

Fellowship of Catholic Scholars Newsletter

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From Our President: The Question of the Use of Condoms by Spouses to Prevent Use of Transmission of AIDS

Three reports in this issue of the Newsletter focus on the statement of the Administrative Board of the USCC, "The Many Faces of AIDS: A Gospel Response." Here I want to offer some comments on a very serious issue, namely, the use of condoms by spouses to prevent transmission of the AIDS virus. I bring this issue up because I am sure that it will loom large in the future. Many married people, unfortunately, have been infected by the AIDS virus. Some have been infected through blood transfusions and others may have been infected in the process of giving care to AIDS victims. The question arises, would it be morally permissible for such spouses to use condoms in order to prevent the transmission of the AIDS virus?

Some theologians believe that it is. They argue that the use of condoms for such purposes is not contraceptive, because the intent of those who use condoms is not to prevent conception but rather to avoid the transmission of a deadly disease. They also point out that the indirectly intended contraceptive effect of using the condoms is not the *means* to the good. They thus believe that the use of condoms for such purposes by married couples could be justified by the principle of double effect.

I think that theologians who argue in this way are correct in their judgment that the use of condoms for such a purpose is not contraceptive. That this is so can clearly be seen if we consider the case of a couple when the wife is past menopause. Contraception for such a couple is not even an alternative of choice. Thus, I grant that use of condoms by spouses to prevent the transmission of AIDS is not immoral by reason of being contraceptive.

Despite the noncontraceptive character of the use of condoms for this purpose, however, I believe that it would nonetheless be morally wrong to use condoms in this way. Using them would not violate some of the conditions of the

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principle of double effect (namely, that one must not directly intend the evil caused and that the evil must not be the means to the good effect), but it would violate the first condition of this principle, which requires that the act chosen, prescinding from its evil effect, must either be morally good in itself or at least morally indifferent. But condomistic intercourse is not morally good in itself, nor is it morally indifferent.

Condomistic intercourse is, of itself, an "unnatural" or perverted sexual act, and cannot be regarded as a true act of marriage. The Catholic tradition repudiated condomistic intercourse not only because it was usually chosen as a way of contracepting but also because it was against nature. Older theologians judged that in such intercourse the male's semen was deposited in a *vas indebitum* or "undue vessel." Although this language is not in favor today, the judgment it embodied is, I am convinced, true. When spouses choose to use condoms they change the act they perform from one of true marital union (the marriage act) into a different kind of act. The "language of their bodies" is changed. In the marital act their bodies speak the language of a mutual giving and receiving, the language of an unreserved and oblation gift. Condomistic intercourse does not speak this language; it mutilates the language of the body, and the act chosen is more similar to masturbation than it is to the true marital act.

Some very good people (perhaps including bishops) will be inclined, from what I think may be a misplaced and sentimental "compassion," to think that spouses placed in this situation can rightly use condoms to prevent the transmission of AIDS, especially since such use would not necessarily be contraceptive. Yet I believe that the Catholic tradition and truth support the judgment that condomistic intercourse is not morally good and cannot be regarded as a true marital act. It is a way of acting that fails to honor rightly the love-giving or unitive meaning of the conjugal act.

At present, of course, using condoms for this purpose is highly risky, for there is good reason to think that condoms are not very effective in preventing the transmission of AIDS. But even if the "perfect" condom should be developed--and undoubtedly work on this is progressing--use of such devices to prevent the transmission of AIDS would still be immoral. We are not to do evil that good may come about, and in condomistic sex the "language of the body" is not the language of self-giving, unreserved love.

I have discussed this issue with many theologians. Of the lay, married theologians (all of them accept Church teaching) with whom I discussed the matter, all but one agreed that condomistic sex is intrinsically immoral and cannot be rightly regarded as a true marital act; the one who initially was included to think that use of condoms might be morally licit seemed to me to change his mind on further thinking about the matter.

William E. May

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The Many Faces of AIDS: A Gospel Response - A Critique

On December 4, 1987, the Executive Committee of the National Conference of Catholic Bishops issued a statement entitled "The Many Faces of Aids: a Gospel Response." The full body of bishops will discuss the paper in June. The Board of Directors of the Fellowship of Catholic Scholars, aware of the sensitivity and importance of this matter, approved a document on this subject. This is a digested review of that paper.

An important but flawed document. The questions raised in the Bishops' document are important ones, and they deserve a balanced pastoral treatment. Unfortunately, the intense attention the document received revealed ambiguities and flaws in the text.

Clearly the committee that released this document in no way intended to approve the theological errors that may be inferred from the obscurities and ambiguities of the paper. But failure to consult more widely kept serious errors from being eliminated before publication of the paper.

Vatican voices; Need for wider consultation. Before the document was released, it was already known that the Vatican and the Italian bishops had rejected a major AIDS program in Italy largely because it made a provision, as this document does, for teaching children in schools about condoms as part of a program against AIDS (cf. *Newsweek* 12/21/87, p. 57). A much more recent article in the English *L'Osservatore Romano* (accompanied by the familiar signs of high official approval) restates Vatican opposition to suggesting the appropriateness of education in the use of condoms as part of a program to fight AIDS. (March 21, 1988.)

Not only knowledge of the Vatican's position, but many other reasons should have urged wider consultation before this document was released. Documents released as expressing the views of American bishops surely should express the consensus of bishops; but there are many bishops who disagreed with important elements of this document, and wished an opportunity to state their views. Many parents and lay leaders had been struggling, often with success, to shape programs for public schools more clearly in accord with Catholic teaching. They had found it neither wise nor useful to yield to the "lesser evils"—perhaps not "lesser" at all—that the authors of this document felt it necessary to permit. Their efforts were damaged by the precipitate publication of this document.

Had the document been given to more bishops to study for a longer period of time; had other theologians—especially theologians known to be in full accord with magisterial teaching in sexual morality—been consulted; had other nations facing similar problems been taken into account; had the opinions of parents and lay leaders and Catholic educational leaders been studied—had all this been done, the Church in our country would have been spared severe embarrassment.

