

Fellowship of Catholic Scholars

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From Our President: Catholic Scholars, Catholic Universities, and the Truth

Between the end of September and Christmas I spent much of my time in Rome, first as a "helper" of Archbishop Pierre Eyt, the "secretarius specialis" for the recent Synod of Bishops, and then at a meeting of the International Theological Commission, followed by a week of lectures and discussions. The Synod touched briefly (too briefly and too generally perhaps) on the mission of the laity in the fields of education and culture; during some of my latter discussions in Rome, however, the "credibility" of the teaching of the Church, particularly on issues raised by contemporary science and technology, came more sharply into focus. Of special concern in some of the discussions in which I took part was the "credibility" of Church teaching on such matters as *in vitro* fertilization. Many people in advanced societies such as the United States and the countries of Western Europe, Catholic as well as non-Catholic, regard the Church's authoritative teaching on these issues as antedeluvian and anti-human.

To put the matter somewhat differently, many--perhaps most--of our contemporaries, particularly people with more years of schooling (whether this should be equated with the "better educated" is another matter), definitely are of the opinion that Church teaching on sex and the generation of human life is nonsense. All the Church seems to do, they think, is to stand in the way of human progress. It arbitrarily imposes "bans" on human creativity and liberty. The moral norms it proposes are regarded as legalistic and unintelligible prohibitions of legitimate efforts to improve the human estate. For such persons the positions taken, for example, in such documents as the March 1987 *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation* are simply unbelievable, an affront to human intelligence.

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Yet, as you and I are convinced, these teachings of the Church are by no means arbitrary, legalistic impositions unduly restricting human liberty. They are, rather, truths intended to guide human choices, to help human persons shape their lives and the societies in which they live, in such a way that the priceless dignity of all human beings will be respected and in such a way that the authentic goods of human existence will be able to flourish in flesh-and-blood men and women.

In my opinion, one of the major tasks of Catholic scholars and universities is to make manifest the truth of Catholic teaching. The human mind hungers for truth, and when the truth is made manifest human intelligence is eager to grasp it and rest in it. But not all truths are self-evident. Evidence and arguments must be marshalled to make them known. And the marshalling of this evidence and arguments is the work of scholars and of those communities of scholars we call universities. This is the task to which we are committed, and committed not simply as individuals but as co-workers, collaborators. Our 1988 convention will, in large measure, be devoted to exploring this task, this *munus* that we have freely taken upon ourselves. My hope is that Fellowship members will take advantage of the opportunity this convention provides for doing some serious thinking about this matter, working out in advance some proposals for tackling it intelligently.

The Supreme Court and the Economics of the Family in America

While public policy debates increasingly focus upon the effect of governmental action upon the family, very little attention has been paid to how public policy options have been structured by the United States Supreme Court. This is surprising since the Court, in a series of decisions, has not only transformed American family law, but dramatically changed the status of marriage and family in American life. During the last several decades, the Court has drastically reduced the ability of the larger community to protect marriage and the family.

Justice Harlan's 1960 dissent in *Poe v. Ullman* provides the best starting point for understanding the Court's approach to the family.¹ There, the Supreme Court refused to rule on the constitutionality of Connecticut's ban on the use of contraceptives by married couples. Justice Harlan dissented, arguing that the due process clause of the Fourteenth Amendment contained not only procedural rights, but substantive rights as well and that the marital activity at issue in *Poe* was just such a right....

Since the new "substantive" due process rights are not specified by the terms of the Constitution, but by its "larger context," and since that "context is not one of words, but of history and purposes, the full scope of the liberty guaranteed by the Due Process Clause cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in the Constitution."² In short, substantive due process is nothing less than subjective judicial review of legislative determinations with only the most modest connection to the text of the Constitution.

Connecticut defended its statute in *Poe* by asserting that it was the judgment of the state that the use of

contraceptives, even in marriage, was immoral. Justice Harlan emphasized what lay ahead for the family under his substantive due process analysis when he asserted that "Connecticut's judgment is no more demonstrably correct or incorrect than the varieties of judgment, expressed in law, on marriage and divorce, on adult consensual homosexuality, abortion and sterilization, or euthanasia and suicide."³

Rather than being a methodology to preserve and promote marriage and the family, substantive due process in reality contained the seeds of the destruction of traditional family law. If the correctness of a state's judgment on contraception, as stated by Harlan, "is no more demonstrably correct or incorrect" than are its judgments on marriage, divorce, homosexuality, abortion, sterilization, euthanasia, or suicide, how then are laws on any of those subjects to survive judicial scrutiny? What Justice John M. Harlan called in *Poe v. Ullman* the exercise of a "limited and sharply restrained judgement,"⁴ Justice White slightly more than a decade later, in *Roe v. Wade*, would characterize as "an exercise in raw judicial power."⁵

Harlan's defeat in *Poe*, however, turned to victory five years later in *Griswold v. Connecticut* when the Court struck down the same Connecticut statute.⁶ Justice Douglas, in defending the "sacred precincts of marital bedrooms," stated:

We deal with a right of privacy older than the Bill of Rights—older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the

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degree of being sacred....It is an association for as noble a purpose as any involved in our prior decisions."⁷

Justice Douglas sought to ground the Court's decision upon a "penumbra" relating to personal privacy emanating from the specific guarantees of the Bill of Rights ...

Justice Black clearly perceived the transfer of law-making power that had occurred in *Griswold*. In dissent he wrote:

I do not believe that we are granted power by the Due Process Clause or any other constitutional provision or provisions to measure constitutionality by our belief that legislation is arbitrary, capricious or unreasonable, or accomplishes no justifiable purpose, or is offensive to our notions of "civilized standards of conduct."...The use by federal courts of such a formula or doctrine or what not to veto federal or state laws simply takes away from Congress and States the power to make laws based upon their own judgment of fairness and wisdom and transfers that power to this Court for ultimate determination.⁸

While *Griswold* is usually seen as a landmark case in the area of human reproduction, it is equally important in regard to the formulation and dissolution of marriage, especially when considered with the Court's opinion in *Loving v. Virginia*.⁹ In *Loving*, the Court struck down Virginia's long-standing prohibition of marriage between persons of different races. Essentially, *Loving* presented the Court with the long overdue opportunity to apply the standard of equal protection to prohibit racial classification (discrimination) in marriage.¹⁰ However, the Court did not limit its opinion to the issue of equal protection.

In what John Hart Ely has termed an "unnecessary addendum,"¹¹ the Court declared the right to marry to be "a basic civil right of man."¹² By taking that additional step, *Loving* "created a new atmosphere for the further development in state law of the freedom to marry." Together with *Griswold*, "the decision raise[d] a challenge to state regulation of marriage and the freedom to remarry after divorce..."¹³

The *Griswold* and *Loving* opinions, while purportedly attempting to strengthen marriage and family, actually marked the beginning of a massive retreat by the law from its traditional protective role.

The effects of these decisions were soon to follow. The Uniform Marriage and Divorce Act of 1970, drafted by the National Conference of Commissioners on Uniform State Laws, provides for minimal community regulation of marriage. It states, "If no individual acting alone solemnized the marriage, a party to the marriage shall complete the marriage certificate form and forward it to the (marriage license) clerk..."¹⁴ Since the publication of the UM-

DA, cohabitating couples in a number of states may now marry simply by filing a certificate with the county clerk's office.

Another immediate consequence of the *Loving* and *Griswold* decisions was a rethinking of state divorce laws. Until 1969, when California became the first state to permit divorce on the basis of "irreconcilable differences," which have caused the breakdown of the marriage,¹⁵ a divorce could generally be obtained in the United States only on the grounds of spousal "fault," such as adultery, desertion, or cruelty. One year after California acted to change its law, the concept of marital breakdown was incorporated in the Uniform Marriage and Divorce Act.

By 1971, the Supreme Court had occasion to apply its notion of the fundamental right to marry directly to state regulation of divorce and remarriage. In *Boddie v. Connecticut*, the Court struck down a state requirement that indigent persons seeking a divorce be required to pay the attendant court costs as a condition of obtaining the divorce. The Court stated that such restrictions were an impermissible limit on the fundamental freedom to marry. The original freedom to marry had now become the freedom to divorce without cost.¹⁶

Finally in 1979, in *Zablocki v. Redhail*, the Court left little doubt that, having established marriage as a fundamental right deserving substantive due-process protection, it would not tolerate significant community limitations on the exercise of that right in regard to entry, exit, or reentry into marriage.¹⁷ In *Redhail*, the Court struck down a Wisconsin statute requiring that persons under a court-ordered obligation to support minor children be required to show as a condition for obtaining a marriage license that their remarriage would not interfere with their ability to continue to support their children. Writing for the Court, Justice Marshall cited *Loving* and observed that the freedom to marry is a fundamental liberty. He allowed state legislators to frame only "regulations that do not significantly interfere with decisions to enter into the marital relationship..."¹⁸

From Wall Street Marriage to Skid Row Divorce

By shifting the interest of the state from strengthening the bond of marriage to facilitating its dissolution, the Court's decisions combined with state "no-fault" divorce laws have changed the expectations of many now entering marriage and in so doing have gone far to change the nature of marriage itself. When the institution of marriage is no longer perceived as "a status necessarily assumed for life, the relationship contemplated by parties is not dissimilar from that of other long-term contracts, such as partnership, cotenancy, and sometimes employment," in the view of Walter Weyrauch and Sanford Katz.¹⁹ Indeed, Weyrauch and Katz suggest that many marriages may

The Supreme Court & The Economics of the Family in America (Cont'd.)

now more properly be viewed as a speculative joint venture for profit. Marriage as a simple contract terminable at the will of either spouse is strikingly similar to 19th-century laissez-faire employment law in which employment was terminable at will by either party for any or no reason. Curiously, at a time when such employment relationships are less and less frequent, a laissez-faire attitude has emerged in domestic relations.¹⁹

Indeed, during the ascendancy of 19th-century laissez-faire contract theory, the view of marriage as a mere contract between two individuals was expressly rejected by the Supreme Court. In reviewing the power of the legislature to regulate divorce in *Maynard v. Hill*, the Court noted that marriage "is something more than a mere contract. The consent of the parties is of course essential to its existence, but when the contract to marry is executed by the marriage, a relation between the parties is created which they cannot change. Other contracts may be modified, restricted, or enlarged, or entirely released upon the consent of the parties. Not so with marriage. The relation once formed, the law steps in and holds the parties to various obligations and liabilities. It is an institution, in the maintenance of which in its purity the public is deeply interested, for it is the foundation of the family and of society..."²⁰ Yet, it appears that the Court has reversed itself and now views marriage as a contract between individuals under its substantive due-process methodology.

The emergence of marriage as a contract at will has had cruel results for the wife who sacrifices education and employment for the marriage commitment. An important aspect of the new "feminization" of poverty, which would more accurately be described as its "*Mater-nalization*," is that the economic consequences of divorce now affect the spouses very differently. A study conducted at the University of Michigan reported that while men immediately following divorce lost 11 percent in real income, divorced women lost 29 percent. More dramatic are the long-term consequences of divorce: Among former spouses studied seven years after divorce, the economic position of former husbands improved by 17 percent while that of former wives decreased by nearly 30 percent.²¹ Figures published by the Bureau of the Census indicate that families headed by never-married and formerly married women account for 47 percent of the 7.6 million families with incomes below the poverty level.²²

Viewed in economic terms, "A baby is a durable good in which someone must invest heavily long before the grown adult begins to provide returns on the investment."²³ It should be self-evident that the community has at least a rational if not compelling interest in fostering conditions which will lead people to make this heavy investment in the next generation. If so, several questions immediately emerge. Does not the spouse who makes this commitment in time and energy have a claim on the community to recognize and protect that commitment? Do not

the children themselves, who bear a substantial emotional and psychological trauma from divorce and its aftermath (including in many cases a significantly lower standard of living,) have a minimum right to the continuation of the family which ought to be recognized and protected?²⁴ If marriage is to be viewed as a long-term contract, then why should not principles of equity protect the spouse who has faithfully complied with a marriage vow and whose reliance upon it has now become the occasion for substantial injury.

According to Richard Posner, "the contemporary Court has simply 'deregulated' the family in much the same way that its discredited predecessors prevented states from regulating business. One can agree with the policy preferences of either or both sets of justices while questioning the constitutional basis for their actions."²⁵ What no one can question is that the application of the Court's doctrine of substantive due process to marriage and the family has resulted in untold economic hardship for millions of women and children.

