reported on March 4, 1987 that "more than a million Americans will have developed the disease (AIDS) by the year 2000." The Federal Centers for Disease control estimate that 20-30% of carriers will develop AIDS within five years of initial infection.

I believe it is true to say that from the viewpoint of Canon Law *all* AIDS *victims* are in *danger of death* situations. The disease progresses to a stage where hospitalization usually becomes necessary. In some cases hospice care may prove to be adequate. But the end result is that the AIDS *victim* is not able to care for him/herself, and will eventually get a disease which proves fatal. This is certainly living "in danger of death." I would say in the case under study that Mr. Hefner was in such a danger of death situation, and all the accepted moral and canonical principles should have been applied.

In these circumstances the Church *could* have allowed a death-bed marriage as is done in other cases involving series danger or imminence of death. This would follow accepted principles.

However, we can also say that an AIDS *victim* should generally not be allowed to marry because the disease is so debilitating and fatal that the choice of an AIDS *victim* as a *suitable* marriage partner would be seriously questioned. We are here considering the intention of the partner who is not affected with the AIDS virus.

An AIDS *victim* would be morally wrong and irresponsible to choose to have sexual relations with a spouse. Natural law would forbid such a union. As Msgr. Smith noted above it would be wrong for a couple in this situation to engage in sexual intercourse for fear of infecting the other party and further spreading the disease, and also for fear of infecting a child who may pos-

sibly be conceived, and certainly the Catholic Church does not condone the use of condoms as many health officers are still promoting so strongly: For a Catholic AIDS *victim*, or a Catholic married to an AIDS *victim*, the only possible moral choice is full abstinence from sexual relations, which raises difficulties when marriage is at issue.

Msgr. Clark has recently stated the question: Since AIDS kills 100 percent of its victims, does a known HIV carrier have a right to marry? A right to sexual acts with another person, knowing it is more than probable that he or she will transmit the lethal virus? We forbid marriage of first cousins for the safety and health of progeny. But we have yet even to ask the question: May a known AIDS carrier be allowed to acquire a right to sexual intercourse with a non-infected person or sire an infected baby? Will the AIDS carrier enjoy the protection of civil rights in bringing about the death of the spouse and child? Perhaps of contributing to genocide? (In *Crisis*, May 1987, p. 38).

While Monsignor Clark's remarks may be very pessimistic he at least is asking the question which few seem willing to propose, even in view of the serious situation we face.

(In some cases an AIDS *victim* could be certainly allowed to receive the Eucharist based upon the accepted moral principles governing the so-called "Brother-Sister Relationship", i.e., the man and woman would be permitted to cohabit and to approach the Eucharist, *provided* there is no sexual intercourse occurring between them. Obviously this has always been seen as an heroic situation for human beings, and requires great spiritual assistance.

4. What about the AIDS *carrier*? Can the AIDS *carrier* be permitted to marry in the Catholic Church?

It is my opinion that an AIDS *carrier* is generally forbidden to marry, and that this prohibition rests upon a natural law understanding of the requirements of marriage.

A marriage between a man and a woman is intended to be a union of support, psychic and physical, as well as moral and spiritual, with the possibility of the raising of a human family from the relationship itself. In the case of an AIDS *carrier* this becomes almost impossible.

The possibility of the AIDS virus erupting at some future time in the marital relationship is a clear possibility, and this would render the intimate marital relationship practically impossible. Sexual intercourse would become an impossibility because of the moral demand to avoid such activity; the transmission of AIDS to a fetus would be a morally reprehensible, imprudent, humanly irrational action; non-genital sexual intimacy

An Opinion: Can An AIDS Victim Marry? (Cont'd.)

could also become problematical since it would often arouse human passion to the level that intercourse would be desired. Once again we must remember that the Catholic Church does not accept the possibility of engaging in sexual intercourse with a condom, and therefore this practice which is being endorsed strongly by health officials remains unacceptable; complete abstinence from sexual relations remains the only choice for a Catholic conscience in an AIDS situation.

The consequences that would fall upon a married couple who, after marriage discern the presence of AIDS, brings about tremendous psychological, physical, and economic strain to the extent that such a relationship would require the greatest of Christian charity to effectively survive.

5. What about the knowledge of the AIDS virus infection?

This would be a critical aspect of the canonical implications when faced with a desire to marry on the part of people infected by AIDS.

a. For the AIDS *victim* the knowledge of the AIDS infection would be clearly evident. Knowledge of the situation would be available to the parties wishing to marry and their intentions would take this information into account.

b. For the AIDS *carrier* the situation is much more complicated. Sometimes the AIDS *carrier* is not even aware of the presence of the virus; testing is not obligatory in most cases, but it might be considered obligatory if a person has lived a life-style which makes it possible that he/she is infected with the AIDS virus and might be a carrier. The AIDS virus can lurk in the body without causing disease, and among those who develop AIDS, the average time between infection and diagnosis of AIDS may be five years or more.

If an AIDS *carrier* is in fact aware of the presence of the virus then an obligation exists to make this condition known to any future spouse. In the contemporary scene many prospective spouses are being more concerned with learning of the previous "sexual history" of a partner in the hope of avoiding an infected spousal relationship.

This was stated very succinctly by Dr. Bowen in an article in the *New York Times* of January 30, 1987: "So remember when a person has sex, they're not just having it with that partner, they're having it with everybody that partner had it with for the past 10 years."

The still undeveloped canonical doctrine on fraud may be applicable if an AIDS *carrier* is aware of the presence of the virus and withholds such information from a prospective spouse.

6. What about a civil marriage for AIDS related cases?

The civil law obviously must make its own determination on this matter. It is the opinion of the undersigned that the common good demands that AIDS related persons not be permitted to marry. The State does not permit everyone to marry. It also can impose restrictions for the common good of the populace.

In the past persons infected with venereal disease were not allowed to obtain a civil license to marry. While this restriction was done away with in New York City in recent years, it should be re-imposed for AIDS-related situations to protect the common good.

7. What kind of counselling would be given to couples wanting to marry when a partner has AIDS?

The AIDS *victim* is always to be considered to be in a danger of death situation. Counselling which is appropriate here would be identical to anyone preparing to meet death. For a Catholic, reconciliation with the Church is a necessary aspect of counselling. Certainly the spirit of resignation to God's will and the acceptance of suffering can be underscored in a counselling situation.

A critical aspect of this counselling would involve the need for complete abstinence from sexual relations. If the AIDS *victim* is so debilitated as to require hospitalization sexual intercourse would not usually be possible due to the physical separation which would be imposed.

On January 10th the *Daily News* quoted Monsignor Rigney as saying: "If one party is suffering from an illness that may threaten the life of a spouse, or of a child who may later be conceived... compassion must be accompanied by a most serious effort to see that the problem is met in a manner harmonious with the Church's teaching. This may require time, prayer and discussion, and even lengthy counselling."

This is the crux of the problem. This counselling which must treat of the aspects of abstinence from sexual relations for the physical good of the couple themselves, which at first sight would be seen by many to be so much at variance with the Church's own teaching about the goodness of sexual activity in marriage, and also at variance with contemporary secular mores where sexual activity has not often been restricted by personal intent. This is where couples must be helped in developing good attitudes. Educational programs about AIDS can be of great help in this.

The question can be raised if a true marriage can be entered when the couple agree to abstain perpetually from sexual relations. Diverse answers have been given, but there is no question that the Church has accepted the validity of such a marriage when such an agreement has been made freely by the couple intending to marry. A full discussion of this controversial issue can be found in Eduardus Regatillo's work *Ius Sacramentarium* (Santander, 1960, pp. 807-808).

It is on this precise point that I believe Monsignor

An Opinion: Can An AIDS Victim Marry? (Cont'd.)

Smith errs, or at least demonstrates confusion. The NC News article states: "Msgr. William B. Smith, Dean and Professor of Moral Theology at the Archdiocesan St. Joseph's Seminary, in an interview, questioned whether an AIDS *victim* would consummate the marriage because of the possibility of transmitting the disease. Under Church law an inability to consummate the marriage is an impediment to marriage." This is misleading. I agree with the position that an AIDS *victim* should not consummate a marriage on the moral grounds established in this presentation. But the impediment to marriage that is mentioned here is a physical or psychological reason for being unable to have sexual intercourse, e.g. inability to have an erection, phobia of sexual intimacy, etc. The impediment does not apply when two people voluntarily agree not to engage in sexual intercourse for proper motives. The doctrine noted above in Father Regatillo's work clearly supports this view of mine.