A "Gospel Response." The paper is called a "Gospel Response." And it does say many things in a Gospel spirit. But

it does not capture perhaps the full spirit of the Gospel: it is, in fact, one-sided. Catholic pastoral teaching certainly acknowledges that societal and other pressures can weaken freedom. And it reminds us of factors that encourage compassion and gentle judgment in reflecting on objectively immoral acts that have been committed. But in guiding people toward the good conduct necessary for lives to be fully Christian and human, the Church, in an authentically Catholic spirit, ordinarily stresses that human dignity, freedom, and responsibility remain real even under great pressure, and that the grace of God is strong enough to enable even the very weak to live in accord with His will. (Note how differently this document and Pope John Paul II's *Apostolic Exhortation* "Reconciliatio et Poenitentia" (12/2/1984, n. 16) treat the societal aspects of sin.

It is true, as the document says, that many may not be promptly moved to accept and live by the innate beauty of the ideals faith proposes about chastity. (n. 16). It is also true that the pressures of the age make a firm possession of chastity difficult to acquire. But Catholic pastoral care does not for that reason retreat to a reluctant acceptance of lesser evils" that can lead to great spiritual and physical harm. Rather, we must confidently hearten people to do what must be done. As "Reconciliatio et Poenitentia" urges, we must help them to recapture a strong sense of sin, a wise fear of God, a trust in His grace and mercy, and a grasp on all that braces the weak toward attainable moral ideals. It is unsound to turn swiftly to "factual" talk about prophylactic devices and relatively safer methods of engaging in sinful acts. Those methods can be deadly. Such a retreat tends to diminish the credibility of the ideals we praise and to undermine the motivation that is so much needed by those who live under such great contemporary pressures.

Obscurities. The document properly urges an ideal response to the danger of AIDS. It calls for living chastely. The document explicitly opposes recommending "safe sex." Unfortunately, however, instead of developing a strong defense of the position that, even in our day, an authentically Gospel response is realistic and possible, it moves swiftly toward a dangerous compromise. Fearing that many will not take the only safe way to escape AIDS, the document too swiftly suggests that it may be wise to teach people broadly about the use of prophylactic devices.

NCCB officials have complained that the media should not have interpreted this to mean that they were advising those who would not be chaste to seek some security by using condoms. And certainly the document does not commend the use of the prophylactic devices it mentions. It simply expresses a willingness to have "factual information" about them given.

But there are grave difficulties in making this position coherent:

Much of the "factual information" regularly given about

The Many Faces of AIDS: A Gospel Response - A Critique (Cont'd.)

AIDS is bitterly disputed as effective or moral. Moreover, teaching about condoms as a realistic alternative for those who do not choose to be chaste may undermine the resolve that society needs to face this terrible challenge effectively. If we encourage the false opinion that prophylactic devices are fairly secure (even if not absolutely "safe") we undermine the will to stand firm against severe pressures.

Moreover, when Christian teachers give such information or advice about condoms, they may appear to espouse the view that AIDS and its terrible consequences are even more evil than sin. How can one reflect the conviction that sin is the worst of all evils, if he or she is discussing ways of becoming physically safe while doing what is mortally sinful?

Information about the use of condoms is not likely to do anything to reduce the incidence of AIDS unless some of those who are so taught begin to use condoms. But to give information that can be useful only if people begin to do things that we believe morally wrong (this is where the expression "lesser evil" is mentioned in this context), everything gets confused for the reader. It is hardly surprising that the media believed that the bishops' position was this: that some people are determined not to live in the wise and good ways commended to them; and perhaps it would be better if they knew about (and perhaps used) condoms.

Lesser evil." Footnote 7 in the document refers to "the principle of 'lesser evil.'" Strangely, the principle itself is not articulated, either in the note or in the text: and this failure to assign a meaning to an expression that has no single meaning in classical Catholic morality—and is much abused in our time—caused much confusion. The footnote calls attention to certain classical treatments of one specific issue: how the state at times reasonably refrains from acting against some public evils in certain circumstances. Because the concept of "lesser evil" is so debated today, and because it is appealed to often by those who feel that the magisterium has been wrong in insisting that certain specific kinds of acts are always objectively and gravely wrong (e.g., acts of contraception, homosexuality, abortion), it would seem useful to explain clearly what the document means by "the principle of 'lesser evil'" if it is going to appeal to such a principle.

(For a brief outline of received Catholic teaching, see the entry under "Lesser Evil" by Louis Bender, O.P., in Cardinal Roberti's *Dictionary of Moral Theology* [Westminster, Md.: Newman, 1962; pp. 705-06.]) Roberti points out that one may never do the slightest moral evil to avoid any physical evil

whatever: "we must not do evil that good may come of it." Clearly he accepts the standard Catholic view that some specific kinds of acts are intrinsically evil: and that doing such acts is always immoral.

And see the excellent piece by Janet Smith in this *Newsletter*.

Many who read this NCCB document thought that it was obviously implying that those who are about to engage in illicit and dangerous sexual activities should know about condoms, because it is (or, at least, probably is) better to use them than to risk AIDS. The possibility that using condoms might add another immoral aspect to an act, or that it may lead people to engage in especially disordered kinds of sexual activity, was not discussed.

Merely "Tolerating"? The introduction of "information" about "prophylactic devices" into the education of children and young people is not at all a case of "tolerating" an evil long in place, endemic to the culture, and impossible to remove. Rather it is a case of *initiating* and *introducing* an evil into education, educational programs, and hospital provision. The document hesitantly permits "factual information" (of a kind that it regrettably does not specify) about the effective use of condoms. Footnote 7 suggests that it does this with the regret with which one permits a "lesser evil." However, to tolerate, permit, or encourage the kinds of instruction that some are urging, and hold that the document approves, seems to be much more than "tolerating" evil. We know well that many of those who will teach children about the use of condoms in the public schools attended by most of our children, differ sharply with us in basic moral positions. To express approval of giving information about condoms without being very precise in what we are approving, might sadly amount to an impermissible form of cooperation in evil rather than simply tolerating evil.