While drastically reducing the community's ability to regulate and support the institution of marriage, the Court has also limited the ability of the community to legally distinguish between the family based on marriage and other living arrangements. Seven years after *Griswold*, the Court found in *Eisenstadt v. Baird* that the "sacred" precincts of the marital bedroom recognized in *Griswold* were really no more sacred than any other bedroom. "Whatever the rights of the individual to access to contraceptives may be," wrote Justice Brennan, "the rights must be the same for the married and unmarried alike."²⁶

The Court reasoned:

It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with a separate intellectual and emotional make up. If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision to bear or beget a child.²⁷

Some who applauded the Court's apparent recognition of the sacredness of marriage in *Griswold* thought the Court's holding in *Eisenstadt* a digression. But Justice Douglas' opinion focused only upon a particular aspect of the institution of marriage which, while tremendously important, is by itself incomplete, as the *Eisenstadt* opinion made clear. In *Griswold*, marriage was "a coming together...intimate to the degree of being sacred."²⁸ For Douglas it was the "sacredness" of the intimate relationship within marriage which required protection, and, as the Court recognized in *Eisenstadt*, such intimacy may occur outside the bonds of marriage.

The Supreme Court & The Economics of the Family in America (Cont'd.)

Eisenstadt brushed aside the centuries-old legal tradition which defined acceptable and protected sexual activity as that occurring within marriage. To say that the community's interest in the "decision to bear or beget a child" must be the same for individuals whether married or not is to drain from the institution of marriage its *raison d'être*. With the *Eisenstadt* decision, the Supreme Court removed the essential distinction between the institution of marriage and nonmarital cohabitation.²⁹

Slippery Semantics and Illegitimate Logic

... The Supreme Court's assault on the family based upon marriage as a unique legal institution has directly affected American social policy, especially in reshaping federal and state income-transfer programs. Beginning with its decision in *King v. Smith*, the Supreme Court moved to apply its new substantive due-process outlook to eligibility requirements in various antipoverty programs.³⁰ In *King*, the Court considered Alabama's regulation denying eligibility under the Aid to Families with Dependent Children Program house-holds in which an able-bodied man either cohabited with the mother without marrying her or regularly visited her for purposes of cohabitation.

Alabama advanced two justifications for its action. First, it cited the long-standing interest of the community in discouraging immorality and illegitimacy and in promoting family life. Second, Alabama argued that since it did not provide AFDC to families where the husband was able-bodied but unemployed, principles of equal treatment mandated that it also deny aid to families which had "substitute fathers." To do otherwise would clearly grant preference to informal cohabitation relationships over legally recognized marriage. The Supreme Court was not impressed and invalidated Alabama's "substitute father" rule. It did so, the Court said, on the basis of the legislative history of Title IV of the Social Security Act. But in the next two welfare-eligibility cases, the Court made clear it did not matter what the legislative history indicated.

New Jersey Welfare Rights Organization v. Cahill was the first of two cases in which the Court struck down considerations of "marriage" or "family" as criteria for the distribution of public assistance.³¹ New Jersey's welfare program provided financial assistance to families consisting of a household composed of two adults who were married to each other and who had at least one minor child. New Jersey sought to exclude unmarried, cohabitating couples as part of its attempt to strengthen the institutions of marriage and family...The Supreme Court invalidated the law. In the Court's view it denied equal protection of the law to those living together without marriage and to their children.

In *United States Department of Agriculture v. Moreno*, a lower federal court invalidated a provision of the national food stamp program which required that for

a "household" to be eligible for assistance it would have to be composed of individuals related by blood, marriage, or adoption.³² The lower court reasoned that "Recent Supreme Court decisions make it clear that even the states, which possess a general police power not granted to Congress, cannot in the name of morality infringe the rights to privacy and freedom of association in this home." The Supreme Court upheld the lower-court decision; in doing so it said that a restriction based on marriage was "wholly without any rational basis..."³³

'More Perfect Union' or 'New Feudalism'?

Professor Mary Ann Glendon writes of "the modern attenuated nuclear family with looser blood and conjugal ties, where jobs and entitlements of various sorts are the most important forms of wealth, and a person's status in the 'feudalism of the new property' is derived from his occupation or his dependency relation with government."³⁴ The transition from reliance on marriage, family, and the status derived from belonging to a family based on marriage to dependency upon the attenuated informal family largely dependent upon government is all too evident. All too evident as well is the fact that, through cases such as, *Cahill*, and *Moreno*, the Supreme Court has advanced this transition.

Whether the "legal burden" which prevented entry into this new feudal system worked to the long-term detriment of the affected children is an entirely different question. Certainly, if the family based on marriage is the best social vehicle for the intergenerational climb out of poverty, depriving children of the legal mechanisms which direct their parents into that relationship and give them incentives to stay in it may do nothing more than trade short-term financial advantage for long-term welfare dependency.

An underlying objective of the Supreme Court in *King*, *Cahill*, and *Moreno* was the alleviation of child poverty by broadening eligibility under various income transfer and compensation programs. Not only does this objective today remain unfulfilled, but child poverty has increased. While the poverty rate for children generally exceeds the overall poverty rate, the relationship between the two rates has shifted dramatically during the last three decades. In 1959, for example, the child poverty rate was 4.5 percentage points greater than the aggregate rate. By 1969, that difference had fallen to only 1.7 percent. By the next year, however, that trend had reversed and continued to widen until it stood at 6.6 percentage points in 1984.³⁵ Certainly a number of factors produced this reversal, but prominent among them are decisions of the Supreme Court in *King*, *Cahill*, and *Moreno* which redirected both federal and state income-transfer programs to provide substantial economic incentives for the creation of nontraditional families.

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On the one hand, then, the economics of no-fault divorce militate against the family's heavy investment of private resources for child rearing. On the other hand, the government now directs significant public resources toward the welfare-dependent, nontraditional family...

Nearly 12.5 million women are raising children without a father. In a 1983 report issued by the United States Commission on Civil Rights, researchers concluded that divorce and illegitimacy account for "essentially all of the growth in poverty since 1970."³⁶

Former Chief Justice Burger has warned that "by placing a premium on 'recent cases' rather than on the language of the Constitution, the Court makes it dangerously simple for future Courts using the technique of interpretation to operate as a 'continuing Constitutional Convention.'"³⁷ Justice Black's dissenting opinion in *Griswold* remains essentially unanswered. "Any broad unlimited power to hold laws unconstitutional because they offend what this Court conceives to be the 'conscience of our people'...was not given by the framers, but

rather has been bestowed on the Court by the Court."³⁸ American Family law has especially felt this profound shift in legal power.

"To form a more perfect union," the framers of our Constitution provided a federal system in which communities retained authority to articulate normative values. Foremost among those values has been a recognition of the rights of the first society, the family. By ignoring those rights, the Supreme Court has set the institutions of marriage and family adrift among a variety of legally coequal forms of cohabitation. This approach has had far-reaching social and economic consequences. Even though neither emperors nor revolutions have been able to alter the fundamental role of the family, it remains to be seen whether even so resilient an institution as the family can survive the widening gyre of substantive due process in the hands of the Supreme Court.

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FOOTNOTES

1. 367 U.S. 497 (1960).
2. *Id.* at 542-43.
3. *Id.* at 547.
4. *Id.* at 544.
5. *Doe v. Bolton*, 410 U.S. 179, 222 (1973).
6. 381 U.S. 479 (1965); for an analysis of the *Griswold* case, see Bork, "Neutral Principles and Some First Amendment Problems," *Indiana Law Journal* 47 (1971), 1; Henkin, "Privacy and Autonomy," *Columbia Law Review* 74 (1974), 1410.
7. 381 U.S. at 486.
8. 381 U.S. at 513.
9. 388 U.S. 1 (1967)
10. See, Wadlington, "The Loving Case: Virginia's Anti-Miscegenation Statute in Historical Perspective," *Virginia Law Review*, 52 (1966), 1189.
11. J. Ely, *Democracy and Distrust: A Theory of Judicial Review* (1980), 221.
12. *Supra* note 11 at 12.
13. Glendon, "Marriage and the State: The Withering Away of Marriage," *Virginia Law Review*, 62, 663, 668-669; Foster, "Marriage: A Basic Civil Right of Man," *Fordham Law Review*, 37 (1968), 51.
14. National Conference of Commissioners on Uniform State Laws, Uniform Marriage and Divorce Act of 1970 (with 1971 and 1973 amendments). For a copy of the UMDA and Commentary see *Family Law Quarterly*, 5 (1971), 205.
15. 401 U.S. 371 (1971).
16. 434 U.S. 374 (1978).
17. *Id.* at 386.
18. W. Weyrauch & S. Katz, *American Family Law in Transition* (1983), 1.
19. Glendon, "The New Family and the New Property," *Tulane Law Review*, 53 (1979), 697, 699.
20. 125 U.S. 190, 210-11, (1888)
21. See United States Commission on Civil Rights, *A Growing Crisis: Disadvantaged Women and Their Children* (1983), 62.
22. United States Bureau of the Census, *Current Population Reports: Consumer Income* (Series P-60, No. 145, 1984), 4.
23. J. Simon, *The Ultimate Resource* (1981), 4.
24. See, e.g., Cochran & Vitz, "Child Protective Divorce Laws: A Response to the Effects of Parental Separation on Children," *Family Law Quarterly*, 17 (1983), 327.
25. R. Posner, *The Economics of Justice* (1981), 328.
26. 495 U.S. 438, 453 (1972).
27. *Id.* at 453.
28. 381 U.S. at 486.
29. Glendon, "Marriage and the State: The Withering Away of Marriage," 699.
30. 392 U.S. 309 (1968).
31. 411 U.S. 619 (1973).
32. 413 U.S. 528 (1973).
33. 345 F. Supp. 310, 314 (D.D.C. 1972); 431 U.S. 538 (1977).
34. Glendon, "The New Family and the New Property," *Tulane Law Review*, 53 & 1979, 697, 709-710.
35. L. Gallaway & R. Vedder, *Poverty, Income Distribution, the Family and Public Policy*, Joint Committee Print, Joint Economic Committee, United States Congress (Washington, D.C. 1986), 56.
36. U.S. Commission on Civil Rights, *A growing Crisis: Disadvantaged Children and Their Children*, 62.
37. *Coleman v. Alabama*, 399 U.S. 1, 22-23 (1970).
38. 367 U.S. 520 (1960).

The Family: The Nurturing Source of Life for the Laity

Today Catholic laypersons seeking to live fully the life made possible by their union with Christ and to bear witness within the world to the saving truths of the gospel are deeply troubled by serious difficulties they encounter. There is, first, the post-Christian, neopagan environment of the affluent societies in which they live. Cynicism, skepticism, moral relativism - indeed, an emerging amoralism - permeate a culture that fails to honor the priceless dignity of human life and its sources. In addition, ambiguity and confusion about their identity as Catholics eat like a cancer at the body of Christ. What they are to believe and do as Catholics is a question answered quite differently by the authoritative teaching of the Church and by many influential theologians and religious educators. Finally, there is in some sense of hopelessness and despair. To these laypeople we must bring the liberating and saving truth of their dignity and task.

The Family: Divine, Ecclesial, and Human

The wellspring of Catholic life is a family: the family of Father, Son, and Spirit. Catholic faith holds that the one and most holy God is a Trinity of persons whose communion in being and in life is so intimate and intense that they are one in being, distinct only in their relationships to one another. This Divine Family created human beings, male and female, precisely so that there could be creatures inwardly capable of receiving from the Trinity their very own life. When, through sin, humankind turned away from God, the Father sent His own Son to redeem them. By fully accepting our humanity and by offering it--now irrevocably united with His divinity--to His Father in death, this Word-made-flesh, this Son of God and Son of Mary has made it possible for us all to become His brothers and sisters and to live, now and forever, united with Him, in communion with His Father and the Holy Spirit. In union with Jesus we are in truth members of the Divine Family.