Again the NC News article causes confusion: "the impossibility of physically consummating a union — presumably the case for an AIDS patient trying to avoid transmitting the disease to a spouse or child — would be an impediment [Msgr. Smith] said. If the couple intended to prevent the birth of children, it would be impossible for a priest to witness the marriage," he said. I must point out the lack of clarity of thought here. It is not impossible for an AIDS *victim* to consummate a marriage; it is irresponsible and immoral to do so, but not impossible; hence the impediment of impotency cannot be applied specifically to AIDS situations. A couple can intend to prevent the birth of children and still be married by a priest (and/or deacon to be exact): the point here is the *means* the couple choose for such prevention; there are moral means and there are immoral means, e.g. there is abstinence or natural family planning, and there is contraceptive intercourse — the distinction concerning the means chosen is crucial here and does not deserve confusion or misunderstanding.

In a recent issue of *Ethics and Medics Rev.* Msgr. Orville N. Griese, S.T.D., J.C.D. takes up this issue and seemingly comes to a very simplified conclusion:

Since the AIDS infection can lie dormant for years without any detectable symptoms, any adult who is contemplating marriage and who has a positive reason for being "at risk" or "AIDS-exposed"... should feel obligated to submit voluntarily to an AIDS antibody test and to share the results of such a test with his or her prospective spouse. If after informed and prudent counselling, the other party agrees to the marriage despite the revelation of an AIDS infection (or disease) the couple should be motivated to have recourse to Natural Family Planning so as to avoid the risk of transmitting the infection to at least some of the children born of that

marriage, since the risk of transmission is apparently high, although not inevitable.

I believe that such an opinion is much too lenient considering the dangers that AIDS presents in the present situation.

It would be my opinion that it would be totally irresponsible for a minister of the Church to permit an AIDS *victim* to marry someone, if the couple plans or intends to engage in sexual intercourse.

It is likewise my opinion that it would be even more irresponsible to allow an AIDS *carrier* to marry and to encourage him/her to engage in sexual intercourse, along with the possible generation of AIDS afflicted children.

It appears to be irrefutable according to Catholic doctrine that a person infected with the AIDS virus cannot morally engage in sexual intercourse.

8. Does *classical moral theology* offer any help?

Marcellinus Zalba, S.J. (*Theologia Moralis Compendium*, Madrid, 1958) treats of "indirect suicide and its proximate danger" (Vol. I, p. 854). He says that the "obligation for a single determined person to face certain death occurs more rarely" but that "it is licit to face certain and proximate death, always for the *public good*, e.g. when a priest or religious or nurse or doctor continue to assist the sick infected with a contagious disease" (I, p. 855, n. 1573, 2).

Another classical text, H. Noldin-A. Schmitt-G. Heinzel (*Summa Theologiae Moralis*, Innsbruck, 1959) teaches that the person who "without cause exposes him/herself to proximate danger of life, sins gravely. The greater the danger of death which flows from the action, so much greater ought the reason to be, by which it can become licit" (Vol. III, pp. 295-296). If a person has no hope of escaping death, he says, then "vitam non periculo exponere, sed perimere dicitur"; in other words, when there is no hope we do not speak of exposing ourselves to danger, but really we are destroying life.

Bernard Haring (*The Law of Christ*, The Newman Press, Westminster, Maryland, 1966) teaches, "we are not permitted to place either our own life or that of others in danger without good reason" (Vol. III, p. 214). "Whoever unnecessarily exposes his own life or the life of his neighbor to danger commits a sin which is by its nature (*ex natura sua*) grave." (Vol. III, 216-217).

Father Haring offers further material for consideration. "Health is both individual and social good... Today indeed the most dangerous contagious diseases, the pests and plagues, have been wiped out or at least held in check and kept under control." (Vol. III, 227) Certainly this was true when he wrote these words, but the AIDS situation has changed our world situation again.

He supports state intervention: "Civil legislation in these matters which affect the social order basically

An Opinion: Can An AIDS Victim Marry? (Cont'd.)

binds strictly in conscience to the degree and measure in which it is concerned with a real and important service for the health of the people... hygienic measures for the prevention of communicable disease, extensive powers by boards of health to safeguard public health, etc." (Vol. III, 227).

His most appropriate remarks however come when he discusses the moral implications of making a responsible decision for marriage: "The very choice of a partner in marriage must have in view the natural and supernatural good of the children who are hoped for" (Vol. III, 336). "The responsibility to service in life assumed in marriage totally excludes the right to choose a partner and enter a union from which — as far as can at all be foreseen — there will spring children laboring under a severe handicap in life..." (Vol. III, 337). How much truer would these words be as applied to children born and infected with AIDS who face certain death. He continues "in more serious cases of this kind [i.e. marriages producing defective and sick children] those who contemplate such a union must be urgently advised to shun it" (Vol. III, 337).

In a very strong opinion he says: "It is desirable that couples contemplating marriage should be well informed regarding all points of health which can affect their marriage and their future offspring... unless it is quite apparent from other sources that the status of their

health (including the hereditary strains) favors a happy marriage and healthy offspring, they should exchange health certificates before engagement. Such certificates of health testifying to freedom from communicable and hereditary disease are to be provided by a physician who is expert in psychology and eugenics" (III, 337-338). If this opinion were to be followed in situations involving AIDS we would certainly have a clearer view of the human situation.

9. It is therefore the opinion of the undersigned that:

a. an AIDS *victim* can marry in the Church, provided suitable and adequate counselling is given, since he/she is always in a danger of death situation;

b. an AIDS *carrier* should be persuaded not to marry in the Church, because of the catastrophic consequences that are foreseen for the spouse, the children, and the community. If such a person were to persevere in his/her intention, the canonical possibility to forbid a marriage for a time and for a serious reason (Canon 1077) should be invoked by ecclesiastical authority and, since AIDS has no cure at the present time, this prohibition could be renewed in a particular case more than once.

July 21, 1987

Rev. Msgr. William A. Varvaro, S.T.L., J.C.D.

Books Reviewed

Nuclear Deterrence, Morality and Realism by John Finnis, Joseph M. Boyle, Jr., and Germain Grisez. New York: Oxford University Press, 1987, ix + 429 pp.

Fellowship members John Finnis, Joseph M. Boyle, Jr., and Germain Grisez, already recognized for their outstanding contributions to Catholic scholarship, have collaborated in writing a study that in my judgment will stand as the most thorough, precise, and realistic assessment of the morality of nuclear deterrence.

They divide their work into six parts. In Part One they identify the deterrent threats and systems actually existing as public acts of Western nations (France, Britain, the U.S.). Here they give massive evidence of the sort that simply cannot be denied to support a *factual assessment*: all these nations, in order to deter the Soviets from attacking the US and its allies and oppressing their people (and the people of other nations dependent upon them for their security), threaten to wreak upon the USSR dreadful harms, including the deaths of thousands of innocent human beings. At times disclaimers are made to the effect that the threat is not to use nuclear weapons with the "primary purpose" of attacking civilians or that civilian populations are not the "target" at which the weapons will be aimed. Nonetheless, as

the authors show demonstratively, such disclaimers in no way mean that these nations are not firmly resolved, should deterrence fail, to impose massive and unacceptable harms to the "values" of the Soviets, including their "demographic values," i.e., their people. "Targeting," the authors show clearly, is *not* the key issue. The key issue is the harm threatened to deter the Soviets from carrying out their aggressive intents, and this threatened harm definitely includes the deaths of thousands of innocent human beings.

Moreover, these nations maintain, improve, and deploy the weapons needed to make this threat credible, and they have in place elaborate plans to carry it out should the necessity arise.