Note. The document does not suggest that we give "factual information" about somewhat safer ways of using drugs, as it does not commend providing clean needles for drug abusers. The reason is clear: drugs do so much harm, even if they would not cause AIDS, consequently we do not want to introduce anything that is likely to increase notably the use of drugs. But the parallels between not providing clean needles for drug abusers and not teaching people how to use condoms effectively are striking. In the paper approved by our bishops in November 1988 on school-based clinics this parallel was noted, and the bishop did not urge "tolerating" the provision of clean needles.

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The Toleration of Evil: The Critical Footnote Seven of the USCC's "The Many Faces of AIDS"

It is to say nothing controversial to say that the Bishops' pastoral letter "The Many Faces of AIDS: A Gospel Response" (MFA) has met with a mixed response.¹ Nearly all applaud it for teaching compassion for the victims of AIDS and its emphasis on monogamous marital relationships or abstinence as the best ways and morally correct ways to avoid AIDS. The point of most controversy stems from the following statement:

[such educational efforts] could include accurate information about prophylactic devices or other practices proposed by some medical experts as a potential means of preventing AIDS. We are not promoting the use of prophylactics, but merely providing information that is part of the factual picture.

It must be admitted that there is a great deal of unclarity about what MFA is advocating here. For instance, the "other practices" are not identified. Some have speculated that the use of clean needles by drug users would be one of the "other practices" advised by health care officials; some have suggested that "other practices" refers to such acts as "mutual masturbation" as a means to having sexual intimacy without spreading AIDS. Moreover, it is not clear if reference is to education to be given only to those known to have been exposed to AIDS. Or, is everyone to receive such education on the supposition that some may have been or will be exposed to AIDS? It is not clear whether such education is to be directed to homosexuals (for whom prophylactics are not a contraceptive) or to heterosexuals as well (for whom prophylactics are a contraceptive). Mention is made of AIDS education for "those who have already been exposed to the disease," and the policies are said to be adopted in light of the fact that "some people will not act as they can and should; that they will not refrain from the type of sexual or drug abuse behavior which can transmit AIDS." MFA states that "For such individuals, without comprising the values outlined above, as a society we have to face difficult and complex issues of public policy." It is possible that the teaching is meant to be directed only to those who are sexually active in such a way as to be at risk of contracting or spreading AIDS, but MFA nowhere says this explicitly. The fact that the document speaks directly of education in Catholic schools with no special qualifications for such education has led some to conclude (not unreasonably) that MFA is recommending the toleration of teaching Catholic school children that the use of condoms (and "other practices") reduces the spread of AIDS. The passage cited above asserts that there is no intention to promote the use of prophylactics, but many do not believe that it is possible to provide "factual information" about some practices, such as the use of condoms, without promoting such practices.

The lack of clarity about MFA extends beyond what is being advocated. It is also unclear what justification is being used to tolerate, permit, or promote teaching about condoms and "other practices" which may reduce the spread of AIDS. MFA invokes what it calls the "principle of the toleration of

the lesser evil" to justify the position it takes. The text of MFA does not define this principle; indeed it never explicitly mentions this principle. Reference to it is made in footnote seven. Footnote seven is attached to this passage:

The teaching of classical theologians might provide assistance as we search for a way to bring into balance the need for a full and authentic understanding of human sexuality in our society and the issues of the common good associated with the spread of the disease.⁷ As noted above, at the level of public programming, we must clearly articulate the meaning of a truly authentic human sexuality as well as communicate the relevant health information.

Again, the relevant "health information" which promotes the common good seems to be information about the role of prophylactics (and "other practices") as a means to reduce the spread of AIDS. Most will understand the Bishops to be reasoning in this fashion: we will tolerate the teaching of the view that it is a lesser evil to use condoms than to spread AIDS, and therefore one who is determined to have sexual intercourse in an AIDS-transmitting situation ought to use a condom to avoid the evil of spreading the disease of AIDS.² The question to be pursued in the following analysis is whether or not there is a "principle of the toleration of the lesser evil" (hereafter PTLE) which would justify such reasoning. We shall examine common conceptions of this principle, the references to theological justifications given in footnote seven, and some other possible theological understandings of this principle.

Common Justifications

Let us first articulate some common justifications for the teaching of "factual understandings" of condoms to prevent the spread of AIDS (we shall dispense with reference to "other practices"). These understandings will inevitably be attributed to the Bishops. Whether or not such attribution is just, the soundness of these justifications deserves to be considered.

In the section of MFA responding to a question about the possibility of Catholic hospitals providing "safe sex" information in order to "reduce" the spread of AIDS, we find the statement:

It would be permissible, in accord with what has been said earlier about not promoting "safe sex" practices, to speak about the practices recommended by public health officials for limiting the spread of AIDS in the context of a clear advocacy of Catholic moral teaching. On the more personal level of the health care professional, the first course of action should be to invite a patient at risk, or one who has already been exposed to the disease, to live a chaste life. If it is obvious that the person will not act without bringing harm to others, then the traditional Catholic wisdom with regard to one's responsibility to avoid inflicting greater harm may be appropriately applied.