We become the brothers and sisters of Jesus and members of His Divine Family when the Church, indissolubly "one flesh," "one body" with Christ, gives us birth. Mother Church gives us divine life when, through baptism, we die freely to sin and cleave in living faith to our Risen Savior and commit ourselves to live in a way worthy of those who call God "Father," Jesus "Brother," and in whom their Holy Spirit abides. Yes, the Church, Jesus' beloved Bride and our Mother, brings forth from her womb the "people of God," His *Iaos*, His holy family and people. All of us Catholics begin our life as members of the Divine Family as laity. Some, through divine call, are "set apart" to serve this family by dispensing the divine mysteries and devoting themselves to the care of souls; still others, in response to the sovereign claims of God's kingdom, live as "religious," i.e., as men and women called to remind us that we have not here a lasting city but rather one in which we are to build up for eternity the body of the Lord. But the vast majority of God's holy

people remain "in the world, while not of it," there to bring to completion the work begun in them by God, there to be perfect, even as their Father is perfect.

The Christian Family: "Home" and "Hearth" of the Laity

Lay men and women live in the world as do ordinary folk everywhere: they marry, have children, raise them, work and play, mingle with their neighbors, take part in social and civil life. But lay men and lay women - Catholics - are to do these ordinary, everyday things as *Catholics*, as sons and daughters of God, brothers and sisters of Jesus, persons made holy by the Spirit who dwells in them.

Among the most important things that people everywhere do is marry and have and raise children. That is why marriage is a human reality found everywhere. But Catholic men and women know that they are to marry "in the Lord." They know that Christ has made the marriage of Christians--His brothers and sisters--a sign, a sacrament of the love-giving and life-giving union that exists between Himself and His Bride, the Church. The Christian family is in truth an *ecclesiola*, a domestic Church. There is no need here to repeat what has so beautifully, cogently, and masterfully been said about the role of the Christian family by Pope John Paul II in *Familiaris Consortio*. It is sufficient to recall that the Christian family has the glorious mission (1) to form a community of persons enlivened by faith and love, (2) to serve life by welcoming it into its home where it can take root, develop, and be educated in the love and service of God, (3) to participate in the development of society by serving the needs of others and respecting the common good, and (4) to share in the life and mission of the Church by being a believing and evangelizing community in living dialogue with God.

Catholic spouses recognize the great human goods that they are to serve: life itself, friendship (both within the home and in the larger society), justice and peace. But they should realize, above all, that by serving these great human goods within their families and in the larger societies of which their families are members, they can and do carry out their baptismal commitment to live as members of God's family, faithfully responding to God's grace by refusing to act as the pagans do - returning evil with evil, doing evil in the hope that some good will come about. Rather, they will see in their family life, and the service to others that is to nourish, an opportunity to share in Christ's redemptive work. The slogan of the post-Christian, neopagan world is that "no unwanted baby ought to be born." The truth to which Catholic families can bear witness is that "no person ought to be unwanted," precisely because God loves them and wills their salvation.

In focusing on the Catholic family as the home and hearth of the laity, I in no way mean to ignore the needs of those Catholics who remain single or who suffer from separation and divorce. Many who remain single would

(cont'd. on page 23)

Religious and the NCCB: Positive Ground For Mutual Understanding

A major area of concentration at the November meeting of the National Conference of Catholic Bishops was that of religious life. It was necessarily so. Religious life in the United States has recently been the subject of a Vatican-mandated study, a charge entrusted to the bishops' pastoral care by Pope John Paul II in May of 1983. Having directed their religious through the various phases of this three-year study, involving much dialogue, reflection, discussion and countless "listening sessions," the bishops had reached a point of fulfilling their responsibility by taking suitable action, based on concrete findings of the study.

A series of recommendations emanating from this pontifical study, directed by a Bishops' Commission under the headship of Archbishop John R. Quinn, was acted upon at the November meeting. Each recommendation proposed specific ways of maintaining effective coordination between religious and the Bishops' Conference; and each was actually based on suggestions given in a 1978 document from the Sacred Congregation for Religious and Secular Institutes, *Mutual Relations Between Bishops and Religious in the Church*.¹ The two recommendations the bishops approved were: 1) The establishment of an NCCB Standing Committee on Religious Life; and 2) the establishment of a Tri-Conference Commission of Religious and the NCCB. (The remaining two recommendations, one involving participation of major superiors/delegates on some NCCB committees and the other dealing with the presence of bishops and religious at each others' plenary assemblies, were left to later consideration by the new Tri-Conference Commission.)

Prior to voting, both of the recommendations above were debated. This centered chiefly on the designation of the Leadership Conference of Women Religious as the only body of women religious to be represented on the Tri-Conference Commission. Being the official conference of major superiors of religious in the United States, the LCWR, in theory, represents all institutes of women religious in the country. A reality borne out consistently during the course of the recent pontifical study, however, was that this is not, in fact, the case. The November voting was the bishops' opportunity to recognize this reality as a body, and to deal with it.

Especially significant in this regard had been the reception given by religious women to the companion-document for the pontifical study, issued by the Sacred Congregation for Religious and Secular Institutes, *Essential Elements in the Church's Teaching on Religious Life* (May, 1983). This document elaborated on a list of essentials, common to all forms of religious life, which Pope John Paul II had named in a letter introducing it.² "Fidelity to these basic elements," he had stressed, "...guarantees the strength of religious life and grounds our hopes for its future growth" (letter, n. 3). *Essential Elements* is actually a thorough and sensitive treatment of the theology of religious life, based in both conciliar and

post-conciliar texts. Appended to it is a section of fundamental norms giving a comprehensive synthesis of the Church's provisions on religious life in the new Code of Canon Law. Of set purpose, then, *Essential Elements* should have provided common ground upon which all active communities of religious, of whatever charisms or legitimate diversities, could meet for fruitful study and discussion. Instead, it served to outline in sharp detail the theological differences between those who accepted its contents and those who did not.

There are deeper implications to be considered here than simply the fact of long-standing disagreement among women religious as to how the externals of their consecration would be lived out. The differences between the LCWR and a large proportion of American religious opposed to its stance, have a history that has developed in the years following Vatican Council II, and are ultimately rooted in the question of authentic theology of religious life. The experience of the pontifical study has made it increasingly clear that such differences, by their very nature, simply will not "go away." Indeed they cannot.

The Church had, it is clear, taken great pains in the years following the Council to develop and refine her teaching on religious life. She did not intend to give practical directives for renewal and updating without providing at the same time a sound theological base for them. Thus, in the years of the Council and after, the Church's solicitude for religious life bore fruit in the teaching of *Lumen Gentium*, VI (1964); *Perfectae Caritatis* (1965); of the Apostolic Exhortation of Pope Paul VI *Evangelica Testificatio* (1971); in numerous addresses of Pope John Paul II and in his own Apostolic Exhortation in 1984, *Redemptionis Donum*; and in documents of the Sacred Congregation for Religious and Secular Institutes. Primary among these latter were *Mutual Relations*, mentioned above (1978); *Religious and Human Promotion and The Contemplative Dimension of Religious Life* (both 1981). The revised Code of Canon Law (1983) gives in Book II, nn. 573-704 a distillation of the rich doctrine developed in the sources above.³ Many of the canons on religious life are actually almost a mosaic of direct allusions to conciliar texts. All of these, it was observed in *Essential Elements*, "build on the rich patrimony of pre-conciliar teaching to deepen and refine a theology of religious life which has developed consistently down the centuries" (n. 3).

Clear and consistent though the Church's official exposition of the theology of religious life and the norms for its renewal and adaptation have been, however, the practical response of religious communities in the United States has not developed collectively in a way that witnesses the lived reality of that teaching. It became obvious that in many instances secular elements were making inroads into American communities under the pseudonym "renewal and adaptation." So subtle in their beginnings as to seem logical re-adjustments to modern culture, these tendencies toward the secular quickly

Religious and the NCCB: Positive Ground for Mutual Understanding (Cont'd.)

became the accepted norm among a large number of religious institutes in the United States. The distinct nature of religious life became, in too many cases, blurred. The Church's official directives were regarded as subjects for interpretation or occasions for dialogue. Tragically, the attitude of surrender, in faith, to authority suffered its own painful "adaptation," and religious obedience began to lose the energy of its supernatural character, so guarded by the Council.⁴

Not all religious, of course, could in conscience become reconciled to such a trend. Inevitably, one result of this entire process was division among American religious, as many communities seeking to follow the authentic intent of the Council found themselves unable to accept the direction being taken by the official representative body of women religious. Formerly called the Conference of Major Superiors of Women, this group changed its name to the Leadership Conference of Women Religious in order to eliminate the word superior from its title.⁵ It was precisely because many religious women did not wish to follow the official course being taken by the LCWR that alternative organizations of religious communities began to appear. Their purpose was not to foment division, but rather to deal honestly with the division already created. They saw their existence as a necessary measure taken to preserve genuine religious life in this country.

Well-known among these latter organizations are the Consortium Perfectae Caritatis (founded in 1971) and The Institute on Religious Life (1974). Both are groups which have grown since their inception, and both seek to promote religious life according to the mind of the Church. Using the means of communication, consultation with supportive bishops, research and education, and regularly scheduled national assemblies, these organizations have worked to provide the mutual support so many religious found lacking in the LCWR. Both the Consortium and the Institute have received the blessing of the Holy See on their work, with representatives from the Vatican at times participating in their assemblies. Both count a number of individual U.S. bishops among the membership of their boards. (It is interesting to note that the essential elements delineated in 1983 by the Sacred Congregation for Religious include substantially all of the nine principles defined and adopted as the guiding program of the Consortium in 1971.)⁶

By the time of the 1983 pontifical study, this difference of theological outlook among religious women was of such consequence as to have been recognized by the pontifical commission itself. As a result, Archbishop Quinn arranged at one point for a joint meeting of representatives from the LCWR, the Consortium Perfectae Caritatis and the bishops of his commission.⁷ The discussions proved valuable in that they served to clarify for the commission the existence of the critical differences discussed above.

The reality of this situation, so consistent and wide-

ly acknowledged throughout the pontifical study, must certainly be seen as significant among the commission's findings. It must also be addressed by the United States bishops in implementing the commission's final recommendations.

The two proposals on which the bishops did vote in November offered them at least an approach to dealing with this problem. A joint task force had been appointed in 1986 by the Administrative Committee of the NCCB to formulate proposals for implementing the commission's recommendations. It had initially been the suggestion of the Administrative Committee to include on this task force representation from women religious not belonging to the LCWR. This suggestion was rejected by the presidents of the LCWR and CSM, however, on the grounds that theirs are the only superiors' conferences canonically recognized by the Holy See.⁸ Likewise, the final form of the Tri-Conference proposal specified the LCWR and CSM as the only bodies from whom members representing religious men and women would be drawn. No provision was made to include representatives from among religious who do not find themselves represented in the positions taken by the LCWR/CSM. This was regrettable, especially in the light of the situation borne out so clearly by the pontifical study. It was an opportunity missed.

Preliminary discussions prior to the voting did bring a motion for an amendment providing for two at-large members and three LCWR members to represent women religious on the commission, but a voice vote defeated this amendment. As adopted, then, the Tri-Conference Commission is to consist of five members of the Bishops' Conference, and five each from the LCWR and CSM.

An amendment was adopted, however, with regard to the proposal for an NCCB Standing Committee on Religious. Proposed by Bishop Martin N. Lohmuller, Auxiliary Bishop of Philadelphia and member of the Advisory board of The Institute on Religious Life, this amendment provided that the new Standing Committee of bishops would relate to all organizations and all congregations of religious. It is to be hoped that this new structure will allow for a channel of communication for the Bishops' Conference with those religious women who have found it necessary to disassociate themselves from the LCWR. The convictions of these religious women are deep and positive, and are rooted in the Church's proven teaching concerning the nature and living out of religious consecration.

The real facilitator of any communication regarding religious life, the meeting point of all legitimate diversity, remains only in the acceptance of that teaching. Only there is dialogue possible.

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(Footnotes for this article on p. 23)

Formal Doctrinal Dialogue: A Proposal for Bishops and Theologians

A recommendation was made at the meeting of the Catholic bishops (National Conference of Catholic Bishops) November 16-19 1987, to establish a process (a Formal Doctrinal Dialogue) whereby bishops and theologians might reconcile their differences before an appeal to authority is initiated.¹ In purpose it is as liberal and open as any high-minded process can be. It seems irresistible as a proposal - intellectually, professionally and religiously.