In Part Two the authors begin by showing that the goals of the deterrent, namely, to protect the lives and liberties of the people threatened by Soviet domination, are good. They hold that the leaders of the Western nations have a grave moral duty to defend their people and Western society from Soviet aggression and tyranny. They offer a realistic appraisal of Soviet intentions and capacities, and they clearly recognize that, should the Soviets not be deterred, grave evils, including death and the privation of valued liberties, will be visited upon millions of people. They also argue, in one chapter in Part

Books Reviewed (Cont'd.)

Two and more fully in chapters of later Parts, that the only effective deterrent to Soviet domination is the nuclear deterrent, the one that includes as an essential component the willingness, however conditioned, reluctant, and regretted, to kill innocent human beings.

Is this deterrent morally justified? The final chapters of Part Two take up this matter. In the first of these chapters the authors judge the morality of the deterrent from the perspective of what they call "common morality," the morality rooted in the Judeo-Christian heritage that has shaped the Western world [this "common morality" is defended, developed and shown to be true in Part Four]. According to this morality it is absolutely wrong intentionally to kill the innocent, and one kills the innocent when one forms in one's heart the intent to do so, however reluctantly and conditionally, even before one executes one's intent by carrying it out. Morality is "of the heart"; one is already an adulterer or a murderer once one has adopted by choice the proposal to commit adultery or to kill the innocent. Since the threat proposed to deter the USSR includes the real intent to kill innocent human beings, it must be judged by common morality as intrinsically evil and hence morally unjustified and unjustifiable.

Subsequent chapters of Part Two take up in depth various efforts to avoid this conclusion by claiming that the threatened deterrent does not include the intent to kill innocent human beings. In these chapters the authors consider the views of those who argue that, when the day comes, we will change our minds and refuse to carry out the harm threatened, or who claim that "mere possession" of weapons of such destructive capacity suffices to deter without the intent to use them, or who claim that the threat is a bluff. In these chapters they likewise take up the views of those who, like the American bishops, hold that the deterrent does not include the intent to kill innocent human beings but is limited to the intent to target military forces and objectives. The authors succeed, in my judgment, in showing that such efforts to justify the deterrent are basically the result of rationalizations or wishful thinking having some plausibility because of illusory or confused notions such as "targetting determines intention," "mere possession," "bonus damage," etc. or some combination thereof. As noted already, targetting is not the key question. The key question is what threatened harm, credibly and realistically expected, actually serves to deter the Soviets. And the answer, time and time publicly asserted and, moreover, supported by the development, deployment, and planned use of weapons sufficient to make it credible, is the willed destruction of thousands of innocent human beings. At the conclusion of the final chapter of Part Two, Finnis, Boyle, and Grisez make the following illuminating comment:

We can understand why the bishops [of the US] and many other moralists avoid any careful attention to the facts about deterrent strategy and intent. Decent people cannot adjust themselves to the reality of the deterrent. The reality here is twofold: the menace of Soviet power if it were undeterred by a deterrent system such as actually exists; and the threat to kill the innocent, with its underlying intent, and its guilt. The reality, in both respects, is horrible. Every reasonable person wishes to escape it. But the only thing one can escape is the guilt, and one can do that only by ceasing to participate in, defend, support, or approve the nuclear deterrent system.

Part Three examines "consequentialistic" or "proportionalistic" assessments of the morality of the deterrent. Here the authors are concerned with writers who recognize, realistically, that the deterrent indeed includes the intent to kill innocents. But these writers reject moral absolutes, such as the one prohibiting the intentional killing of the innocent. Yet these authors come to differing and contradictory positions, depending on the outcomes likely to result from maintaining the deterrent or abandoning it. Some conclude that maintaining the deterrent is the "lesser evil" insofar as in their judgment maintaining it is more likely to bring about a state of affairs that is, on the whole, less evil than would be the case were the deterrent abandoned. Others think that keeping the deterrent is more likely to lead to a nuclear holocaust and perhaps to the destruction of all human life on this planet, harms they regard as greater evils than any that could be rationally anticipated by abandoning the deterrent. They thus conclude that it should be given up.

As all this makes obvious, consequentialist moral theories (including the sophisticated form of consequentialism known as proportionalism that is advocated by several Catholic theologians) support contradictory conclusions regarding the deterrent. This suggests that such theories are unworkable. In the final chapter of Part Three the authors show the futility of consequentialist arguments. Not only do all forms of consequentialism rest on the false assumption that the various goods and bads involved in assessing the "greater good" or "lesser evil" are commensurable while in truth they are not in the way that consequentialism requires, they are also incompatible with the reality of free choice. They are incompatible with free choice because such choice is possible only when there are alternatives; but alternatives are present only when the good promised by various alternatives is incommensurable. Were it possible, as consequentialism requires, to determine prior to choice which alternative unambiguously

Books Reviewed (Cont'd.)

promises the "greater good" or "lesser evil," then other alternatives would be rationally excluded, for no one can rationally choose what one knows to be the "greater evil." But human choices are free. They may be unreasonable and hence immoral, but they are not irrational. Hence consequentialism in all its forms is false.

The two chapters of Part Four are devoted to a cogent presentation of a "sounder view of morality" than consequentialism or legalism or various kinds of don-tologism." In these chapters the authors present in clear and summary form the moral theory they have elaborated at greater length in other works. This moral theory, which is in essence a defense, deepening and development of the "common morality" rooted in the Judeo-Christian heritage and the writings of such theologians as St. Thomas and proclaimed by the Church, holds that, in order for free persons to be fully the beings they are meant to be, such persons are to choose those and only those alternatives compatible with a will toward "integral human fulfillment." Human choices are right and good only when such choices are compatible with an acceptance, openness to, and reverence for the goods truly perfective of human persons. This basic moral norm is specified by excluding ways of choosing that are opposed to an openness to what is truly good. More specifically, it absolutely prohibits the deliberate intent to damage, destroy or impede any real good of human persons. It thus excludes the deliberate choice to kill innocent human beings, for one cannot adopt by choice the proposal to destroy human life and at the same time be open to its goodness.

In the chapters of Part IV the authors explain in detail why innocent human beings may never be killed intentionally, just as innocent persons can never rightly be punished for crimes they have not committed. They argue that human life, despite the dualism rampant today that looks on it as merely a good instrumental to the person, is in truth a good of the person; still they show that the deterrent is morally wrong by reason of the many basic human goods that it intends to destroy even on the supposition, which they reject, that life itself is not a basic good of persons. In these chapters they likewise show the relevancy of "innocence" in the doing of deadly deeds, and in these chapters they defend, in essence, the notion of just war and justified use of lethal force.

Part Five is devoted to the question of disarmament and of individual responsibilities while deterrence continues. The authors maintain that "under present conditions, the aims of arms control [which must be clearly distinguished from disarmament] have plainly not even begun to challenge the priority of maintaining a stable deterrent, and promoters of arms control cannot take mutual nuclear disarmament, at a level which would end

the immoral elements of existing deterrent strategies, as a practical objective, but only as a remote goal, if that." In short, they hold that mutual disarmament is not at all likely. In the meantime, the demands of morality do not wait. As they put the matter, "the norm which forbids intending to kill the innocent forbids the deterrent. To maintain the deterrent pending mutual disarmament, or even as a spur to disarmament, is to maintain the murderous intent which the deterrent involves." What, then, are we to do? The only possible choice not absolutely excluded is to renounce nuclear deterrence immediately.

The authors recognize that their proposal would, if adopted, "affect the common good of our communities very drastically." They likewise are aware that many will consider their logic perverse and will respond that it is intolerable that the right of just defense, always acknowledged by the common morality they defend, should be lost by the accident of technological development which makes of the precept against killing innocents a blackmailer's charter by rendering helpless every upright community to protect its own population. Yet the authors maintain, correctly in my opinion, that such objections "assume that there is a fundamental and overriding moral responsibility, at least of national leaders; that a future state of affairs shall be realized, viz., the foreseeable well-being of a community." But if this assumption is expressed in theoretical terms, it is simply a variant of the consequentialism they have shown to be false, the consequentialism, moreover, that many defenders of the deterrent reject in other issues concerning the inviolability of innocent human life from intentional attack. In addition, as the authors put it,

these objections also mistake the human significance of strict negative precepts. These are grounded in the dignity of the human person, for they protect the well-being — for example, the lives, the fidelity to basic commitments, and other goodness — of real people. They do so not by imposing an estimate of how to maximize that well-being for whole communities and eras, or how to minimize losses for those eras and communities. Rather, they protect human well-being by requiring unconditional respect for it on the part of anyone whose chosen act might possibly directly destroy or harm that well-being in some basic aspect. Those who have adhered to these precepts have always been liable to destruction by the ruthless and unscrupulous who could be resisted or appeased only by atrocities... Some individuals and communities have perished rather than poison the wells or slaughter hostages.