The Toleration of Evil (Continued)

This passage does not refer to the PTLE but to the pastoral practice of recommending to someone who is going to perform an action that will harm another, that he do the least amount of harm possible. The legitimacy of such advice is obvious. For instance, a doctor who was attempting to stop the spread of gangrene would be advised to amputate only the foot rather than the whole leg if amputating the foot would serve to stop the spread of gangrene. But here we are interested in how this practice applies to counseling a client intending to do moral harm or evil. For instance, there may be instances where a counselor will advise someone intent on committing adultery that fornication is a lesser evil (after, of course, vigorous attempts to dissuade the individual from any unchaste act). Or a counselor may inform someone who wished to kill another, that simply blackening his opponent's eye would be a lesser evil. The counselor helps his client to see that he has options that are not as evil as his current intention. But the counselor does not counsel his client *to do* an evil, even the lesser evil, for then he would be guilty of what is called material participation in evil. Indeed, the counselor's chief goal is not to succeed in having his client do the lesser evil; rather he hopes to lead his client to decide to do no evil. And it is extremely important to keep in mind the limited legitimate arena for such counseling: as noted in the passage cited above, it is to be given on a personal, or individual basis, since only then can the counselor discern the intentions and moral state of the client. Clearly, such counsel is not appropriate as a part of a public education program, for educators cannot possibly know the intentions and moral conditions of the individual members of the audience.

Still, let us consider whether the information that condoms "reduce" the chances of spreading or contracting AIDS is information that will assist individuals in choosing an action of lesser evil. Fundamentally, we are examining if it is good practice to counsel someone that sexual intercourse with a condom in an AIDS-transmitting situation is a lesser evil than sexual intercourse without a condom. Is this good practice?

First it must be noted that sexual intercourse in circumstances where the spread of AIDS is a possibility is a life-threatening act. That is, someone who has AIDS is putting the life of his or her own sexual partner in danger. An individual who does not have AIDS but who has sexual intercourse with someone who has AIDS is putting his or her life in danger. These individuals are willing to kill or willing to die for the sake of the pleasure of sexual intercourse. Condoms, of course, are being recommended because they reportedly "reduce" the chance of the transmission of AIDS, because they reduce the risk of sexual intercourse being a death-dealing act (in a remote but real sense). Yet, condoms are not very reliable. Indeed, some have claimed that the rate of failure of condoms during homosexual intercourse is about 40%.³ Thus, for every ten acts of sexual intercourse in such circumstances, four are likely to be conducive to the spread of the AIDS virus. Advice to use condoms then is rather like advising a murderer to give his victim a chance, to use a gun which does not have all of its bullet chambers loaded. "If you are going to engage in activity which may lead to the death

of another, at least use a weapon which has a 40% failure rate." And, of course, if the murderer only shoots once, there is only a 40% chance of getting shot. But sexual partners rarely limit themselves to one act of sexual intercourse. Thus, over a period of time, it would seem few would be able to escape contracting or spreading AIDS. Therefore, it seems imprecise and wrong to say that the use of condoms "prevents" or "reduces" the spread of AIDS. They may occasionally do so, but it seems that most often they will simply "delay" the spread of AIDS.

Furthermore, those who recommend the use of condoms as a means of reducing AIDS are not giving advice that would assist individuals in avoiding contracting some curable disease (like syphilis). Rather they are assisting individuals in having a false sense of security about not contracting or not spreading a deadly disease. They are giving advice that assists others in committing evil acts and the evil acts here are not simply the act of homosexual intercourse or of contracepted heterosexual intercourse, but are the acts of being willing to risk the life of another (or of one's self) for the sake of sexual pleasure. Neither the practice of counseling the lesser harm nor "the principle of the toleration of the lesser evil" seem to justify advising the use of condoms to delay the spread of AIDS.

Is there a "principle of the toleration of the lesser evil" which permits giving such advice (or the toleration of such advice being given)?

Classical Theologians and the PTLE

Let us review the passages given in footnote seven of MFA as justification for the application of the PTLE. The footnote supposedly gives references to works of classical theologians that support the position of MFA on the teaching of the use of condoms. Archbishop Stafford rightly notes that several of the references given in footnote seven are "irrelevant or of dubious value."⁴ The following analysis will demonstrate the justice of this observation; thus it may seem otiose to examine all of the references. But it seems important to examine the references closely since only in this way can we discern exactly what the PTLE is and how it is rightly applied. Most important we need to determine if "classical theologians" provide justification for the positions advanced in MFA.

Footnote seven cites one text from Augustine, four texts from Thomas, a speech by Pius XII, an article by a modern theologian, Adelard Dugre, and a manualist summary by Marcellino Zalba. The text from Augustine will be considered along with the observations of Dugre; the references given to Zalba will not be considered since they were not accessible to this author.⁵

1) What does Thomas say about PTLE?

a) The first reference is to S.T. I-II, Q. 96, a. 2 which asks: Whether it belongs to the human law to repress all vices? In the body of this article Thomas states:

Now human law is framed for a number of human beings, the majority of whom are not perfect in virtue. Wherefore human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for

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the majority to abstain; and chiefly those that are to the hurt of others, without the prohibition of which human society could not be maintained: thus human law prohibits murder, theft and such-like.⁶

Thomas gives no examples of laws which would fall under this dispensation. Perhaps, though, this principle would apply to laws that would outlaw the smoking of cigarettes. Since smoking cigarettes harms one's health it is a vice, but since it is a vice that does not directly or severely harm others, society may well tolerate such a vice. This use of the PTLE would not apply to the use of condoms to avoid transmission of AIDS, since AIDS is a disease which does great harm to others (and one's self).

In this same article, the reply to objection two employs what seems to be the PTLE. It reads:

The purpose of human law is to lead men to virtue, not suddenly, but gradually. Wherefore it does not lay upon the multitude of imperfect men the burdens of those who are already virtuous, viz. that they should abstain from all evil. Otherwise these imperfect ones, being unable to bear such precepts, would break out into yet greater evils...the precepts are despised, and those men, from contempt, break out into evils worse still.