A major problem with the proposal is that it does not really belong in the categories we have just mentioned. A careful reading of the proposed process places it more in the worlds of academic negotiation, public relations and the contemporary question of ecclesiastical authority...all respectable interests. An academic position may be at stake when the integrity of a professor's orthodoxy is raised; successful public relations for an institution are contingent, not infrequently, on a dean's ability to articulate a major position; and in so far as persons of one cast of mind often wish to dominate appointments of those who teach Catholic doctrine - an ancient question - one body of Catholics may secure that advantage over others. This last motion is political and hardly avoidable in human affairs except through holiness.

What is odd about the proposal is that it was offered for approval by the bishops and, in that, we might have expected it to be useful to the bishops' work or the Church's. It is not, as best we can see.

The document was drafted by theologians and approved by organizations of theologians and canonists long wary of episcopal intervention in their affairs. It should not be surprising if the chief thrust of the document then is to protect the positions of theologians, other academics and writers whose work touches on Catholic teaching.

The bishops who considered it at the November meeting of the NCCB apparently did not see in it a dramatic reduction of their ability to act effectively as guardians of doctrine and morals. But such a reduction may take place precisely as the bishops are drawn into worlds important to academics, namely, academic negotiations, public relations and institutional politics.

Let us look at the document.

A first alarm might have sounded among the bishops when they read the introductory language. The document offers this principle: "Their common fidelity to the word of God holds priority over the particular responsibilities and rights of bishops and theologians,"² as if a Catholic might have to prefer one to the other in a given case. A radical Protestant could rejoice in such a sentiment. The authors also say they encourage free inquiry "faithful to Catholic tradition, respectful of episcopal ministry."³ Not *obedient* to a bishop in his role as teacher of the gospel, but respectful. Deadly opposition can be respectful. They are not phrases that suggest recognition of an Ordinary bishop's authority and no one could be sur-

prised later in a procedure, if a theologian who used those phrases, did not in fact recognize episcopal authority. Surely no media person would miss the nuance.

While the authors made a point that this process of dialogue is neither binding nor legal, they also imply that the bishop involved is not going to act authoritatively because they see the procedures being used before "an appeal is made to Rome."⁴ They skip over the moment when a bishop himself might speak with authority. Perhaps it is an innocent assumption - from recent history - that few bishops are likely to act in their own names and will generally move from local, open-ended discussion, to waiting for a Roman response.

Language throughout the document is ambiguous and leaves much left unsaid. The "magisterium" is defined⁵ as the "ecclesiastical magisterium" - presumably to make room semantically for the magisterium of the theologians - but the document never says so; and further the magisterium is "the teaching authority exercised in the name of the Church by the Pope and other bishops." This is oiled language. The document does not refer to the Church's authority as authority based on guarantees given by Christ to Peter and the Apostles. Instead, it sees authority exercised, *de facto*, existential, an unavoidable fact of history. Neither the root nor the charisma of episcopal authority is mentioned. Consider the authors' language that avoids the simple statement that episcopal authority exists by God's determination. The document states that the pope and bishops have a "divine mission" (so do married couples)...have a "discerning awareness of the needs of contemporary society...a pastoral duty to proclaim the word of God with authority"...of teaching the faith and "maintaining the authority of the word of God as it has been formulated in the course of history."⁶ But is not every layman so commissioned at Baptism? In the immortal words of South Pacific: "What ain't we got?" - a mention of episcopal authority to bind a Catholic to the universal teaching of the Church. The piled-up phrases of the document are not equal to a statement of the right and duty of a bishop to enunciate Catholic teaching and bind Catholics to universal magisterial teaching. Any theologian worth his salary knows that the document's phrases dance around that authority and avoid conceding it. It is sand on which the bishops are to stand as they begin a dialogue with theologians. The authors may say that the dilution is misunderstood or that they do concede true episcopal authority and treat it as suspended only during the Dialogue. If they meant that why did they not say it in one sentence in so long a document? Is it not safer for us to assume the theologian-authors meant to leave unsaid what they avoided saying in their definition of the Church's magisterium?

If that is sandy, the next qualification in the proposal is softer still. Referring to the rights and responsibilities

Formal Doctrinal Dialogue: A Proposal for Bishops and Theologians (Cont'd.)

of both theologians and bishops, the authors wrote:

"Scholars distinguish the possession of a right from its exercise, because the exercise of a right may be circumscribed in order to protect the common good or the rights of others, even though the right itself remains intact."⁷

Having accepted that statement, could a bishop be surprised if a consensus of theologians told him later that he has the right to teach universal Catholic doctrine and to bind others in conscience BUT that right is now circumscribed to protect the professional, academic or intellectual rights of the theological community, or the common good of homosexuals or divorced and remarried Catholics? Note that the qualification did not say that the bishop should consider the rights and common good of others; it said his "right may be circumscribed", that is, limited in its exercise by outside determination and to that degree made inoperative in specific cases.

In the document the chief effective power of the bishops appears to be to teach with the "cooperation and support of his priests (consensus?) and the "collaboration of theologians" - in effect to find sound advice and support.⁸

In the year 1987 when dissident theologians from major Catholic institutions flooded the media with strong hostility toward the Holy Father and toward his authority in doctrine and morals, the authors write, with amazing cant:

"Theologians...should adapt the presentation of their research findings to the audience of their lectures and publication and use pastoral discretion in dealing with the communications media to reduce any harm to the unsophisticated which might result from premature and inappropriate dissemination of their thought."⁹

Knowing the temper of large sections of the academic theological community, as the authors do, and the offensive statements of dissent made during the Papal visit in October, this pious advice has a hollow ring. This is, as they say, not the real world.

Under "Purposes and Climate of Cooperation" (p 67 seq.) a bishop is told how the process of the Dialogue will work to everyone's advantage. Before addressing a theologian of questioned theology, the bishop should seek the consultation of other theologians. This consultation is private, even personal, removed from public discussion; and to establish good will, the bishop is bound at least morally to attend to the advice he receives. This potentially subduing activity runs parallel to the activity of the doubted theologian who is in 99% of the cases, entirely public using a classroom or publishing to foster his (her) views. It is an unbalanced relationship.

Will they ever meet on better terms? Here are the

ierenic steps the authors suggest:

"...Catholic colleges, universities and seminaries might make it a practice to invite the bishop to campus events of theological or pastoral significance, such as workshops. Catholic scholars at secular institutions could do the same. On such occasions, the bishop need not make any formal statement; but he can simply be present as a participant and fellow learner."¹⁰

No suggestion could describe more innocently, kindly and accurately the gap between those who believe that a bishop presides over and guides the Christian life of a diocesan church and those who think him a figure of benign and secondary influence in matters Catholic, especially matters intellectual and pastoral. In the suggestion, theological and pastoral matters are being reviewed at the university. The bishop is invited in to find out what is happening in the world of theology and pastoral care. It is recommended without apology that he keep quiet to avoid giving his role as bishop significance, and in being quiet, learn something. A theologian can surely with good will rationalize every phrase of that; but a bishop who accepted an invitation on those terms has conceded a great deal to the academic magisterium.

But let us consider the process of the Dialogue and some of its implementation.

The document recommends that theologians be employed as designated and paid consultants in every effort a diocese makes, in charity, education, health, ecumenism, liturgy, finance, family life, community priorities, *et cetera*.¹¹ Why not? They should be very helpful. But again, in the face of what we were told in October 1987, namely that a clear majority of American Catholic theologians - well a lot anyway - defy the Pope's theological and pastoral emphases, no hint is given in the document regarding the selection of acceptable theologians for these recommended consultantships. The only objective norm given in the document for selecting them is that they be acceptable to their peers.¹²

In recommending that the bishop form a committee of theologians to advise him, the document offers other subjective norms. They should be "sensitive to the faith of the universal church and the ways in which that faith is known and lived in the particular church which they serve as consultants. They should be selected from as many segments as possible on the spectrum of acceptable theological opinion..."¹³ Note: the theologian is to be sensitive to the faith, not necessarily a believer or in agreement with it; he or she should be aware of the way in which that faith is known locally (on the campus?); and drawn from a spectrum of acceptable theological opinion which we were told above is determined by what the theologian's peers believe is acceptable. But neither personal orthodoxy nor a Catholic view of the magisterium are proposed as qualifications.

Formal Doctrinal Dialogue: A Proposal for Bishops and Theologians (Cont'd.)

Is this not by implication a major step in transferring the active magisterium from the bishops and the Holy Father, to the academy? Not the final step but a large one.

A board of theological advisors was recommended in the document first as a service to the bishop. But on page 76, the authors assure us the the "theological consultant is not exclusively or primarily at the service of the bishop but of the local church."¹⁴ How can this imply anything less than that the theological advisors may address, teach and serve the local church whether the bishop likes it or not, or permits it. First the camel's nose of advice, then the whole wooley animal now talking to the local church around, under and over the bishop.

In the same paragraph the authors write of the bishop and the theologian having complementary and irreducible roles. Theologians are then in a teaching mode parallel to the bishop where the bishop cannot influence them, much less deflect them. Nor can Catholic theologians be "reduced" by a bishop requiring orthodoxy in the teaching of Catholicism. In the same mind, the authors propose that in all contacts in the Formal Doctrinal Dialogue, there must be a "presupposition of sound doctrine."¹⁵ This seems obstructionist. A bishop is not concerned negatively about any theologian until he has serious reason to believe a theologian is teaching unsoundly. A contact after that can hardly be made on a "presupposition of sound doctrine." This seems like an attempt to make any accusation self-eviscerating.

Equally crippling of serious discussion is the requirement that all experts must be acceptable to both parties.¹⁶ Would not Charles Curran rule out Cardinal Ratzinger and Archbishop Hickey?

At the start of the process only "acceptable" complaints will ever reach the Dialogue and the bishop. The paper recommends that a theologian be appointed a "gate-keeper" for the bishop "to keep a groundless complaint from becoming a dispute which needlessly distracts the bishop and or the theologian from their more important services to the church."¹⁷ But did not Charles Curran and Hans Kung repeat (on media and not discreetly) that the charges against them were precisely "groundless"?

A pastoral failure here may also be significant. Is this "gate" not a barrier between the bishop and the unskilled parent who complains against an instructor for undermining in the minds of students the divinity of Christ or absolute morality?

And may the gate-keeper, a theologian, not be a little protective of fellow academics?

If the gate-keep screens out accusations unacceptable to the theological community or the bishop, he is to be succeeded by a Facilitator who brings "the principals to a better understanding of what each means" (and is, in this, clearly the theological superior of both parties, namely the bishop and the troubled theologian), frames the specific questions and determines "what points are

truly at issue."¹⁸ Can there be any doubt that the theologian-facilitator is in charge, limiting the options and the bishop's role in the process?

Finally there is a contact person who, as an appointee of the bishop, may turn down once, a gate-keeper approved petition but on a second petition must accept it and may try to settle the matter.¹⁹ While appointed by the bishop, he too must be acceptable to the theological community. Throughout the document the approving theological community is assumed to be sound in its views, which is surely an uncertain factor. How may theologians - theology departments - in Catholic colleges today openly reject the papal magisterium? Shall they judge soundness?

The proposed norms of the Dialogue make a large point of "context" e.g. a determination of where the allegedly offensive material was delivered: in a newspaper, a study, a popular religious work, a classroom or on television. What was the audience and publicity?²⁰ Besides being somewhat tangential from most theological questions, this process seems to be assessing damage, an impossible determination and obfuscating. Then even more derailing, the Dialogue is to consider the "broader corpus of the author's work...perspective and method"²¹ - as if the theologian's life work were on trial, which it is not; and whether the statement considered was a personal opinion or was put forward as the teaching of the church - implying an enervating distinction that does not exist for a believing Catholic regarding magisterial teaching. If in these circumstances, agreement cannot be found - which is likely - a jointly acceptable second Facilitator is to be brought in.²² The bishop is still not a major influence in the process and the question is nearly settled in the Dialogue.

Looking toward a resolution, the authors speak strangely of doctrine. They tell us that in the light of pastoral considerations "various responses on the doctrinal level are then possible."²³ What a curious sentence: doctrine reviewed for its pastoral usefulness! The theological implications of this are so shocking we must assume the authors slipped in language.

Another resolution states that either party may make a unilateral response.²⁴ This apparently includes the right of a dissident theologian to state his case against the bishop's formal teaching on doctrine or morals. And a right to present his or her views in the media against magisterial teaching. In the document proposed, the NCCB is asked to acknowledge that, not as a fact of life, but as a moral right.