In assessing individual responsibilities while deter-

Books Reviewed (Cont'd.)

rence continues the authors first acknowledge that differing responsibilities are morally required of those who accept their conclusion and of those who reject it, for various reasons. Those who accept their conclusion have the responsibility never to accept any invitation to support the deterrent, or to help, however reluctantly, bring about its continuance. They offer illustrative examples of what various sorts of persons who accept their conclusions may rightfully do or not do (members of Congress or parliament, submarine commanders, key turner, ordinary citizens). They hold that paying taxes is a responsibility that should, in fairness, be maintained; they think it morally legitimate to vote for candidates who accept the deterrent if voting for such candidates prevents the election of others who support similar nuclear policies and who are less suitable in other respects or who support other immoral public policies. They hold that the general positive responsibility of those who accept their conclusion is to take what opportunities they can, in keeping with other legitimate responsibilities they have, to bear witness to their alienation from their nation's deterrent policy. Rather, they recognize that such opportunities might well be very restricted, and they warn against the grave risks created by movements which, while advocating nuclear disarmament, fail to acknowledge the probable side-effect of doing what they advocate, namely, Soviet domination.

In assessing the responsibilities of those who, for various reasons, reject their conclusion, their advice is to do what is less wrong. And in their judgment, it is a sheer error to think a weaker deterrent more "moral." They thus conclude that those determined to support some form of nuclear deterrent "must support an efficient system which will hold out some promise of being stable (i.e., of deterring, not triggering, nuclear war) in all the crises which will confront their nation and its allies." They likewise hold that both opponents and supporters of the deterrent have a common responsibility, namely, to search for some way out of the present deterrent system.

In the concluding Part Six, Finnis, Boyle and Grisez offer some concluding thoughts rooted in their Christian faith. In this masterful and eloquent conclusion they offer no panaceas. They do not know what the future will bring. They think it unlikely that their proposal, to renounce the deterrent, will ever be widely accepted. The future may bring us a nuclear holocaust, terrible tyranny and suffering, or both. But they believe that God so loves us that He sent His Son be one of us, to redeem us from sin, and to enable us to live *now* and forever, as members of the divine family. This life begins now, and we live it by being faithful to our commitment to cooperate consciously in the Father's work of creation, the Son's of redemption, and the Spirit's of sanctification. We are not responsible for everything, but we are re-

sponsible for our own lives, our own choices, for it is through these choices that we determine who we are. By making them rightly, i.e., by making them in such a way that we respect fully the God-given good perfective of human persons, we do what we can to cooperate with God. In Him is our hope. And to Him we can and must pray, for prayer "is not only the profoundest realism; if sincere, it is also the most and best that anyone can do for peace."

Even in this lengthy review I have not, I know, done justice to the richness of this volume. It is massively documented, clear-headed about the factual situation, rooted in a sound moral theory, and permeated with Christian realism. Some may wonder whether the authors' position runs contrary to papal teaching, for in a message to the UN in 1982 Pope John Paul II stated that, provided certain conditions are met, "deterrence... may still be judged morally acceptable." The authors explicitly take up this statement and argue that both its context and content do not justify the conclusion that it expresses a considered judgment that the Western nations' present nuclear deterrents are morally acceptable. They note that nowhere does the Pope identify and find morally acceptable the intention to city-swap or to execute the threat of final retaliation. They hold that Pope John Paul II affirms no more than the Catholic Church has not yet clarified and reached firm conclusions on the relevant issues. Deterrence "may still" (but perhaps not when the question will have been more fully clarified) "be judged morally acceptable." It is this interpretation of the papal statement that they hold to be reasonable and warranted.

This is a most important work. In 1978 Boyle and Grisez wrote a masterful study of the euthanasia debate, *Life and Death with Liberty and Justice*. This superb study never received the attention, in my opinion, that it merited, particularly from religious leaders. My hope is that this work does not meet a similar fate and that it will be studied, and studied seriously, by many, including bishops.

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

The Closing of the American Mind, Allan Bloom,
Simon & Schuster, New York, 1987, 392 pp, \$18.95.

"Today's universities have so little to offer a student's soul that he becomes obsessed with getting on with a career before having looked at life. The result of this emphasis on specialization rather than liberal education is a graduating class of ill-educated young people with no intellectual tools."

Books Reviewed (Cont'd.)

Harsh as this statement may seem, it is typical of the charges leveled by Allan Bloom in this surprisingly successful book. Because of his reputation as a scholar and the prestige of the schools where he has taught, his words are being taken seriously by many in education and by the media.

At the University of Chicago he is co-director of the John M. Olin Center for Inquiry into the Theory and Practice of Democracy, and a professor in the Committee on Social Thought and the College. He has taught at Yale, Cornell, the University of Toronto, Tel Aviv University, and the University of Paris.

His basic thesis is that American universities today have no real interest in liberal education. Of the three great fields of learning therein — the natural sciences, the social sciences, and the humanities — only the first two fields, he says are of interest to the schools. The colleges, he holds, have no use for the study of man as man, and hence no desire to help the student explore who he is, or why, or to learn what other times and scholars thought about these great themes. With no real vision of their own, the schools take the easy route of steering students into practical, and quite likely, lucrative fields. Though Bloom doesn't use the term, this makes them just glorified trade schools. The new emphasis on the MBA degree supports his reasoning.

But if the university has little to offer the beginning student, neither does the student enter with a mind receptive to the seeking out of other than utilitarian or scientifically "demonstrable" facts or pursuits. Bloom says, "There is one thing a professor can absolutely be certain of: almost every student in the university believes, or says he believes, that truth is relative." This relativism, he complains, "is necessary to openness and this openness is the virtue, the only virtue, which for more than fifty years all primary education has dedicated itself to inculcating."

In a telling paragraph he shows that this kind of indoctrination is a mistake: "There are two kinds of openness, the openness of indifference — promoted with the twin purposes of humbling our intellectual pride and letting us be whatever we want to be, just so we don't want to be knowers — and the openness that invites us to the quest for knowledge and certitude... This second kind of openness encouraged the desire that animates and makes interesting every serious student — 'I want to know what is good for me, what will make me happy' — while the former stunts that desire."

He voices the further opinion that whereas most students, until a decade or so ago, came to college with some grounding in the Bible and a set of fixed moral values, this is no longer so. They have no fixed norms. Their parents have given them none and thus cannot help them.

Bloom believes that this relativism developed after

the 1950s, a decade that was to him a sort of golden age of the colleges because of the influx of European scholars fleeing Germany and central and eastern Europe during the 1930s and 1940s. Here we might quarrel with him on two counts. In philosophy and the humanities, the Catholic universities and many others were at their best in the period from the 1930s through the 1950s. Moreover, moral relativism was rife in the schools long before the 1960s. I am told there was behaviorism in the 1920s and the 1930s; the late 1940s saw the popularity of situation ethics. I think it fair to say that moral relativism has been present and growing through all the 20th century.

In discussing the difficulties of getting students interested in "non-productive" subjects, Bloom deplors the influence of rock music on the young. He says rock music is one of the great enemies of liberal education. His prose almost smokes as he writes: "Ministering to and according with the arousing and cathartic music, the lyrics celebrate puppy love as well as polymorphous attractions, and fortify them against traditional ridicule and shame. The words implicitly and explicitly describe bodily acts that satisfy sexual desire and treat them as its only natural and routine culmination for children who do not yet have the slightest imagination of love, marriage or family. This has a much more powerful effect than does pornography on youngsters, who have no need to watch others do grossly what they can so easily do themselves." Then he makes this telling judgment: "These are the three great lyrical themes [of rock music]: sex, hate and smarmy, hypocritical versions of brotherly love." How right on that is! Regarding sex — well, for many of the young, sex is everything because so much of our whole culture says that it is. And hatred, especially hatred of authority symbols, can help the young assuage the guilt they often feel for their "Me, me, me" existence. But the most serious, and correct, note Bloom strikes is in the word "smarmy." Most of what students, and their elders, see in the popular TV shows and movies today reeks of this smarmy, and yet, permissive, goodness. Hence the easy celebration of "compassion" which is of the essence of smarminess and demands little sacrifice, only the right ritual incantations.