Again, Thomas does not give any examples of such laws. But perhaps prohibitions against all excessive drinking may be the sort of law he had in mind. Men who are already virtuous do not need laws against excessive drinking, but laws against all excessive drinking would seem to impose undue burdens on imperfect men. Certainly excessive drinking by those who may endanger the lives of others cannot be tolerated, but it would not be wise to prohibit excessive drinking in the privacy of one's own home or at private parties. Individuals would undoubtedly find such laws repressive, would find opportunities for breaking such laws, and would fall into contempt for the law. This article of the *Summa Theologica* is not about "giving advice" designed to reduce evils; it is about writing laws against relatively harmless evils, laws which because of their severity may drive individuals to greater evils. Thus this article has no direct relevance to the AIDS situation.

b) The second reference is to S.T. I-II. 101. a. 3, ad. 2⁷ which asks: Whether there should have been many ceremonial precepts? this passage reads, in part:

A wise lawgiver should suffer lesser transgressions, that the greater may be avoided. And therefore, in order to avoid the sin of idolatry, and the pride which would arise in the hearts of the Jews, were they to fulfill [sic] all the precepts of the Law, the fact that they would in consequence find many occasions of disobedience did not prevent God from giving them many ceremonial precepts.

This reply is to the complaint that the burden of keeping all the precepts of the law leads people into the sin of disobedience. The reply explains that this sin of disobedience is to be tolerated since a greater good is gained—that is, the many precepts of the law prevent the Jews from committing the greater

transgressions of idolatry and pride. The body of the article explains that if the Jews are occupied in obeying the many precepts of the law they will have no time to commit the sin of idolatry. This reply suggests that since it will be difficult to keep all the precepts, the Jews will be unlikely to be subject to the pride that would arise in their hearts if they were to have kept them.

It is difficult to see how such reasoning could justify the use of condoms.

c) The third reference is to S.T. II-II. Q. 10. a. 11, which asks: Whether the rites of unbelievers ought to be tolerated? The body of this article states, in part:

Human government is derived from the divine Government, and should imitate it. Now although God is all-powerful and supremely good, nevertheless He allows certain evils to take place in the universe, which He might prevent, lest, without them, greater goods might be forfeited, or greater evils ensue. Accordingly in human government also, those who are in authority, rightly tolerate certain evils, lest certain goods be lost, or certain greater evils be incurred: thus Augustine says (*De Ordine* ii. 4): If you do away with harlots, the world will be convulsed with lust. Hence, though unbelievers sin in their rites, they may be tolerated, either on account of some good that ensues therefrom or because of some evil avoided.

This passage is cited in Latin in footnote seven of MFA (I have added one sentence). It seems to have more relevance to the AIDS situation than any of the above citations from Thomas. Yet, direct application of this principle to the AIDS situation is difficult. MFA does not give any indication of the context of this passage. Perhaps the Bishops feared that it would be difficult to explain the principle here articulated without offending those who practice religions other than practiced by Thomas. For this passage applies directly to allowing other religions (here Jews and pagans) to practice religious rites that are in conflict with those the Church holds to be true. The passage recommends permitting such rites not on some principle of religious liberty, but on the basis (among other reasons) that these rites may foster some truths and may be the source of an eventual conversion of those who practice them.

Moreover, the passage does not refer to what the Church ought to teach about the status of religious rites that conflict with her own. Rather, this passage refers most directly to the position that state governments, supposedly under a Catholic jurisdiction, ought to take towards other religions. Thus, the proper application of this principle in regard to what teaching the Church should allow concerning the use of condoms as a means to prevent the spread of AIDS is not exactly straightforwardly obvious. Certainly Archbishop Stafford is correct that this passage applies much more to how a government in a pluralistic society may respond to the various solutions its citizenry recommends to combat AIDS than to what the Church should recommend to be taught about AIDS. And it certainly may be

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the case that there would be a conflict between what a government is right to tolerate and what the Church is right to teach.

Some cite this passage to suggest that Thomas himself, through his citation of Augustine, approves of tolerating the evil of prostitution lest greater evils result. The article by Dugre (cited in footnote seven and discussed in 3 below) argues that this position should not be attributed either to Thomas or to Augustine.

d) The fourth reference from Thomas is from *De Regimine Principum* 1. iv, c. 14. This passage notes that Aristotle approved of the use of prostitutes by soldiers so that they did not degenerate into worse vices. Thomas here also quotes Augustine as approving this position. Dugre (see 3 below) points out that it is highly doubtful that this work is by Saint Thomas. He also notes that the passages which Thomas cites from Augustine are not to be found in the writings of Saint Augustine. Since this reference is of such dubious authenticity, it does not seem right to use it as an instance of approval by classical theologians of the PTLE.

2) Footnote seven also recommends reference to the "classic articulation of this principle by Pius XII in *Ci riesce*, AAS xx (Dec. 6, 1953) pp. 798-801. This speech is an address to the Union of Catholic Jurists and speaks primarily about how international communities should handle the question of the toleration of religious beliefs and practices and moral values. He makes it clear that

...no human authority, no state, no community of states, whatever be their religious character, can give a positive command or positive authorization to teach or to do that which would be contrary to religious truth or moral good.

He explains:

No authority may give such a command, because it is contrary to nature to oblige the spirit and the will of man to error and evil, or to consider one or the other as indifferent.

With these provisions established he goes on to state:

Reality shows that error and sin are in the world in great measure. God reprobates them, but He permits them to exist. Hence the affirmation that religious and moral error must always be impeded, when it is possible, because toleration of them is in itself immoral, is not valid *absolutely and unconditionally*. Moreover, God has not given even to human authority such an absolute and universal command in matters of faith and morality.

The duty of repressing moral and religious error cannot therefore be an ultimate norm of action. It must be subordinate to *higher and more general norms*, which in some circumstances permit, and even perhaps seem to indicate as the better policy toleration of error in order to promote a *greater good*.

Here we do find a principle of toleration of error or of evil for

the sake of a greater good. But it is extremely important to keep in mind that Pope Pius XII is addressing the jurist, the statesman and the sovereign Catholic state. He clarifies the two principles informing his thought:

First: that which does not correspond to truth or to the norm of morality objectively has no right to exist, to be spread, or to be activated. Secondly: failure to impede this with civil laws and coercive measures can nevertheless be justified in the interests of a higher and more general good.