At the conclusion of the Dialogue process, a bishop may be seriously restricted morally and intellectually. If the employed experts are unanimous in agreement, the parties, according to the authors, should not reject their opinions without "grave reason."²⁵ How easily a bishop may be backed into a defensive corner. How many theology departments in American Catholic colleges can

Formal Doctrinal Dialogue: A Proposal for Bishops and Theologians (Cont'd.)

produce a board of theological advisors who will vote unanimously for Modernism! If the board is unanimous or almost so, and unsound, the bishop must defend himself for not accepting the views of the advisors to the Dialogue. It is Pope Paul VI and the commission on birth control all over again and now made into an established procedure.

The Formal Doctrinal Dialogue will suffer a predictable public result in many many cases. A board of academic theologians will represent in their conclusions, what they and the media will call a powerful consensus of American Catholic theological thought focusing on the pastoral good of the people. If the bishop then chooses to exercise his authority against their views, he must know that he will be perceived to be acting anti-intellectually - obscurantist medieval power challenging open, honest, up-dated thinking. And that is what the people will read and hear in the media. Most will know nothing else.

The Formal Doctrinal Dialogue, if it is adopted, may damage the bishop as a direct theological teacher of his people. The largest number of his people (now middle class using many Catholic institutions) will be cordoned off from him when they have a complaint about doctrine or morals, and if a bishop must review alleged heretical dissent sponsored by a theologian qualified because accepted by his peers, the bishop will have tacitly acknowledged his institutional inability to make a theological judgment; and if he decides, with courage, after the dialogue, to call heresy, heresy, he will have been so far isolated from "the consensus of American Catholic intelligence and all reasonable non-Catholics" that his teaching effectiveness may be reduced by the public position forced upon him.

The Catholic Church in the United States will survive this proposal and even its implementation - whatever local difficulties it may cause bishops. But there is a larger significance to the proposal, representing a narrowing of Catholic vision in church relationships. The proposal assumes that there is only one way for educated Catholic laymen and priests functioning well in their own expertise, to treat bishops, namely subdue and subject them to academic domination in given disagreements or destroy the structure that protects essential episcopal work. Gone is a vision of the practice of centuries - even its repeated off-beat failure - whereby an educated and informed layman could be aware that he had more information or perception in ecclesial subjects than a particular bishop and, at the same time, recognize that the bishop performs a function as guardian to "word and sacrament", a function guaranteed by Christ and radical to the Church's existence. With that Catholic vision he could advise and share his wisdom with an open bishop and indeed urge his conclusions or reforms in the public forum without damaging or pretending not to see the bishop's role as

the local teacher of the universal magisterium. Of course, this assumes that the expert, as a Catholic, recognized doctrinal authority in the hierarchy.

Do all of today's stated Catholic experts recognize real church authority? It is a reasonable question because the recognition of a permanent and inspired authority (viz. the Petrine guarantees) generally removes Catholics not from strong advocacy and even passion in it, but from the tunnel vision that places the triumph of a thesis above all other institutional or social goods - here religious goods. We see that narrow "victory for our side" syndrome among many feminists, homosexuals, libertarians, candidates for high office, and other dedicated partisans who to advance one good, will willingly abandon all others and the structures that protect them. Recall Thomas More's reference to that.

But we have cause today to ponder this mind among some Catholic scholars who seem prepared to put aside the existence of a hierarchical magisterium and of jurisdictional structures that Christ ordained, structures that have already shown a predictable, durable universality in every age, culture, and circumstance, to our day. It is a great deal to give up for a victory in a theological question.

In proposals like the one for a Formal Doctrinal Dialogue the last question may be much more important than the inconveniences or the accomplishments of the dialogue.

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Footnotes:

1. In the documentation for the general meeting, this proposal is entitled: "Doctrinal Responsibilities: Procedures for promoting Cooperation and Resolving Disputes between Bishops and Theologians."
2. p. 58, lines 17-19
3. p. 59, lines 8 - 9
4. p. 59, lines 14-16
5. p. 60, lines 1 - 4
6. p. 60, lines 6 - 11
7. p. 61, lines 17-21
8. p. 63, lines 17-26
9. p. 65, lines 4-12
10. p. 70, lines 6 - 12
11. pp. 71-73
12. p. 75, lines 24-26
13. p. 76, lines 1 - 6
14. p. 76, lines 17-20
15. p. 79, lines 4 - 5
16. p. 80, line 23
- to 81 line 3
17. p. 72, lines 15-25
18. p. 81, par. 3
19. p. 83, lines 3-14
20. pp. 87-88
21. p. 89, par. 2
22. p. 88, lines 6 - 9
23. p. 94, lines 8 - 9
24. p. 94, lines 11-13
25. p. 81, lines 8 - 10

Admittance of Women to Service at the Altar as Acolytes and Lectors

I. INTRODUCTION

In the discussions of the possible admission of women to the stable non-ordained ministries of acolyte and lector and also of women to the function of acolyte as altar servers, the impression has often been given that the main or only reasons against such admission are of a cultural, pastoral or psychological nature. In particular, some have said there seem to be no intrinsic reasons of a doctrinal or theological character against such admission.

The purpose of this brief exposé is simply to outline some of the major philosophical and theological elements that many theologians consider relevant to this issue. There is, of course, an *a priori* presumption in favor of the existence of such theological arguments, since it is unlikely that a consistent two thousand year tradition of the Catholic Church across many ages and cultures would be based on merely contingent or culturally conditioned foundations. The intent of this exposé is neither to be complete and detailed nor persuasive in its argumentation. This would require much greater scope than the brief outline of relevant philosophical and theological elements presented here. Moreover, the limitation to such elements is not meant to neglect or deny the very many weighty arguments which can be brought to bear from the cultural, pastoral and psychological perspectives. But the intent is to indicate that what may appear to be merely a matter of ecclesiastical discipline in fact involves principles derived from philosophical anthropology, trinitarian doctrine, christology and ecclesiology.

II THEOLOGICAL FOUNDATIONS

A. The Trinity

The source of all created being is the uncreated Divine Trinity: One same God in three radically distinct persons. This foundation of all created reality and the foundation of the Catholic Faith is a Being in which are found both total and complete unity and equal dignity in the most total and complete distinctiveness and diversity represented by the distinction of Divine Persons. We should therefore expect to find in created reality, especially in those levels whose perfection makes them closest to their Divine Source, a reflection of this unity in diversity, equal dignity in radical distinction.

B. The Incarnation.

The doctrine of the Incarnation expresses the belief that the invisible and eternal God has made Himself present and even united Himself with the visible and the temporal. The hypostatic union of Divine and Human Natures in the One Divine Person expresses a radical union of the spiritual with the material, the uncreated with the created. This is a union in which the constitutive elements are both unconfused or unmixed and unseparated. The Incarnation is a divinely established

safeguard against all dualisms which would divide the spiritual from the material, especially in the spiritual summit of material creation: mankind.

C. Creation/Grace (Redemption)

The order of grace is the order of divine life and infinitely superior to the order of God's initial creation although that created order itself is not only good but very good. According to Catholic belief the order of creation has not been destroyed by the original sin of Adam and Eve, nor by the actual sins of the human family. Man has been restored to the order of grace through Christ's sacrifice on the cross and His glorious resurrection.

For human beings in their composite nature to understand and grasp the distinction between the two levels of creation and grace, it is necessary that the order of grace (and redemption) be made present in a symbolic way. From time immemorial all peoples have established sacred places, times and persons to achieve this symbolic representation. To be sacred, i.e. to be set apart, does not remove the time, place or person from the created order. Rather it makes present symbolically, in the created order, the invisible but infinitely exalted order of Divine Grace or of God Himself. The setting-apart symbolizes the otherness of God.

Our Catholic belief mandates this distinction between grace and creation. Our human nature mandates its expression symbolically in sacred times, places and persons. In Jesus Christ, however, this symbolic representation is raised to a level of reality which is the central Christian mystery: that created human nature has been hypostatically united with the Divine nature in Jesus Christ. Here creation not only represents the Divine but has become Divine.

D. The Man-Woman Relationship

In creating the material world and in particular in creating human beings male and female, God had in view both His ultimate intention of divinization or elevation of mankind and also His salvation of a fallen mankind through the Incarnation. Thus among the many meanings of the distinction of sexes, saints and theologians throughout the entire tradition of the Church have discerned an important symbolic or representative function which men and women fulfill in their very being.

Sexual differentiation is manifested in what biologists call the reproductive system. And although this difference extends into every cell in the human body, it is expressed most obviously and visibly in the physical differentiation between men and women. But it would be a lapse into metaphysical dualism to think that these differences were merely physical or biological. By the principle of the Incarnation, in which the invisible is intimately united with and expressive of the spiritual, these physiological differences are a

Admittance of Women to Service at the Altar as Acolytes and Lectors (Cont'd.)

manifestation of a mysterious but profound spiritual complementarity between men and women. Difficult as it is to describe this complementarity in adequate language, it may be seen from the vantage point of the marital act or the reproductive act, as characterized by equal dignity and equally active participation but diversity of role. The woman is active in receiving from outside of her that which comes from the man and nourishing within her the new life which is the fruit of their union. The man is active in giving what is interior to him into the womb of the woman. For this reason, even though both man and woman come from the creative act of a God who contains eminently all the perfections of all His creatures, woman has been created by God to represent what she and her male helpmate are by nature, i.e. creatures who receive all of their being from the creating God. And man has been created by God to represent what he and the woman are not: The creating God Who gives being to nothingness, Who speaks His word into the receiving void. He speaks and material creation (*materia-mater*) is.

This does not imply any difference in dignity between man and woman as creatures of God. But it does express a difference in roles intended by God so that the human composite which cannot live or communicate without material symbols, would have this symbolic representation drawn from the highest of God's creatures to help those creatures grasp in their proper form of knowledge the relationship between God and His creation.

E. Mediation of Mary and the Church

In the act of redemption, this Creator-creation relationship is raised to a new order. That nothingness out of which all creation came is raised to the level of personality in Mary, whose virginity and whose 'nothingness' express the perfection of all material creation raised to the personal. God speaks a second word—a word of grace and redemption—not this time into the void of non-being, but into the personal emptiness, the receptivity of the purest virgin. Mary, who is the symbol of all creation, becomes at that moment the symbol of the Church as bride of Christ. God becomes man, and specifically male, not arbitrarily but because God has so created the real-symbolic world of men and women precisely to provide for Himself a language in which He can speak to us. The male Christ therefore represents and is the presence of God the Father (Whose perfect image He is) in the midst of the maternal creation and maternal church which is Mary.

III APPLICATION

In the Sacrament of Holy Orders, God, through the instrumentality of those whom He has authorized to speak in the name of His Son, confers upon the sacred ministers the power to act in the name of Christ and in certain

sacramental acts, to act in fact as extinctions of the one mediator Christ. While the entire Church is feminine and maternal, the clerical ministry within the Church is by nature masculine and paternal. Because the Bishop, the priest (and by participation the deacon) not only represent Christ but act as Christ in the Eucharistic Sacrifice of Sacrament and Word, only the masculine sex can represent sacramentally in an adequate way the male Christ Who Himself as male represents God facing creation and the bridegroom facing His bride the Church.

The Church only becomes the body of Christ in the mystery of the two in one flesh by which, initially Bride, by being joined to her Groom she becomes one body with the head. The Eucharist, the center and summit of the Sacraments, involves a sacred place, a sacred time, and a sacred person both symbolically setting apart the orders of grace and redemption from the order of creation and making really present the Divine Person of Christ in Word and Sacrament. For this reason, many theologians (e.g. de Lubac, von Balthasar, Bouyer) hold, in keeping with a long and unbroken ecclesiastical tradition, that there is an absolute prohibition of women as recipients of the Sacrament of Holy Orders.

Do any of these philosophical and theological principles apply also to the question of admission of women to either the ministry of Acolyte or Lector or the exercise of these ministries? The following are some of the grounds for an affirmative response to this question.

The sanctuary, and in particular the altar, is the sacred place, the Eucharist is the sacred act, its celebration the sacred time, and the priest the sacred person in the most profound and mysterious center of the entire Christian religion. The acolyte participates in this most Holy of Holies—most holy of times, places, and persons—by being the immediate assistant at the altar of the Priest acting *in persona Christi*. This he does especially by helping to prepare the sacrificial gifts. In this role as a helper or assistant of the priest he becomes as it were, the hands of the priest. For this reason, while it would not lead to the invalidity of the Sacrament for a woman to act as acolyte, it would be in serious disharmony with the very nature and character of the whole order of grace and redemption, the mediation of the priest and the symbolic character of men and women. In addition it would be a confusion of the role which is specifically that of the woman as representative of creation and the Church.