Another surprising fact of Bloom's toting up of the gains and losses of recent decades is his scathing indictment of the "educational reforms" of the 1960s. He says flatly: "About the sixties, it is now fashionable to say that although there were excesses, many good things resulted. But so far as the universities are concerned, I know of nothing positive coming from that period. It was an unmitigated disaster for them. I hear that the good things were greater openness, less rigidity, freedom from authority, etc. — but these have no content and express no view of what is wanted from a university education." And he doesn't mince words in

Books Reviewed (Cont'd.)

assigning blame for the manner in which some of the leading universities caved in to the outrageous demands of the student rioters. He was at Cornell when the riots and the takeovers of buildings occurred there. He details the spinelessness of the administration, citing such notable professors as a famed political philosopher, a Nobel recipient, and the then provost who later became president of the university. Not only did they wilt under pressure of physical violence (though they could easily have invited the local law enforcement arms to step in and restore order), but they compounded their folly by pretending, sometimes most self-righteously, that this was a forward-looking and courageous action. Also, those with the moral fiber to resist the bullying student mobs (as, for example, a tough black woman administrator, a black assistant dean known for his good work on integration, and others) were fired or just phased out. Further, "There was essentially no risk in defending the university, because the danger was entirely within it. All that was lacking was a professional corps aware of the university's purpose, and dedicated to it. That is what made it so contemptible." He adds, "The 60's were the period of dogmatic answers and trivial tracts. Not a single book of lasting importance was produced in or around the movement."

And, as a warning to American professors, Bloom repeats the story of Martin Heidegger's disgrace. He calls him the most interesting thinker of our century and then cites how he groveled before Hitlerism. As the new rector of the University of Freiburg just after Hitler came to power, Heidegger urged a commitment to National Socialism. Of course our university people then castigated him for it, but Bloom thinks that they, like Heidegger, are chiefly concerned with their own security and quiet.

Another surprising aspect of Bloom's appraisals is his belief that Black students are not being properly served by our leading universities despite all the easy talk about racial justice. He holds that the watering down of courses and grades (one outcome of the student riots) to help Black students has only created a suspicion that the diploma of the Black college graduate is flawed. The serious Black students know this and resent it as they want to, and can, achieve on the same level as the serious Whites. He also says that Black and White students bunch together in their separate groups on campus, and that this separateness — not integration — is a fact of campus life today. He invites us to visit colleges to observe this first hand.

What does he propose as a corrective for the present emphasis on so-called practical courses? How would he steer young minds into some pursuit of what used to be (tritely) called the true, the good, and the beautiful?

To begin with he puts no great trust in the two typi-

cal solutions of the universities. The first is to force all students to take a few courses other than those in their career fields. Since the students usually consider these add-ons unimportant, they don't learn much in them. The other solution is "composite" courses which are for general education purposes and require the collaboration of professors drawn from several departments. These, he says, "have the clear advantage of requiring some reflection on the general needs of students and force specialized professors to broaden their perspectives, at least for the moment." However, the dangers are trendiness, mere popularization, and lack of substantive vigor. "If such programs," he says, "engage the best energies of the best people in the university, they can be beneficial and provide some of the missing intellectual excitement for both professors and students. But they rarely do and are too cut off from the top, from what the various faculties see as their real business.

"Of course," he asserts, "the only serious solution is the one that is almost universally rejected, the good old Great Books approach." He says he is well aware of all the objections to this apparently simplistic approach, but he replies that "one thing is certain. Wherever the great books make up a central part of the curriculum, the students are excited and satisfied, feel they are doing something that is independent and fulfilling, getting something from the university they cannot get elsewhere." Of course students will not read all, or even many of the great books. But those chosen by a judicious teacher will immeasurably widen the students' outlook.

It should be noted that while Bloom has a wide knowledge of Plato, Socrates, Aristotle, Des Cartes, Nietzsche, Pascal, Kant, Freud, Hegel, Rousseau, Heidegger, and many more philosophers, and is keen on the rewards of pursuing the truth, he doesn't do more than just advert to the truths of Revelation. This lack, though it is understandable in a man whose teaching has been done at secular schools, keeps Bloom's book from being the all-out vehicle for pursuing all the truth we might desire.

To sum up then, Bloom says that the universities today no longer educate man as man but only for his niche in a career, and they cater to the moral relativism that the students call "openness." Further, he scores rock music as a great enemy of liberal education and insists that the 1960s were a disaster for education and also that Black students are not well served by the schools' so-called concern for their deprived status. Finally, he believes that the first step in restoring the humanities is to encourage the reading of the Great Books.

When he speaks of how little today's students seem to know about the Bible, we have to reflect that Catholic students, even those from Catholic schools, come to

Books Reviewed (Cont'd.)

college today with no real knowledge of the most elementary truths of our faith. One can hope that some publisher with the stature of Simon & Schuster will ask a Catholic professor to do a similar expose of the deficiencies in religious teaching in our own schools. Wouldn't that cause a worthwhile furor? Perhaps the book could be called, *The Disappearance of the Catholic Mind*.

John J. Farrell

The Maternal Face of God: The Feminine and Its Religious Expression, by Leonardo Boff, O.F.M., trans. by Robert R. Barr and John W. Dierckmeier (N.Y.: Harper and Row, 1987), 278 pages, \$16.95.

In *The Maternal Face of God*, liberation theologian Leonardo Boff, O.F.M. offers us an analysis of the mystery of Mary as an expression of the feminine face of God. Because of the stature and the controversies surrounding the author, this work promises to be enormously influential and worthy of a full review.

According to Boff, facets of God are revealed to us in the feminine, which is described as sympathetic, caring, intuitive, deep, mysterious, earthy, dark, receptive, etc. (p. 54) It is in the figure of Mary that Catholic tradition locates the archetype of the feminine. While reaffirming perennial doctrines concerning Mary, Father Boff also wants to show how she can be a model of liberation, a sign of the final freedom and loving harmony that will take place at the end of time.

Key formulations in this work of creative scholarship include the following:

—The feminine and masculine in individual females and males is not a sharp dichotomy of qualities but more of a difference in frequency and intensity. The woman contains feminine and masculine in the proportions of the female concretion; the male contains masculine and feminine in the proportions of the male concretion. (p. 91) Culture very much influences the degree of difference so that nature and nurture combine as "twin causes" of male and female behaviour (p. 40).

—Contrary to a uni-sex ideal, Boff insists that "virility and femininity are each manifested differently in a man and in a woman. In a man, virility predominates, and this is what makes him a man. In a woman, femininity prevails, and thus she is a woman" (p. 51).

—The goal of male/female relationships is not domination from either side, but interpersonal harmony. (p. 44). Man and woman are not incomplete in themselves, but *relatively complete*, and therefore "must submit to relationship, to reciprocity, to complementarity" (p. 51).

—The feminine is rooted in God's own being and reflects God. Scriptural references to Wisdom, to God as Comforter, as like a mother hen, and as one who will wipe the tears from our eyes at the end of time indicate

the feminine side of God, of which Mary is the great archetype. Christian spirituality is characterized by many feminine dimensions of depth, mystery, tenderness, interiority and caring (p. 79).

—Although the Trinity is revealed as masculine, that does not preclude there being a feminine maternal "face" of God. References to God as mother can be found throughout Christian tradition.

—Since female is also in the image of God in the Genesis account, the feminine must be acknowledged as part of God. "God is mysterious, inaccessible depth, for God is feminine. At the same time, God is self-communicating in truth and love, for God is also masculine. God is unoriginated Origin (feminine), and at the same time a Giving, an extrojection (masculine)" (p. 90).