These principles apply to what legislation may be permitted in pluralistic states. The U.S. Catholic Bishops, of course, are not a sovereign Catholic state, so these principles would not seem to apply to what they teach to their own flock or perhaps even to what they tolerate in larger society.

Some may wish to argue that the above passage although not applicable to the Bishops as teachers, permits Catholic jurists and statesmen to tolerate programs in the state which involve teaching the use of condoms as a means to reduce the spread of AIDS. What then should the role of the Bishops be? Perhaps their efforts could best be spent in promoting Catholic teaching about the proper uses of sexuality with the view to building a larger base of support for Catholic teaching. By doing so, they could assist Catholics involved in public life to be in a position no longer to have to tolerate evil, but to be in a position to foster true morality.

3) Footnote seven further recommends that "for a reading of this tradition of the toleration of the lesser evil" readers consult Adelard Dugre "La tolerance du vice d'apres Augustin et saint Thomas," *Gregorianum VI* (1925), pp. 442-446. It is difficult to discover what the authors of MFA thought readers would find in this article to be of assistance. It deals very little with the PTLE and nearly seems to argue *against* the PTLE. It focuses on the question whether Thomas and Augustine truly held that "prostitutes ought to be tolerated." In S.T. II-II 10.11 (cited above) Thomas quotes Augustine (*De Ordine*) ii. 4) saying "If you do away with harlots the world will be convulsed with lust." Dugre argues that nowhere is there any indication that Thomas countenances such a position. He even disavows it as representative of Augustine; he argues that the *De ordine* was written by Augustine as a "neophyte" and quite discounts this passage as representative of his thinking. More important he does not think Augustine is to be understood as approving of the toleration of prostitution; he claims that Augustine is simply describing what will happen if prostitutes are eliminated. In conclusion, Dugre accuses theologians of misreading the texts of Thomas and Augustine.

It is highly curious that MFA would cite this article since it seems to work against the understanding of the PTLE which MFA wishes to rely upon.

In sum, it is difficult to see what the authors of MFA had in mind when they cited the passages given in footnote seven. One passage is miscited and an article is given which works against the position advocated in MFA; the other passages have no direct or obvious relevance to the teaching of the use of

The Toleration of Evil (Continued)

condoms as a means to reduce the spread of AIDS. The Bishops and the Catholic public would be well served if the theologians assisting the Bishops in preparation of this document would explain the rationale for the references in footnote seven.

Other possible applications of the PTLE

The PTLE has application in situations of moral decision-making which are not directly discussed in the passages analysed above.

Some make reference to this principle in situations of moral choice where it seems that it is unavoidable that one's choice will have evil consequences as well as good ones. The double effect employs the principle that one can "tolerate" evil consequences of a choice, if the choice itself is either morally good or morally neutral, and if the evils are proportionate to the goods sought. Thus, if in order to save a child from a burning building, one must break down the door of the building, it is permissible to break down the door. One "tolerates" the evil of breaking down a door in pursuit of the good of saving life. It is important to note that one is not "tolerating" a moral evil in pursuit of a good, but one is "tolerating" a physical evil—the destruction of property.

This understanding of the PTLE is not the one in operation in the MFA. The MFA is not advising doing a good deed which brings with it evil consequences that one is willing to tolerate. Obviously, in respect to homosexual acts of intercourse, no moral end is being sought, for homosexual sexual intercourse is an intrinsic evil. Thus the use of condoms is not used as a moral means in pursuit of a moral end. Rather the use of condoms simply facilitates the immoral action of homosexual intercourse and the immoral action of unnecessarily putting a life in danger (either one's own or another's). So, too, in heterosexual intercourse, although the end which one seeks is a moral good (if the sexual partners are spouses), they are being advised to use an immoral means—the use of a condom—which violates the intrinsic good of procreation, a good to which the conjugal act is ordained.

The other possibly applicable understanding of the PTLE is one quite popular among many theologians today. That is the principle that one determines the morality of an action by balancing the goods and evils which are likely to result from an action or a series of actions. This is similar to the use of the PTLE just discussed, but the difference is that these theologians eschew the distinction between means and ends. They therefore calculate the sum total of evil and good likely to result from different lines of actions. That is, if one must do an action which has evil consequences, and if these evil consequences are less than the evil consequences one is avoiding through choice of an action, one is justified in performing such an action. Therefore, this way of thinking claims that one must choose the lesser evil in pursuit of a greater good.

When this method is used in calculating the difference between physical evils, its validity is unquestionable. That is, if one has a choice between breaking down a door or tearing down a house to save a child, one rightly chooses breaking down

the door. But the method of "balancing goods and evils" refers not only to a balancing of physical evils. It is not quite right to say that it involves a balancing of moral evils since those who advocate such a balancing also generally claim that there are no intrinsically evil actions. That is, they hold that there are no actions which one must never do regardless of how much good may result from one's choice. Those who follow this line of thought permit the deliberate choice of evil (what they would call a pre-moral or ontic evil) to gain some good. They consider such actions as contraception and masturbation not as moral evils but as ontic evils. Thus, for instance, they would allow one to have intercourse with one other than one's spouse should a sufficiently great good be the result of such an action. Thus, one is tolerating a lesser evil to gain a greater good.

Conceivably the PTLE understood in this way could be used to justify one who was in danger of transmitting (or contracting) AIDS in the use of condoms. For such an application to work, though, one would have to argue that the good to be gained from sexual intercourse is greater than the evil of putting human life at substantial risk. And this does not seem a just calculation.