Although there has been a tendency during many periods of the Church's history to accentuate the sacredness of the Body and Blood of Christ and in relation thus to diminish the sense of sacredness surrounding the Word of God, the Second Vatican Council and much contemporary scholarship has emphasized the equal sacredness of God's word in the Eucharistic Sacrifice. If this revalorization of the Sacred Word be thought through to its conclusion, it would raise questions about the appropriateness even of women exercising the role of lector.

Admittance of Women to Service at the Altar as Acolytes and Lectors (Cont'd.)

IV CONCLUSION

As I said in the brief introduction, these philosophical and theological reflections are not meant to be conclusive or even persuasive as presented here. They are meant simply as evidence that "intrinsic" or doctrinal grounds do exist which argue against admission of women to the exercise of those ministries most directly connected with the Sacrifice of the Altar. At the very least, they would counsel caution and serious reflection and debate before a change is made which, though it might appear to be of small import, in fact may be of great significance. This is particularly true when we reflect that Western industrialized society might be particularly insensitive to the symbolic and representational character of creation and the created

distinctiveness of the complementary roles of men and women, as well as having a much diminished sense of the sacred. With its bias towards uniformity, impersonality, anonymity, and egalitarianism, it might be wise to look towards the younger churches in less developed countries, not condescendingly as being more "primitive" and backward, but perhaps in this area as having retained a much more profound sense of the sacred and a keener sense for the intention of the Creator in preparing for the elevation to Grace and the sending of a Redeemer.

Rev. Joseph Fessio, S.J.

(Distributed at the 1987 Synod of Bishops on October 20.)

Notices

The twentieth anniversary of the encyclical *Humanae Vitae* and the recent Instruction on *Human Life and Reproduction* provide the occasion for considerable discussion of the teaching of the Catholic Church on human sexuality, marriage, and the family.

On the occasion of this anniversary, in the summer of 1988, the Roman Academic Center Foundation, in conjunction with the Aquinas Institute at Princeton University, proposes to sponsor a conference to study and address the issues of marital and family morality raised by these two land-mark documents, from the vantage point of the special needs and circumstances of modern American society. The conference is scheduled to be held at Princeton University from August 7 to 12, 1988. A memorandum describes the purposes and specific approach of the proposed conference:

"We are confident that the truth, in both its on-

tological and, subjective dimensions is accessible to human reason, is of special importance in a pluralistic society such as ours, in which only a distinct minority of people acknowledge the teaching authority of the Church on moral issues, and in which the Catholic citizens are themselves not uniformly receptive to the Church's magisterial authority. It means that the "rereading, in truth, of the 'language of the body,'" in which lies the "moral norm and the corresponding regulation of human acts in the sphere of sexuality", can be made accessible to those who, for whatever reason, are beyond the reach of arguments that are grounded upon the Church's teaching authority."

Persons interested in participating in this conference may contact Father John McCloskey, 330 Riverside Drive, New York, New York 10025.

Item of Interest

Word and Spirit: A Monastic Review, published once a year at St. Bede's (P.O.B. 545, Petersham, Mass. 01366-0545) devotes its September 1987 issue to St. Augustine. Ten different articles include ones by Fellowship members Father Jordan Aumann, O.P., and Dr. Glenn Olsen (\$7.00).

In Memoriam

Msgr. Gerald J. Kaiser of St. Louis, a devoted member of the Fellowship and Vicar General of the Diocese of Jefferson City, died during the Christmas Season. Pray for him.

A New Friend Of The Fellowship

Father Raymond T. McCarthy (Chicago)

Books Reviewed: Catholic Identity In Health Care: Principles and Practice

Author: Msgr. Orville N. Griese
 Pope John Center, Braintree, Mass. 1987
 419 pages plus two appendices

The original concept of a "hospital" was developed by the Catholic Church in the middle ages. The earliest hospitals were developed for the specific purpose of health care delivery to the poor. The "poor" were defined not only by their economic condition but also by their social status or a medical condition which might lead to ostracism. The woman pregnant out of wedlock, the leper, the insane, the carrier of sexually transmitted disease or plague were all disadvantaged with regard to their access to medical care. Various orders of nursing sisters made a new apostolate of establishing hospital for the poor as broadly defined. It has become a *cliche* of some spokesmen for the so-called post-conciliar Church to suggest that Church's social mission was more or less discovered after Vatican II.

In this superb volume, Monsignor Griese brilliantly discusses the twentieth century identity of the Catholic Church in American health care. The search for minimal standards to upgrade the quality of health facilities in the United States was begun contemporaneously by two newly formed organizations, the American College of Surgeons and the Catholic Hospital Association. The College of Surgeons developed a publication setting down professional standards, particularly for surgery, in 1915 and this was endorsed by the fledgling Catholic Hospital Association three years later. It was obvious to most, however, that Catholic hospitals needed an additional set of standards which would refer not only to professional codes of ethics but also to the unique and crucial additional standard of Catholic moral theology. Accordingly, the first Catholic Hospital code of Ethics was published in 1921. In the subsequent fifty years, this Code underwent revisions and expansions in order to remain current with an advancing technology and an evolving theological scholarship.

Chapters Two through Ten of Father Griese's book are expositions on the application of certain Catholic principles to health care problems. The chapter on the Principle of Human Dignity, for example discusses practical problems of infant baptism and the spiritual needs of non-Catholic patients in Catholic hospitals. This is followed by a discussion of the problem of infertility. The section on

infertility is outstanding in its thoroughness and its grasp of current technical procedures, both licit and illicit. There are brief but cogent explanations of the underlying principles which justify or exclude certain methods for treating the infertile couple.

The chapter on the principle of the Right to Life is concerned with the more familiar issues of contraception, sterilization, abortion and the handicapped newborn. It is noteworthy for its treatment of the pastoral care of individuals practicing contraception, the teachings of *Humanae Vitae* and canon law sanctions against abortion participants and accomplices.

The Principle of Informed Consent is discussed largely in the context of terminal illness. The discussion of the ordinary/extraordinary and benefit/burden equations is especially helpful. There are also effective treatments of the problems associated with Living Wills and food and drink for the terminally ill.

The book is voluminously footnoted and supported by over 700 references to the literature. It relies heavily on quotations from papal encyclicals and documents of Vatican II. The discussion on the Principle of Totality, for example, quotes at length from Pius XII and makes a cogent application of the principle to the so-called "uterine isolation" procedure. The discourse on the Principle of Double Effect relies heavily on reference to St. Thomas Aquinas. The discussion of the internal logic of proportionality and consequentialism is remarkably lucid and insightful.

This book would be an invaluable textbook for courses in medical ethics for nurses and physicians in Catholic institutions.

In these times, when the Catholic Health Association carries attacks on the Hospital Directives by McCormick and Reich in the pages of its official journal and sponsors a book on abortion which turns out to be an apology for the pro-choice position; it is nothing less than inspiring to have access to this kind of volume on Catholic identity in Health Care.

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Books Reviewed: Faith and Culture: A Multicultural Catechetical Resource

Published by the United States Catholic Conference - Department of Education

Over ten years ago the Bishops of the United States approved the final draft of the National Catechetical Directory which was aimed at providing guidelines for the transmission of the faith to youngsters and adults in every educational modality existing within the Church in the

United States. The National Catechetical Directory spoke of the importance of multicultural religious education or catechesis. Since the publication of the Directory, a number of efforts have been made to address the matter of multicultural catechesis.

What is multicultural catechesis? In the lead article in *Faith & Culture*, Sister Marina Herrera states, "I shy

Books Reviewed: Faith and Culture: A Multicultural Catechetical Resource (Cont'd.)

from defining multicultural catechesis. Rather, I prefer to regard it as an educational process by which the Church seeks to incorporate and make active for the sake of building community the gifts of faith and the talents of all the Catholic ethnic groups that make their home in the United States." As a result of this failure to define multicultural catechetics (in such a way that there might be an agreed upon understanding of what it implies,) every conceivable catechetical strategy (good or bad) can be considered to fall within the limits of multicultural catechesis! Most of the articles contained in *Faith & Culture* go far beyond any clear cut parameters not only in terms of what religious education is in the context of a particular culture, but also in establishing objectives. For all practical purposes they allow each ethnic group to do its own thing without guidance and somehow to accommodate the gospel of Jesus Christ to its own culture.

Faith & Culture: A Multicultural Catechetical Resource may be said to be catechetical Tower of Babel. This is most unfortunate for the Catholic Church in the United States which should be seeking to rediscover its own cultural literacy within the framework of a universal church.

Unfortunately the book may prove to be totally counterproductive to the catechetical enterprise in the United States. Sister Herrera sets the tone for much of what follows in her personal exegesis of what she calls the Cornelius event. She indicates, "both in Peter's vision and its aftermath at Cornelius' house, Peter was brought to realize that all God's creatures (cultures) were clean (good)." How is that for a paradigmatic shift?

Father Michael Galvan, a member of the Ohlone tribe makes the following statement regarding what he alleges to be a shift by the second Vatican Council in the understanding of faith. He states: "Especially since the second Vatican Council, we have begun to move away from an understanding of faith as a belief in certain doctrinal statements to faith as a dynamic, living relationship with God. In the former understanding of faith, catechetics concerned itself with the transmission and memorization of data." He totally misinterprets Pope John Paul II's comment on the adaptation of catechetical materials treated in *Catechesi Tradendae* and concludes, "If we follow the Holy Father's lead it would not be an adequate proclamation of the word, if we were simply to utilize Western Catechetical materials and not adapt them to the native American experience."

Father Galvan comments, "If we were to draw a native American understanding of creation, we would see a circle. Humanity is not greater than or better than any other created being. Humanity shares the life of the Creator as do all creatures." That pretty well sums up the inanity of his presentation and indeed of most of the others in this so called "Catechetical Resource."

In an article entitled, Cultural and Religious Practices of the South East Asian Peoples, Father Alberto

Nespolo who had worked for 15 years in Laos, presents a very interesting study of Asian thought patterns. He does however, mention that Buddhism is theistic. This is just not so! I recall the Dalai Lama himself telling the president of a Catholic university, "The difference between you and me, Brother, is that you believe in a personal God." The author, Father Nespolo says that he has the permission of the Holy Father to, "adapt many parts and aspects of the culture, customs and traditions of the South East Asian people into the liturgical ceremonies and religious preparations of the Catechumens."

It would be interesting to see exactly what the Holy Father's permission allows. Father Nespolo's article is well written but is certainly open to misinterpretation and to placing Christianity on a level with other Asiatic religions.

Leadership Development in the Hispanic Community by Maria Luisa Gaston is replete with the sociological, educational organization jargon which reigned supreme at the Call to Action Conference a decade ago. She describes a school of ministry and a school of leadership training but she says really nothing about teaching Catholic doctrine and moral practice.

Leadership for Liberation: Catechetical Ministry in the Black Catholic Community by Toinette M. Eugene, Ph.D. is concerned with indigenization and Black Catholicism. She quotes the Liberation theologian, J. Dotis Roberts as follows, "Indigenization is a key concept for Black theology (and catechesis) as it is for all socially conscious programs in theology. There have been several attempts to indigenize theology in recent years. This process is essential whenever theology becomes more than an exercise that is rational and abstract... What we have in mind when we refer to 'indigenization' is more ambitious and conscious. It is a deliberate acceptance of context or situation as the matrix of theological discourse." Ms. Eugene concludes her essay with the following statement, "Leadership for Liberation in the catechetical ministries of education and evangelization calls for a style of ecumenism that transcends the denominational boundaries, which appear to divide the Black Christian community." (italics mine).

Sister Genevieve Cuny, O.S.F. an Oglala Sioux Franciscan contributed an article entitled, Leadership and Professional Development in the light of the Native American Experience. She begins her article by quoting an unknown author: "our first task in approaching another people, another culture, another religion is to take off our shoes, for the place we are approaching is holy. Else we may find ourselves treading on another's dream; and more serious still we may forget that God was there before our arrival." One may ask; What is the relationship between the revelation alleged to be present in this instance and the fullness of revelation of God given to us through the ministry, passion, death and resurrection of the Lord, Jesus?

Books Reviewed: Faith and Culture: A Multicultural Catechetical Resource (Cont'd.)