—God's eternal motherhood is depicted for us in Mary. Boff proposes as an hypothesis *to be submitted to the judgement of the Magisterium*: "the Virgin Mary, Mother of God and of all men and women, realizes the feminine absolutely and eschatologically, inasmuch as the Holy Spirit has made her his temple, sanctuary, and tabernacle in so real and genuine a way that she is to be regarded as hypostatically united to the Third Person of the Blessed Trinity" (p. 93). In this connection Father Boff makes reference to formulations of St. Maximilian Kolbe who saw Mary as a quasi-incarnation of the Holy Spirit as the uncreated Immaculate. The Brazilian theologian does not hesitate to link his hypothesis to the role of Mary as co-Redemptrix and Co-Mediatrix. "Together they (Jesus and Mary) translate absolutely what it means to say that the human being is the image of God." (p. 95) This reviewer was fascinated by the way Boff's conceptions in this regard reflect popular piety and quite consciously declare as no exaggeration certain expressions that many contemporary thinkers try to excuse.

—*The Maternal Face of God* continues with an often beautifully written account of Mary in historical, theological and spiritual "mythic" dimensions.

By way of response, aspects of *The Maternal Face of God* deemed important by this reader were these:

—traditional doctrines concerning Mary are approached seriously and lovingly by Father Boff. Though occasionally his writing might be interpreted as demythologizing, (p. 111) in the majority of cases Boff not only reaffirms Catholic dogma but refutes Scriptural exegesis that casts doubt on literal meanings (see p. 134 ff).

—Boff's analysis of the feminine starts with Scripture and takes sexual differences seriously rather than defining people only as "rational entities." "No one has ever seen "the human being" walking along the street. The human being we see walking along the street is not *the* human being, but a particular, concrete male or female human being, a man or a woman" (p. 47).

—The Trinity is described as masculine, though not

Books Reviewed (Cont'd.)

male in a physical sense. (p. 82). The attribution to God of masculinity is *not* described by Boff as merely cultural.

—The link made between popular piety and the hypothesis of Boff concerning Mary's nature may lead to a renewal of Marian devotion among Boff readers.

Ideas of Father Boff this reviewer deemed to be in need of criticism were these:

—Except in the case of the description of Mary's motherhood, there is a strange lack of emphasis on male and female as reaching its finality in pro-creation and the joys of parenthood.

—The assumption that feminine dependency is by definition negative with no distinction between servile passivity and acceptance of complementary needs seems one-sided.

—Occasional references to process theological modes of thought are distracting for readers not of that mind — for example God is said to "have created the feminine as a means of self-realization." (p. 20)

—The word "feminist" is used only in a positive manner with no allusion to negative connotations and consequences. Scriptures not fitting into a feminist reference such as the Pauline passages about subordination are described as cultural accretions. (p. 61 ff)

—The Judeo-Christian tradition is described as patriarchal. The idea that there might be transcendent reasons for God's forming the chosen people in a patriarchal manner is not considered. This leads Boff to claim that, with some nuances, it might be possible to speak of God as Mother, Daughter, and Holy Spirit. It follows that Boff would consider the non-ordination of women to be based on male chauvenist foundations. (p. 72).

In conclusion, if a reader can "bracket" certain contemporary controversial frameworks of Fr. Boff, *The Maternal Face of God* may be recommended as book containing many ideas of great value, some of which may turn out to be an antidote to extreme feminist trends.

Ronda Chervin
Professor of Philosophy
St. John's Seminary
Camarillo, CA

Deaconesses: An Historical Study by Aime Georges Martimort, translated by K.D. Whitehead (San Francisco: Ignatius Press, 1986) 268 pages, sewn soft cover, \$12.95.

Several years ago when I first started my work as a consultant to the United States Bishops for a Pastoral on the Concerns of Women, I had the vague impression that while the question of women in the priesthood was

very complicated, the idea of deaconesses was very straightforward. Obviously there should be deaconesses, I thought, and I imagined the deaconesses of the early Church to have been performing the same functions as present day deacons.

Now after more research I realize that the question of women priests though controversial is rather clear. An unbiased mind can come to understand and affirm the teaching of the Vatican Document showing why there can be no women priests. But the subject of deaconesses is truly complex.

Since many of you will be in contact with people who incorrectly believe that it is only a matter of time before we have deaconesses whose duties are identical to that of deacons, it is important to have on hand a book that enters into the subject with the exhaustive scholarly precision of *Deaconesses*, by Martimort, a study based not only on the usual documentation concerning practices of the early Church but also data from liturgical rubrics about ordination of various grades of clerics.

What follows will be a summary of Martimort's conclusions. I strongly recommend that you get the entire book, however, since the weight of the scholarship will be helpful in answering objections raised on the basis of less thorough study.

There was quite a bit of variety in the early Church when it came to who deaconesses were and their duties. In some regions there were no deaconesses at all. In many cases they were instituted because baptism of adults was received totally in the nude. To avoid scandal, the deaconesses did much of the anointing, with the male cleric performing the baptismal formula, sometimes behind a veil with his hand extended. Deaconesses also sometimes visited sick women for the same reason of modesty, and sometimes instructed women in pagan homes where men would not have been welcome by the pagan males of such households. In many regions deaconesses also were in charge of the instruction of newly baptized and other women of the congregation. They *never* preached or taught in public. In some areas deaconesses came to be appointed in the role of superior to groups of women religious, and also nuns who were in the role of superior were sometimes given the title of deaconess with some kind of institution. These were sometimes allowed to distribute communion and to read the Gospel when there were no deacons or priests available. Whereas in some places only a blessing was given to a deaconess, in others there was an institution and in others an ordination, but even such ordination was never to the same liturgical duties as the deacon. Martimort clearly refutes claims of some scholars that deaconesses were very like deacons. With the advent of more and more infant baptisms and less and less adult baptisms, there was a dying out of the institution of deaconesses.

Books Reviewed (Cont'd.)

He concludes: "the ancient institution of deaconesses, even in its own time, was encumbered with not a few ambiguities... In my opinion if the restoration of the institution of the deaconesses were indeed to be sought after so many centuries, such a restoration itself could only be fraught with ambiguity. The real importance and efficaciousness of the role of women in the Church has always been vividly perceived in the consciousness of the hierarchy and of the faithful as much more broad than the historical role that deaconesses have in fact played. And perhaps a proposal based on an "archeological" institution might even obscure the fact that the call to serve the Church is urgently addressed today to *all* women, especially in the area of the transmission of Faith and works of charity."

Ronda Chervin
Professor of Philosophy
St. John's Seminary
Camarillo, CA.

Who Wrote The Bible? by Richard Elliott Friedman, Summit Books, N.Y., 1987, 245 pp. (text), 40 pp. (notes and bibliography) Price \$18.95.

Richard Friedman, author of several previous works on the Old Testament, is professor at the University of California. His present volume, dealing only with the Old Testament, is a very readable, interesting, and scholarly defense of an hypothesis concerning the final editors of the Pentateuch, I and II Samuel, I and II Kings, I and II Chronicles, and Ezra-Nehemiah.

Accepting the familiar documentary *hypotheses* which sees four basic strands underlying the Pentateuch, *J* (the Yahwist), *E* (the Elohist), *P* (the Priestly), and *D* (the Deuteronomist), Friedman traces their origins as follows. The *J* and *E* sections originated in the Kingdoms of Judah and Israel respectively, and were each written by an individual author sometime between 900 and 722 B.C., at which latter date the Kingdom of Israel fell to Assyria. *J* and *E* are different perspectives of the one faith as that faith was shaped distinctively after the political division of the united Davidic Kingdom. The *P* sections, written originally as an alternative to the *J* and *E* accounts, was composed by an unknown author, says Friedman, sometime between 722 and 609 B.C. The *D* sections, along with the books of Deuteronomy, Joshua, Judges, I and II Samuel, and I and II Kings — all of which have been considered to bear the imprint of the same author or editor — Friedman assigns to the

prophet Jeremiah and his scribe Baruch around 609-587 B.C. "Indeed, it may be best to think of the Deuteronomistic writings as a collaboration, with Jeremiah, the poet and prophet, as the inspiration, and Baruch, the scribe, as the writer who interpreted history through Jeremiah's conceptions" (p. 147). Finally, just after the Exile, Ezra the priest combined and edited the various writings (some of them written originally in mutual opposition), giving us the Pentateuch much as we know it.