Finally, it must be noted that this understanding of the PTLE is certainly not found among the "classical theologians" cited in footnote seven. They, on the contrary, adhere to the fundamental principle of Catholic moral theology that it is never right deliberately to choose to do evil to avoid evil.⁸

AIDS is a terrible evil of our times. Few would deny that it is important for the Bishops to take a leadership role in assisting society in facing this evil. They, after all, have the wisdom of a long tradition of moral reasoning to draw upon. The analysis above shows, I believe, that MFA does not succeed in providing a clear teaching on the proper response to AIDS, particularly in regard to suitable educational programs. Let us hope that the Bishops reconsider MFA; that they clarify what they mean to be advocating in this document; and that they explain clearly which Catholic moral principles justify their position.

FOOTNOTES

1. MFA and a sampling of the responses by various Bishops to MFA, can be found in *Origins* 17:28 (December 24, 1987).
2. Certainly it is not perfectly clear how this principle is being applied to the AIDS situation *vis-a-vis* the Bishops as teachers. But the interpretation given in the text of this analysis is assumed to be the most common understanding of their meaning. There are other possible interpretations of the how the Bishops are applying the "principle of toleration of the lesser evil." Perhaps the other most likely interpretation is that the Bishops may be thinking it allows them to tolerate providing information on condoms ("the lesser evil") in order to avoid the greater evil of not doing all that can be done to stop the spread of AIDS. The problem with this position is that "providing information about prophylactics" is not in itself an evil. Indeed, since the effectiveness of condoms for preventing AIDS is not impressive or consoling, providing information about the *ineffectiveness* of condoms for preventing AIDS could in fact serve to reduce the use of condoms (and of death-dealing sexual intercourse).

The "principle of the toleration of a lesser evil" comes into play only if providing information about condoms could be construed as an evil. There is, of course, reason to consider providing such information an evil. Many argue that providing information about prophylactics could lead to greater use of condoms in AIDS transmitting situations and greater incidence of

The Toleration of Evil (Continued)

death-dealing sexual intercourse. If this fear is well-grounded, it would be an evil to provide "factual information" about prophylactics (much as it would be evil to teach potential thieves factual information about picking locks). It is difficult to provide information about practices which facilitate immoral practices without promoting those immoral practices. The Bishops indicate their fear of this by their disavowal of such intentions: "We are not promoting the use of prophylactics, but merely providing information that is part of the factual picture." If those who think providing such information does indeed lead to greater incidence of death-dealing sexual intercourse are right, the Bishops' disavowal would be admirable but meaningless. For the very program designed to reduce the spread of AIDS would be in fact facilitate the spread of AIDS "Lesser evils" would be the source of "greater evils", not a check to "greater evils."

3. See *The Medical-Moral Newsletter* 25:1, (January 1988) p. 2.
4. Archbishop Stafford of Denver published a critique of MFA. A copy of this

critique was published in the *Wanderer* Jan. 7, 1988.

5. The reference given in footnote seven is to Marcellino Zalba, *Theologiae moralis summa* II (2nd ed., 1957), No. 118, para 1-2. p.47) The library in which I work had only the 1953 edition and it seems the references were not compatible for the passage cited, section 118, and have nothing to do with the PTLE.
6. The translations for the texts from St. Thomas are taken from St. Thomas Aquinas, *Summa Theologica*, trans. by the Fathers of the English Dominican Province vols. 1-3 (Benziger Brothers, Inc.; 1947).
7. The MFA cites I-II. a.1, ad 2 following, it seems, the Dugre article cited in footnote seven. The Dugre article makes this error on p. 442 but provides the correct reference on p. 443.
8. G. Belmans, "St. Thomas et la notion de 'moindre mal moral', "*Revue Thomiste* (Janvier-Mars 1983), 40-57 reviews many of the passages in Thomas on this point and critiques many of the modern readings of Thomas.

Dr. Janet Smith, University of Notre Dame

CARDINAL LAW to an ecumenical gathering entitled "Courage in Leadership," May 27, 1987, Ann Arbor, Michigan. His Eminence spoke on 'The Problems of Faith':

To gather as those standing for historic Christian positions in dogmatic and moral theology takes a bit of courage these days. It is a position disdainfully dismissed by some today as 'fundamentalism'—read 'bad.' It is interesting to observe how 'fundamentalism' has recently become an ever larger net to gather together an ever wider spectrum of worldviews not in conformity with the wisdom of this age. I would suspect that there are not a few who would characterize those of us gathered here as 'fundamentalists'—Protestant, Orthodox, and Catholic 'fundamentalists'—and in so doing no compliment would be intended.

"Since 'fundamentalism' is now being

defined as anti-intellectualism, we would be dismissed as nostalgic romantics at best, as obsessive and dangerous ideologues and zealots at worst. What we have to say need not be examined then, because it denies the rigid orthodoxy of this day, that orthodoxy that proclaims there is no binding truth. We here think there is, and therefore we are not listened to or taken seriously. The notion that faith rests on truth revealed, and on truth binding on all human beings of all times, is a notion incompatible with the contemporary Western mindset which has relativized all truth. For us, God is the source of all truth—he is truth. For the contemporary Western mind the individual human person in isolation is the source of his or her truth...Those who take truth seriously are thus seen a rigid 'fundamentalists'; those who take truth as relative are seen as flexible, as reasonable."

In Memoriam

FATHER MARK HEGENER, a fine priest, a good Franciscan, an accomplished publisher and member of the Fellowship, died March 19, 1988. The obituary below was published in the *Chicago Tribune*, March 24:

"Rev. Mark Paul Hegener, 68, was director of the Franciscan Herald Press from 1949 through 1985 and published up to 25 books a year on St. Francis and Catholic Theology.

"Father Hegener realized that few of the works and principal source materials on St. Francis of Assisi had been published in English. Under his direction, the press published a list of biographies of St. Francis and created a Franciscan Book Club. Probably the most famous work it issued was 'St. Francis of Assisi: Omnibus of Sources.'

"Father Hegener founded the Mayslake

Village Retirement Center, Oak Brook, in 1964 on the grounds of the Franciscan seminary where he had studied. He also helped to create Chariton Apartments, a retirement complex in St. Louis.