The most valuable contribution to *Faith and Culture* is that written by Sister Maria De La Cruz Aymes, S.H. having to do with Hispanic catechetics. It is the most balanced and reasoned presentation of visions and strategies for handing on the faith to Spanish speaking people. This particular article stands out against the poor quality of the other presentations. The other remaining articles have to do with program development and native American catechesis. Among other things, we are told that the native Americans' concept of history is cyclical (birth-copulation-and death); and that our linear history of salvation moving on to the second coming of Jesus Christ really does not fit in with the understanding of native Americans. They see a constant relationship of the individual to the Creator in such a way that the doctrine of the Trinity might be counter-productive and contraindicated. This is not stated explicitly but is implicit beneath the surface of these articles.

In conclusion, we can say the *Faith & Culture, a Multicultural Catechetical Resource* is dysfunctional to basic unity within the catechetical enterprise in the United States. For all practical purposes, it is saying that religious education must be accommodated to the beliefs and traditions of native peoples, and Blacks and people of Asian backgrounds if it is to be acceptable to these peoples. No where in these articles is it ever stated that there are indeed traditions and practices, among certain peoples, be they Blacks, Native Americans, Hispanics, (as well as Italian, Irish, etc.) which are contrary to the Judeo-Christian tradition in the area of morality and family life.

One might also say that a number of the authors of these articles are attempting to establish themselves as specialists in the catechesis of their particular ethnic group by bending over backwards to fit the Gospel into their particular cultures. This is religious education at a discount, and what is being discounted here is the inherited wisdom of two thousand years of the Church's faith and practice. They consistently misinterpret the *National Catechetical Directory*, the *General Catechetical Directory* and the Apostolic Exhortation of John Paul II, - *Catechesi Tradendae*, on the meaning of inculturation and enculturation.

This work unfortunately will likely prove to be extremely counter-productive and harmful to the catechetical enterprise in the United States. Is also places in a false position the Department of Education of the United States Catholic Conference, which is responsible for its publication.

Many religious educators were hoping that this type of catechetical mish-mash would quickly die out once the *National Catechetical Directory* and *Catechesi Tradendae* were published. But, the youth of some of the contributors, (pictured in the appendix) indicates that they will be around for a long time. But there is still room for hope. *The Universal Catechism* of faith and practice is not all that far off. Who will see to it that this document will not also be the object of distortion?

Monsignor Michael J. Wrenn, Pastor of the Parish of Saint John the Evangelist, Manhattan, and Special Consultant for Religious Education to John Cardinal O'Connor.

Books Reviewed: The Homosexual Person: New Thinking in Pastoral Care

Author: John Harvey, O.S.F.S.
San Francisco: Ignatius Press, 1987.

This is an important, timely, and exceptionally valuable book by a Fellowship member who has spent many years of his life as a priest in helping homosexually oriented persons live chastely.

Harvey begins his volume with an insightful commentary on the October 1, 1986 *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*. Harvey considers this letter, prepared by the Congregation of the Faith and approved by Pope John Paul II, an important document for several reasons. First, it makes clear that the Church's teaching on the objective immorality of homosexual acts does not rest on isolated passages from the Bible but rather on the Church's understanding of divine revelation regarding the meaning of human sexuality and marriage. Second, it teaches that the homosexual inclination, even if it is the result of factors over which one has no control, is itself disordered because of the moral disorder of the acts towards which it inclines one. Third, while showing com-

passion for homosexual persons and urging sensitivity toward them, the letter respects human freedom and calls "demeaning" the "assumption" that the sexual behavior of homosexual persons is "always and totally compulsive and therefore inculpable." Fourth, it proposes for homosexual persons and those ministering to them the path of Christian asceticism and self-denial. Finally, in Harvey's view, the letter is imbued with a realistic appreciation of the problems raised by the politicization of homosexuality, and it reminds bishops of their grave duty to make sure that persons engaged in pastoral ministry to homosexual persons fully accept Church teaching.

The next three chapters--of which one is written by Jeffrey Keefe, O.F.M. Conv., a doctor of clinical psychology--are devoted to psychological factors pertinent to an understanding of homosexuality and the differences between compulsive and non-compulsive behavior. In the first two of these chapters Harvey reviews recent theories concerning the origins of homosexuality. He gives par-

Books Reviewed: The Homosexual Person: New Thinking in Pastoral Care (Cont'd.)

ticular attention to the analyses of Elizabeth Moberly and Gerald van den Aardweg. Moberly holds, on the basis of her research, that the root cause of homosexual orientation is the inability of the homosexually oriented person to meet the normal developmental need for attachment to the parent of the same sex and thus fulfill a legitimate developmental need for (non-genital) same-sex love. Aardweg regards homosexuality as a form of unconsciously motivated self-pity. Harvey, who recognizes that the debate over the cause of homosexuality is scientific in nature and not theological, believes that the preponderant weight of scientific study leads to the conclusion that homosexuality is not genetically induced but is rather the result of complex psychosocial factors adversely affecting the homosexual person's psychosexual development. Because he thinks that this position is grounded in the best scientific studies available, he believes that Moberly and van den Aardweg are able to suggest to homosexual persons and those who minister to them useful strategies to employ in order to cope successfully with the serious problems homosexual persons encounter. In his chapter Keefe argues that the homosexual condition, despite the politicized decision by the American Psychological Association in 1973 to exclude homosexuality as such from its list of psychic disorders, must definitely be regarded as such.

The rest of the book takes up the moral and pastoral issues raised by homosexuality. In these chapters Harvey first presents accurately and then criticizes dissenting theological views on the subject. Although these theologians differ among themselves, all agree in rejecting Church teaching that homosexual activity is intrinsically disordered and, for different reasons, justify such activity under certain conditions. Harvey faults Charles Curran for failing to take seriously the reality of human freedom and God's grace, scores Philip Keane for his uncritical acceptance of proportionalism as a way of making moral judgments, and takes Gregory Baum and John McNeill to task for their overly facile and faulty exegesis of Scripture and for their grave misconceptions of the natural law.

In a very important chapter following his critique of dissenting theologians, Harvey offers a concise, yet ordered and cogent, presentation of Catholic teaching on homosexual acts. He admirably shows that both Scripture and the natural law present the procreative-unitive union of man and woman as the norm for expressing human genital sexuality; in addition, he marshalls arguments to show that homosexual activity is narcissistic in character, a mode of acting that merely apes or parodies the authentic human sexual love that is both symbolized and honored in marital union.

The following chapter is most important, for in it Harvey takes up the pastoral care of homosexual persons.

In this magnificent chapter he sets forth the Christian philosophy behind his Courage program, one modelled in many ways on Alcoholics Anonymous and on Homosexuals Anonymous, a program developed under Protestant auspices to help homosexual persons live chastely. The value of such programs is that they provide homosexual persons with a group that will be supportive of their efforts to take charge of their lives, to come into possession of themselves rather than let themselves be possessed by their homosexual inclination. Harvey describes the Courage program in detail. Members of Courage groups, under the guidance of a spiritual director, are invited to develop a plan of life, one that includes daily prayer and meditation, examination of conscience, devotion to works of charity, counsel with a spiritual director. Of great importance is the forming of close nongenital friendships with persons of both sexes. Harvey describes quite frankly the problems homosexual persons confront, but he also shows how those in Courage groups have been given the hope and strength they need to live chastely, i.e., as persons who have come into possession of themselves and are thus able to give themselves to others in truly Christian love.

In this chapter also Harvey offers incisive criticisms of such groups as Dignity and New Ways Ministry. These groups advocate a pastoral approach to homosexuals that in principle rejects Church teaching and holds out to homosexuals the promise that a "steady-lover" kind of relationship can be morally acceptable. Harvey exposes the superficiality of these approaches and the pseudo-concept of "compassion" upon which they are based. Such approaches not only are contrary to Church teaching, they are likewise sadly unrealistic and myopic. This important chapter of Harvey's book ought to be required reading for bishops, religious superiors, and priests engaged in ministry to homosexuals.

The concluding chapters of the work take up special issues such as marriage and homosexuality, adolescents and homosexuality, the complex questions raised by AIDS, pedophilia, etc. These chapters, like the others in the book, give clear evidence of Harvey's moral prudence.

In sum, this is a most helpful book on a critically important issue by a priest-scholar who has given much of his life to helping homosexual persons lead the kind of lives God wants them to. It is the fruit of his long experience and years of study. It merits wide reading, and one hopes that as the years go by more and more dioceses will sponsor the kind of program Harvey has developed for ministering to the needs of homosexual persons. It is a program rooted in wisdom and love.

William E. May
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Books Reviewed: First Estate, Second Estate, Fourth Estate

Eric O. Hanson: *The Catholic Church in World Politics*. Princeton University Press. 434 pp. \$24.95

It is perhaps too much to expect one person to be able to summarize the action and activity of the Roman Catholic Church *vis-a-vis* national and international politics throughout history, especially in 434 pages. To be sure, Eric Hanson, an associate professor of political science at Jesuit Santa Clara University and a member of the Stanford University Center for International Security and Arms Control in California, set out to perform a nearly impossible task. He states that his purpose is two-fold: to explain the role of the Catholic Church in world politics, and to explain and evaluate the impact of modern political and technological development on the internal politics of the later Church...

The first section launches into what he terms a political history of the Catholic Church in Europe, an understanding of Catholic political organization, and questions of "political ideology: Catholicism, Socialism, and Capitalism." Early on, Hanson states that the media has played an important role in the evolution of the relationship between the Church and politics, but nowhere in the book does he actually evaluate the role the media has played. Facing the first page of the introduction (which is entitled "John Paul Faces Jaruzelski in Prime Time") is a reproduction of the front page of *The New York Times* from 18 June 1983, including the triple column above-the-fold photograph of Pope John Paul II listening, head bent, as Polish Prime Minister General Wojciech Jaruzelski reads a speech welcoming him to Poland. This technique exemplifies a major fault in the book, for many of the facts related in the book are gleaned from the pages of *The New York Times*. This is explained as an indication of "the Pope's clout with the Western press," but the anonymous citations are most often not balanced by reports from competing papers or news services, and there is no attempt to judge the editorial equanimity of the *Times* in its reportage of event, in addition, reports from the American-owned National Catholic News Service are most often quoted from the Hong Kong *Sunday Examiner*, again without the bylines provided by NC News.

This uncritical overdependence on secondary sources creates difficulties for the analysis of Church involvement in politics, for one *should* be able to distinguish a state of affairs as it is from that state of affairs as it was reported. Without doubt, the media plays a role in world politics, but this is not a book of media criticism. The political scientist no doubt must take into account all the factors of political decision making, but Hanson never attempts to distinguish between reality and the media's version of it.

The other two sections of the book, "The Catholic Church in National and Regional Politics" and "The Catholic Church in the International System" have as a recurring theme the Church as a player in international affairs from the national and the international point of view.

Without question, Hanson finds the questions of international military alliances as interesting as the internal Church alliances which form when particular issues, such as Liberation Theology or inclusion of women in ministry, receive internaitonal notoriety. He believes that what he calls the "idealized vision of Christendom" continues to be a major force behind a great deal of Catholic political action, be it internal or external.

He reviews current Church interventions into the political arena of Ireland, Canada, Poland, and Soviet bloc countries. In Latin America, he sees a primary and fundamental conflict between the outlook of the Catholic organization Opus Dei, a personal prelature or diocese without geographical boundaries, and that of the Society of Jesus, a religious order of priests better known as the Jesuits. Hanson contrasts Opus Dei, known as extremely conservative on issues internal and external to the Church, with what he sees as the apparent Jesuit support of certain formulations of Liberation Theology.

Concerning the Church in the United States, Hanson reports on the controversy over abortion which arose during the 1984 elections as if *The New York Times* was reporting things correctly, and does not refer to original documents to support his conclusions. The "personally opposed" politicians, chiefly Governor Mario Cuomo of New York and Vice Presidential Candidate Geraldine Ferraro, found themselves publicly at odds with John Cardinal O'Connor of New York. According to Hanson, the President of the National Conference of Catholic Bishops (NCCB) attempted to defuse the controversy but was "upstaged [by] O'Connor's October 15 news conference, in which he was joined by Mother Teresa." No mention is made of the occasion for the photo, not a press conference but O'Connor's delivery of a major statement on abortion as it is seen consistent with Church teaching...