The above is but a "bare-bones" breakdown of Friedman's conclusions. His own process of investigation and the arguments he develops to demonstrate his thesis make interesting and, at times, persuasive if not totally convincing reading. He has built his case on the varied conclusions of many predecessors but has given an overall picture and specific conclusions which unify and surpass his own sources. It is to be noted, however, that Friedman has taken no account of recent writings which call into question the whole documentary *hypothesis* (cf., for example *Before Abraham Was* by Kikawada and Quinn, two professors of the University of California at Berkeley, Abingdon Press, 1985). And, like so much current exegesis of both the Old and New Testaments, Friedman offers us no reflections on what the Bible's primary Author, God Himself, contributed and intended in the production of the work. Such an approach leaves us with a literary and historical examination of Scripture, a plethora of frequently contradictory *hypotheses*, and makes exegesis little more than a limited propaedeutic to theological work.

It is worth noting, finally, that Friedman argues for the attribution of the author-editorship of these Old Testament books to known historical figures (Jeremiah-Baruch-Ezra). And he does this although there is little, if any, external evidence or contemporaneous tradition testifying to such attribution. Some New Testament exegetes appear intent on following the opposite procedure. Despite ancient and virtually unanimous attribution of authorship for the first and fourth Gospels, the effort is made to attribute them to persons or groups for whom there is no historical record (cf. and compare the very apodictic introductions to the Gospels of Matthew and John in the Revised New Testament of the NAB with the introductions — more tentative and nuanced in their assertions — to the Synoptic Gospels and Matthew and John in the *New Jerusalem Bible*).

Rev. James T. O'Connor

Books In Brief

Richard Chilson, *Catholic Christianity*, New York: Paulist Press, 1987.

One weeps to read this book. It is a catechism, a manual of faith intended for RCIA groups, and Catholic adults generally. It is the sort of catechism that tends to generate dissenters like those the media thrust into our attention so much during the Pope's visit, the "devout but unbelieving Catholics," who pick and choose among elements of faith. Moral teaching here is pretty bad: if one commits an act that the Church calls seriously wrong (abortion? adultery?), but "does not intend to reject God," he commits no mortal sin (p. 120).

Church authority gets short shrift: infallibility is acknowledged, but the infallibility of the ordinary magisterium seems forgotten, with the real duty to assent to authoritative teaching (pp. 202-203 and *passim*). The Church has never proclaimed any moral teachings infallibly (p. 210, not even that killing the innocent is naughty?) It is plausible to say that one is walking in the paths of Vatican II if one wants women priests and desires changes in our sexual ethics (p. 382).

Doctrinal teaching is very thin: the splendor and joy of saving truth is dimmed; see, e.g., the lamentable treatment of the Trinity, (p. 218-219), and the unnuanced treatment of the ineffability of God (p. 216), a treatment which forgets the classic reminder that things said about God by Christ and treasured by faith are known to be literally true, despite the depths of His mystery. He is one who literally knows and loves us. Reading this, one might suspect he is reading a reincarnation of Wilhelm's *Christ Among Us*, which happens to be the only survey of faith teaching cited in the primary list of books for further reading (p. 9). We hope to have a more detailed review of this work in a later issue. Even more important, concerned bishops might expeditiously look this book over, and question whether it should have its *Imprimatur* (with the astonishing claim that this book is "free of doctrinal or moral error.") Surely, catechetical books ought to be even more carefully written than books written for experts. If this book sells the million copies it probably will (if our leaders do not attend to it quickly), how many people will be gravely hurt? Will we have more and more Catholics who like the Pope personally, but don't agree much with the religion he preaches?

Hans Urs Von Balthasar, *Truth is Symphonic: Aspects of Christian Pluralism* (Ignatius Press \$9.95, 206 pp).

Today when most people talk about pluralism, what they really mean is heresy, dissent and rebellion. What Dr. von Balthasar presents is how genuine variety is both possible and desirable within true Catholic unity.

Christopher Derrick, *Words and The Word: Notes on Our Catholic Vocabulary* (Ignatius Press \$6.95, 134 pp.).

Almost Chestertonian in the Catholic flavor it discerns in such commonplace words as authority, encounter, liberty, heresy, mass, etc. Concerning "heresy," a Greek word which means selectivity, Derrick asks: "Will somebody find an alternative word, still ad-versative — it should curdle one's blood to think of anyone picking and choosing among the sternly luminous oracles of God! but not tainted with the memory of ancient cruelties?" If Christianity isn't something which people can get wrong, it can't be something which people can't get right.

G.K. Chesterton Collected Works: Vol. IV *What's Wrong With the World* (\$17.95, 442 pp.); Vol. XXVIII *The Illustrated London News* (19.95, 700 pp).

Father Fessio has done it again. Chesterton in 1142 pages on all the trendy topics of his day, which are trendy still — from birth control to faith healing.

Sister Margaret Mary Baney, *Witness: One Response to Vatican II* (Vantage Press \$12.50, 144 pp.).

Cardinal O'Connor's foreward does ample justice to the witness of this wonderful group of nuns called the Pennsylvania I.H.M.'s and of this author who is still known by her first religious name "Mother Claudia." Here we have a stirring story of how a religious community updated itself and remained Catholic.

Father Gabriel, O.C.D., *Divine Intimacy*, Four Volumes (Ignatius Press \$12.95 each, \$44.95 for the set).

This classic series on the interior life belongs in every rectory, seminary, monastery, convent. For anyone who wants to make real progress in mental prayer, Father Gabriel is a good director. Each volume deals with a different segment of the liturgical year.

Russell Hittinger, *A Critique of the New Natural Law Theory* (Notre Dame Press \$26.95 Cloth, 230 pp.).

This book, published in December 1987, examines the positions of various moral philosophers, such as Alasdair MacIntyre, Alan Donagan, Elizabeth Anscombe, and Stanley Hauerwas, who wish to recover particular facets of pre-modern ethics. Hittinger then explores the work of Grisez and Finnis, who claim to have recovered natural law in a manner that avoids the standard objections brought against it since the Enlightenment; they, thus, claim to have made natural law theory

Books In Brief

available once again for moral theology. Hittinger examines this new theory for internal coherence and consistency. In addition, he examines whether it is sufficiently comprehensive to explicate the religious, anthropological, and metaphysical questions that bear upon natural law ethics. He argues that the new natural law theory fails because it does not take into account philosophical anthropology and metaphysics. It cannot show how and why "nature" is normative for human activity.

Hittinger concludes that if natural law theory is to be recovered, we must discover how constructively to bring theoretical rationality to bear upon ethics and practical rationality. Until this is done, he asserts, we will not have a defensible theory of natural law.

Orville N. Griese, *Catholic Identity in Health Care: Principles and Practice* (Pope John Center, Braintree, MA. 02184, No Price, 539 pp.).

Here is a volume of inestimable importance to those directly involved in health care and to pastors of souls, as well. Ten tightly packed chapters cover the history of Catholic hospital ethics, human dignity, right to life, religious freedom, the meaning of informed con-

sent, the principles of integrity and totality, double effect, common good, confidentiality, and the principle of material cooperation. The appendices contain three Roman documents on sterilization and the recent instruction of the Congregation of the Doctrine of the Faith on the origin and dignity of procreation.

What is especially valuable about this book is the manner in which it takes each of the Ethical Directives — forty-two in all — explains the meaning and translates the principle into concrete guidelines. The subject areas include items as varied as diet control; the problems of the transexual; detachment of the placenta, research on the unborn, and a host of complicated ailments and diseases.

In a very even-handed way the book takes note too, of efforts by hospitals still calling themselves "Catholic" to introduce medical practices clearly at odds with Catholic teaching and the way in which the door to these procedures has been closed by the Holy See.

Bishop Lawrence Riley, of Boston, is perfectly correct when in his Foreword he calls the book "a very timely and valuable contribution to medico-moral literature." Monsignor Griese, theologian and pastor, is to be complimented for writing the tome and, likewise, the Pope John Center for publishing it.