Clearly the principal intervention made by the bishops of the world on a political issue is on matters of war and peace, especially on nuclear weapons and deterrence. Hanson notes that in 1965 the American National Conference of Catholic Bishops (NCCB) concluded that American involvement in Vietnam was justified; such approval was not withdrawn until 1971. In discussing matters of war and peace, Hanson continues what by now is his annoying habit of depending on *The New York Times*, even for papal speeches. There is of course an argument that could be made that the impact of the Church on world politics can only be gauged by its news coverage but this is not that sort of book. Nevertheless, one can readily agree with Hanson that a result of the projected growth of Catholic political activity in the United States is that the "continued decline of political parties and the rise of media politics increases the significance of independent 'expressive' institutions"; that Catholics are now more numerous in the political elite; and that Catholics constitute a plurality in U.S. electoral politics...

Books Reviewed: First Estate, Second Estate, Fourth Estate (Cont'd.)

It is redundant to suggest that the Catholic Church, like many other religious bodies, attempts to focus at least some of its energies on political activity both internal and external to it. The underlying gauge for the ongoing discussion is (or ought to be) the general moral principles, the fundamental teachings common to the Church in all cultures which guide its entry into politics and the ultimate role it plays. This book does not speak to the moral

authority of the Church, but rather to its political energies and possibilities, almost as if the Church were simply another major multinational corporation on the political horizon. If such a view is predictive, then the political impact of the Church will be very little indeed, for it will soon be seen as just another political entity.

Phyllis Zagano

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Books Reviewed: Excellence in Priestly Education

Ronald Lawler, O.F.M.Cap., Francis Lescoe, and Stephen Minkiel, C.M., eds., *Excellence in Priestly Education*. Erie, Pa.: ACPA, 1988. Paper \$10.00 (includes postage); available through Rev. Stephen Minkiel, C.M., Gannon University, 109 West 6th Street, Erie, Pa. 16541.

This book contains the papers delivered at a seminar on priestly education, held at St. John's Seminary, Boston, October 9-11, 1987.

Many of the papers are of special importance. Bishop John Marshall speaks of his experiences in directing the papal visitation of American seminaries, of their strengths and weaknesses, and offers advice founded on a uniquely profound knowledge of our seminaries today.

Cardinal Bernard Law has a moving paper on the ultimate goals of priestly education and activity.

Bishop Donald Wuerl treats academic freedom and scholarship in the context of the seminary. Professor John Haas treats the critical problems of moral theology in a priest's formation.

Other authors include, Dean Jude P. Dougherty and Rev. Robert Sokolowski, of Catholic University, Rev. Lorenzo Albacete, Rev. Leonard Kennedy, C.S.B., of the University of St. Thomas, Rev. John Michael McDermott, S.J., of Gregorian University, and Msgr. Charles Murphy, former rector of the North American College (Rome), and currently on the faculty of St. John Seminary, Boston.

Books Reviewed: The Treasury of Catholic Wisdom

John A. Hardon, S.J., (Doubleday, 750 pp., \$27.50). When the history of the Church in the United States in our times is written, we can hope that Father Hardon's contributions to the Church's sanity will be remembered by those who know that theological assent befits an informed Catholic clergy - not dissent. His output of books in recent years is phenomenal: *Christianity in the Twentieth Century*, *The Catholic Catechism*, *Modern Catholic Dictionary*, *Pocket Catholic Dictionary*, *Question and Answer Catholic Catechism* reinforce the Catholic faith - which is more than one can say about the publications of those who use Father Hardon as a whipping boy. Now we enjoy his compilation of the *Treasury of Catholic Wisdom*, an anthology of outstanding Catholic literature from the First Century to modern times, a representative selection of the substance of Catholicism from the *Didache* to Fulton Sheen. The *corpus* gives evidence of "a coherent system of belief that not only is rationally credible" but "the most profound and convincing body of religious knowledge in the history of human thought." This is a valuable resource for parish priests, theologians, professors, debaters, orators, and anyone who has neither

the time nor the money to go to the sources. Where else in one volume will you find St. Ignatius of Antioch, Augustine, Patrick, Aquinas, Dante, Thomas More, Loyola, Gerard Hopkins, Hilaire Belloc, and the Little Flower, thirty-two sources in all - seventy-five different pieces in all, even *Everyman*, the 15th Century English morality play on death. A fine piece of work!

THREE CATECHISMS

The Church's Confession of Faith: A Catholic Catechism for Adults, (Ignatius Press, 378 pp., \$14.95).

Basics of the Faith: A Catholic Catechism - Foreword by Cardinal O'Connor, (378 pp., \$8.95).

Richard Viladesau, *Answering for Faith: Christ and the Human Search for Salvation*, (Paulist Press, 312 pp., \$12.95).

Ever since the Second Vatican Council decided not to produce a universal catechism (an oversight about to be corrected), catechisms of one kind or another have popped up all over the Western World, not all of them helpful to the Church's mission. Fellowship members Ronald and Thomas Lawler, Donald Wuerl and John Hardon wrote two

continued on page 24

The Family: The Nurturing Source of Life for the Laity (Cont'd.)

like to marry, but unfortunately find no one willing to marry them. But single persons come from families, and it is within the Catholic family that they can come to see the human significance of chastity, the virtue that enables us to take possession of our sexual desires and not be possessed by them, the virtue that teaches us that it is right to "give ourselves" in genital coition only to one whom we have chosen and made irreplaceable by marriage. Those lay men and women who have suffered abandonment and divorce have the opportunity to bear witness to God's unfailing faithfulness by being faithful to the spouse they have irrevocably chosen as their own and by refusing to put someone else in their place.

Recommendations

1. My first recommendation is that this Synod commit the Church to assisting families in carrying out the mission entrusted to them by providing them with effective means to be faithful and to transmit the faith. These means are at hand. In addition to prayer and the sacraments, the beautiful teaching on marriage and the Christian family set forth by Vatican II and, in particular, by Pope John Paul II in *Familiaris Consortio* is available. The problem is that this teaching is not well known by the laity. It is not well known because there has been a massive failure to make it known and to implement it. This Synod, national conferences of bishops, local ordinaries, and others charged with communicating to the people of God the saving truths proclaimed by the Church must see to it that these truths are made well known.

FOOTNOTES

Religious and the NCCB (from page 9)

1. cf. Mutual Relations, nn. 63d; 63a; 64 and 65
2. These essential elements include: 1) a vocation given by God; 2) an ecclesial consecration to Jesus Christ through the profession of the evangelical counsels by public vows; 3) stable form of community life approved by the Church; 4) fidelity to a specific founding gift and sound traditions; 5) a sharing in Christ's mission by a corporate apostolate; 6) personal and liturgical prayer - especially Eucharistic worship; 7) public witness; 8) a lifelong formation; 9) a form of government calling for religious authority based on faith; 10) a specific relation to the Church. - cf. letter, n. 3 (numbering mine).
3. cf. Essential Elements n. 3 for this summary of pertinent sources on religious life.
4. cf. Perfectae Caritatis n. 14: "By their profession of obedience, religious offer the full dedication of their own wills as a sacrifice of themselves to God, and by this means they are united more permanently and securely with God's saving will. After the example of Jesus Christ...religious moved by the Holy Spirit subject themselves in faith to those who hold God's place, their superiors..."
5. cf. booklet *What is the Consortium Perfectae Caritatis?*, printed by the Consortium and giving a summary of its history, p. 2.
6. cf. ibidem, p. 4-5, which gives the following as its guiding principles since the beginning:

"The conviction that the pursuit of holiness through the practice of the Evangelical Counsels is the essential element of

2. My second recommendation is that this Synod and bishops throughout the world support the efforts of Catholic parents to hand on the faith integrally to their children by seeing to it that only theologians and religious educators who accept Catholic teaching as this is proposed by the magisterium, are appointed to key positions of influence in seminaries, colleges and universities, institutes of catechesis, etc.

3. My third recommendation is that the Universal Catechism, so strongly advocated at the Extraordinary Synod, be promptly written and promulgated, so that, like the *Roman Catechism* prepared after the Council of Trent, it can be used worldwide as a source for catechetical instruction and homilies.

4. My fourth recommendation is that efforts be made in dioceses throughout the world to make better use of Sunday homilies. There should be an effort to devise, in conjunction with the three-year cycle of lectionary readings, a more systematic, comprehensive, and in-depth presentation of the saving truths of the gospel. It is good news, which, when proclaimed, will help Catholic lay men and women truly live as members of the Divine Family.

(A paper submitted to the Synod of Bishops, Rome, October 1987.)

Dr. William E. May
The Catholic University of America

- religious life;
- "The recognition of a clear and unequivocal position in support of the Holy See and the right she has to interpret the norms of religious life for the universal Church and the local churches;
- "The belief in a permanent ecclesial commitment, embraced through the profession of the vows, to a corporate and institutional apostolate under the guidance of the hierarchy and in support of the Magisterium...
- "The willingness to respond to the Roman Pontiff and his authority as exercised through the Congregations established to assist him in the government of the Church;
- "The acceptance of life in a Eucharistic community under legitimately elected superiors'
- "The resolve to give testimony of consecration to God and dedication to the Church...by the wearing of a religious habit...
- "The desire to live daily a regular life of community with a program of communal and liturgical prayer;
- "The constant effort to increase devotion to Christ and his Mother and love of the Church;
- "The concern to foster vocations to the priesthood and the religious life.
- 7. This meeting took place November 14, 1984.
- 8. The CMSM is the official body representing religious men in the country: The Conference of Major Superiors of Men.

Books Reviewed: The Treasury of Catholic Wisdom (Cont'd.)

of the best and most popular. The Lawler-Wuerl *Teachings of Christ* has sold 1,000,000 copies in ten languages. Now Fellowship's Father Joseph Fessio and his Ignatius Press and friends at Servant in Ann Arbor have turned out two good texts.

The one from Ignatius Press is a translation of a work composed by theologian Walter Kasper for the German bishops' Conference. It is published in collaboration with *Communio Books*, an international group founded in the 1970's by Fathers Balthasar, Ratzinger, and other European theologians. *The Church's Confession of Faith* is a classy and scholarly piece of work.

Cardinal O'Connor correctly defines Dr. Schrick's book (he is out of Steubenville University) when he says: "It meets the need it intended to meet, the need for an in-between size work, more comprehensive, less voluminous

than a major work in apologetics. More important, the author gives us a straight-forward, highly readable catechetical presentation of the basic teaching of our faith."

Strictly speaking, Father Viladesau's book (he is from the Huntington Seminary) is not a catechism as much as "an effort to uncover the rational grounds for belief in Jesus Christ as God's salvific word to humanity." It is an examination of general religious experience throughout the world with a view to evaluating various concrete religious claims. The author acknowledges his debt to Karl Rahner and Bernard Lonergan and obviously tries to lay groundwork for a greater appreciation of other religious claims. The book is for the technician, more than the general reader, and will engender differences of opinion.

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BOOKS RECEIVED

Thomas Dubay, S.M., *And Your Are Christ's: The Charism of Virginity and the Celibate Life*, (Ignatius Press, 150 pp., \$7.95).

Father Dubay knows as much religious life as anyone. A good book.

Ronda Chervin, *The Ingrafting: The Conversion Stories of Ten Hebrew-Catholics*, (St. Bede's, 117 pp., \$6.95).

A rarely told set of tales by Fellowship member, Ronda Chervin, who is one of the stories.

Peter Toon and Herbert Schneider, S.J., *The Compact Bible Dictionary*, (Servant Books, 158 pp.).

For all those who want a handy reference for terms like manasseh, Dead Sea Scrolls, etc.

Peter Kreeft, *A Turn of the Clock: A Book of Modern Proverbs*, (Ignatius Press, 80 pp., \$5.95).

Why God made the Universe? For the same reasons lovers make babies. A book of up-to-date proverbs.

Guy Gaucher, *The Story of a Life: St. Theresa of Lisieux*, (Harper and Row, 227 pp., \$13.95).

This Carmelite priest presents a readable and authentic portrayal of the ever popular Little Flower.

Michael Gilchrist, *New Church or True Church*, (John XXIII Fellowship Coop. Ltd., 262 pp., \$12.00).

The author of *Rome or the Bush* tracks the Australian Catholic Life again with similar verve.

A Shorter Morning and Evening Prayer: The Psalter of the Liturgy of the Hours, (Collins Liturgical in the U.S.A., San Francisco, California 94111-1299).