Books Received

- Kathryn Spink, *A Universal Heart: The Life and Vision of Brother Roger of Taizé* (Harper and Row \$14.95, 194 pp.).
- *The Way of the Cross* (Barton-Cotton, Baltimore, MD 21227).
- Andre Seve, A.A., *My Life With Jesus* (New City Press, Brooklyn, New York 11211 \$6.50, 207 pp.).
- *A Shorter Morning and Evening Prayer: The Psalter of the Liturgy of the Hours* (Collins Liturgical Books, San Francisco, CA 94111-1299).
- William M. Thompson, *Fire and Light: The Saints and Theology* (Paulist Press \$8.95, 201 pp.).
- George W. Rutler, *Beyond Modernity: Reflections of a Post-Modern Catholic* (Ignatius, 250 pp., \$11.95).
- St. Alphonsus DeLiguori, *Preparation for Death*, (LBLV RR. #2, Box 25, Brookings, SD 57006-9307, \$5.00, Discounts).
- John M. Scott, *How to Start Your Romance With God*, (Franciscan Herald Press, 143 pp., \$7.95).
- A.G. Sertillanges, O.P., *The Intellectual Life* (Reprint) Catholic University of America, P.O. Box 4852 Hampden Station, Baltimore, MD 21211. Paperback \$7.95.

Items of Interest

Our Convention in September

It was a great success in every way. Our meeting improves each year as we pay attention to our goals. We have found that reducing the number of persons talking at each workshop concentrates our focus and allows for better discussions.

Discussions and questions and answers were particularly stimulating this year. The papers were more sharply directed and will make an excellent volume — which you will receive. Msgr. Kelly wrote with clarity of our ten years of accomplishment; and Doctor May emphasizes in this issue our priorities for the next years. Msgr. Smith created a delightful new dimension in his vastly entertaining historian's report at our banquet.

We were pleased and honored that Archbishop Mahony welcomed us so graciously and spoke to us so encouragingly; and that Cardinal Manning offered Mass for us.

On to Boston — and "higher education" September 23-25, 1988.

- The American Political Science Association (APSA) has recognized as an organized section: "Religion and Politics." The recent APSA featured the following Fellowship Members:

Reverend James V. Schall, S.J., of Georgetown

Peter A. Lawler, of Berry College

John A. Gueguen, of Illinois State University

Christopher Wolfe, of Marquette University, and

- Reverend Francis Canavan, S.J., of Fordham University, served as discussants. Regis Factor was chairman of this panel.

- Fellowship member, Russell Hittinger, has moved from Christendom College to Fordham's Department of Philosophy. He is the author of a forthcoming book *A Critique of the New Natural Law Theory* to be published in the fall by the University of Notre Dame Press. This is a ground-breaking volume which presents a comprehensive and critical treatment of the attempt to restate and defend a theory of natural law, particularly as proposed by Germain Grisez and John Finnis.

- *Australia — Conference on the Family.* An International Conference on "The Christian Family Towards 2000" will be held under the sponsorship of the "Families of Australia Foundation" in Sydney, Australia, July 19-24, 1988.

Speakers at the meeting will include Mother Teresa of Calcutta, Cardinal Eduard Gagnon, Monsignor Carlo Caffara, and Drs. John and Evelyn Billings (Australian pioneers of the most successful contemporary forms of natural family planning), Professor James Brown, and Professor Erik Odeblad.

Americans concerned with serving the Christian family are cordially invited to attend this meeting. The

program will discuss central issues touching the family: preparation for marriage; education in chastity; natural family planning and responsible parenthood; ways to approach infertility problems; family life; the extended family; the future the family; and related subjects.

For further information and/or preliminary registration, write Families of Australia Foundation, P.O. Box 174, St. Paul's, Randwick, N.S.W., 2031, Australia. Information can also be obtained from Ronald Lawler, O.F.M. Cap., St. John's University, Jamaica, NY (718) 990-6395.

- *Theology and Biblical Studies Teaching Positions* — Two positions are open in a Catholic seminary offering M.A. and M.Div. degrees (1) Professor of Biblical Studies to teach core courses and electives in New Testament. Qualifications: licentiate from pontifical faculty, or doctorate from accredited graduate school. (2) Specialist in Systematic Dogma to teach Fundamental Theology, Trinity, Christology and electives. Qualifications: licentiate from pontifical faculty, or doctorate from accredited Catholic institution. The Josephinum belongs to an ecumenical cluster of theological schools. Send resume and references to:

Rev. William D. Lynn, S.J.

Academic Dean, School of Theology

Pontifical College Josephinum

7625 North High Street

Columbus, Ohio 43086

(614) 885-7916 (if no answer, 885-5585)

- *Father Joseph Fessio* appointed by Archbishop Schotte as "Praeses" at the forthcoming Roman Synod. He's the only *Prases* we know.

Fellowship of Catholic Scholars Board of Directors 1987-1989

PRESIDENT

Dr. William E. May
Catholic University of America
Department of Theology
Washington, D.C. 20064

PRESIDENT EMERITUS

Rev. Msgr. George A. Kelly
St. John's University
Jamaica, New York 11439

VICE PRESIDENT

Rev. Thomas Weinandy, OFM, Cap.
10200 Battleridge Place
Gaithersburg, Maryland 20879

EXECUTIVE SECRETARY AND TREASURER

Dr. Joseph P. Scottino
President
Gannon University
Erie, Pennsylvania 16541

EDITOR, FCS NEWSLETTER

Rev. Msgr. Eugene V. Clark, Ph.D
St. John's University
Jamaica, New York 11439

DIRECTORS

MOTHER MARY ASSUMPTA, O.P.
St. Cecilia Convent
Eighth & Clay Streets
Nashville, Tennessee 37208

Rev. Kenneth Baker, S.J.
Homiletic and Pastoral Review
86 Riverside Drive
New York, New York 10024

Dr. Brian Benestad
University of Scranton
Scranton, Pennsylvania 18510

Dr. Maura Aiken Daly (Notre Dame)
28 Carriage House Circle
Alexandria, Virginia 22304

Dr. James Hitchcock
Department of History
St. Louis University
St. Louis, Missouri 63103

Rev. Ronald Lawler, OFM, CAP.
St. John's University
Jamaica, New York 11439

Rev. Richard Roach, S.J.
Marquette University
Jesuit Residence
1404 W. Wisconsin Avenue
Milwaukee, Wisconsin 53233

Dr. Joseph Schwartz
Marquette University
Department of English
Milwaukee, Wisconsin 53233

Dr. Janet E. Smith (Notre Dame)
1315 Otsego
South Bend, Indiana 46617

Rev. Msgr. William Smith
St. Joseph's Seminary
Dunwoodie
Yonkers, New York 10704

Rev. Earl A. Weis, S.J.
Department of Theology
Loyola University
Chicago, Illinois 60626

Rev. Msgr. Michael Wrenn
St. John the Evangelist Church
348 East 55th Street
New York, New York 10022

Friends of the Fellowship

Luis Cardinal Aponte

Archbishop William Levada

Bishop Charles R. Mulrooney

Bishop Anthony Bevilacqua

Archbishop Roger Mahony

John Cardinal O'Connor

Bishop Warren L. Boudreaux

Timothy Cardinal Manning

Doctor Ben T. Williams

Msgr. Fabian Bruskwitz

Bishop Norman McFarland

Fellowship of Catholic Scholars Newsletter
Published by St. John's University
Jamaica, New York 11439

Non-Profit Org.
U.S. Postage
PAID
Jamaica, NY 11439
Permit No. 451

We received the Memorial Notice below for Father Schoder,
a Founder of the Fellowship and a dear friend of many of our members.

In Memory of

May he rest in Peace.

Father Raymond V. Schoder, S.J.

Entered into life
April 11, 1916

Entered the Society of Jesus
September 1, 1933

Ordained Priest
June 18, 1947

Entered into Eternal Life
May 1, 1987

Prayer

Grant, we beseech You, O Lord, that the soul of your servant, Raymond, whom You honored in this life with the sacred functions of the Priesthood, may forever rejoice in the bliss of heaven. Through Christ, our Lord, Amen.