"After the Second Vatican Council, Father Hegener and the Franciscan Herald Press began to publish conservative Catholic theologians extensively.

"In an article in the Franciscan Herald at the time of his retirement in 1986, Father Hegener wrote of a disillusionment that had struck him in recent years.

'The Church geared it self to the world, and the world flooded it,' he said. 'If we take the values of the world, we are in trouble''.

Items of Interest

Christian Classics of Westminster, Maryland has reproduced John Tracy Ellis' *The Life of James Cardinal Gibbons*, two volumes. First published by Bruce, the biography still stands as a major source of information about the Cardinal and his times. Present price \$65.00.

A **New York Chapter of the Fellowship** was created in January 1988, with headquarters at St. John's University. More than one hundred academics in that region from universities and seminaries as diverse as Molloy and Dunwoodie to New York State and South Orange are Fellowship members, fifty of whom met twice this year, once on January 5th and, again, on May 3rd. The occasions marked the first real informal meetings of the large New York contingent, where fellowship reigned throughout the hospitality hour and the buffet supper, nice additions to scholarship. However, the good fellowship was preceded in each case by a topical presentation—in January of the substance of Paul Vitz's new book *Sigmund Freud's Christian Unconscious*, and, in May, of Monsignor William Smith's summary of *The Critical Moral Problems of Our Day*.

New York joins the well-established Washington group as a local substructure in the National Fellowship body. Other regional areas are expected to follow suit.

As you may know by now, **The Pontifical John Paul II Institute for Studies on Marriage and Family** will open a North American campus in Washington, D.C. this Fall (487 Michigan Avenue, N.E., Washington, D.C. 20017-1585). The campus in Washington will offer a two-year program of study leading to a specialized Licentiate in Sacred Theology of Marriage and Family.

Established by the Apostolic Constitution, *Magnum Matrimonii* in 1982, the Institute provides a unique program of theological studies centered on the truths about marriage and family as articulated in *Humanae Vitae* and *Familiaris Consortio*. Beginning in the Fall this academic program will be available in English. The North American campus remains part of the structure of the John Paul II Institute located at the Lateran University. The Rev. Msgr. Carlo Caffarra will continue to serve as President and His Eminence Ugo Cardinal Poletti will continue to serve as Chancellor. Carl Anderson will assume administrative responsibilities for the Washington campus as Vice President and His Excellency, Archbishop James Hickey will serve as Vice Chancellor of the Institute. Direct funding of the North American campus is being provided by the Knights of Columbus. The Knights are also offering full and partial fellowships in honor of the Order's founder, Father Michael J. McGivney.

For further information write: Carl A. Anderson, Director, at the above address.

From Very Rev. Jonathan Robinson, C.O., Provost (The Oratory), 1372 King Street, West, Toronto, Ontario M6K 1H3: "Our **two-year Philosophy programme**, for students for the priesthood, was initiated with the encouragement and approval of the Holy See and of the Archdiocese of Toronto. It is affiliated

with the Pontifical University of the Lateran in Rome. A Baccalaureate in Philosophy from the Lateran is available.

"In addition to a classical philosophical training, the Oratory offers supervised accommodation, as well as the opportunity for future priests to take part in a variety of pastoral activities connected with our large city parish.

"The cost of the tuition, room and board for 1987-88 is \$5,000 U.S." Father Robinson will be happy to answer any questions concerning the programme.

CALL FOR PAPERS: Faith Seeking Understanding: Learning and The Catholic Tradition, Saint Anselm College: 1889-1989. In observance of its centennial year, Saint Anselm College is sponsoring a symposium entitled **FAITH SEEKING UNDERSTANDING: LEARNING AND THE CATHOLIC TRADITION** to be held from Thursday, April 20th to Sunday, April 23rd, 1989. The conference will consider Catholic education in all its aspects with a special section on Anselm of Canterbury. At an academic convocation during the symposium a distinguished church figure, theologian, or philosopher will be honored with the Saint Anselm medal. Those interested in delivering papers or presenting complete sessions at the symposium are invited to submit a one-page abstract to the committee by September 1, 1988. Send abstracts to Reverend George C. Berthold, P.O. Box 2278, Saint Anselm College, Manchester, New Hampshire 03102-9001.

Sterling M. McMurrin Chair in Religious Studies: The University of Utah is seeking a distinguished historian of religion in the United States to appoint to a newly endowed chair housed in the Department of History. Appointment to the chair will involve some teaching at both the graduate and undergraduate levels as well as helping to develop interdisciplinary programs in American Studies and Comparative Religion.

The University is searching for candidates at the associate or full professor level. The appointee should be thoroughly grounded in the European traditions of Christianity and/or Judaism and well versed in the comparative study of the full range of American religious experience. Preference will be given to those working in the religious history of the late nineteenth or twentieth century United States. The appointment will include acquisition money and research funds.

Send letters of application or nominations to Richard White, History Department, University of Utah, Salt Lake City, Utah 84112.

Our board members, Monsignor George A. **Kelly** and Monsignor William B. **Smith** were in Australia speaking at the Second National Conference of Catholic Clergy in April; Father Ronald **Lawler**, another Fellowship board member will join Cardinal Gagnon, Mother Teresa, Monsignor Caffarra and others in Australia in July for the Families of Australian Foundation's International Conference on the Christian Family Towards 2000. Lively place Down Under!

The Convention

Eleventh Convention Fellowship of Catholic Scholars September 23rd, 24th, 25th, 1988

THEME: CATHOLIC HIGHER EDUCATION

FRIDAY, SEPTEMBER 23, 1988

2:00 - 3:30 P.M. - Concurrent Sessions

A. *Relation of Autonomy and Academic Freedom to Foundation and Government Support*

Chairperson to be announced.

Speaker:

Kenneth D. Whitehead, Deputy Assistant Secretary, U.S. Department of Education

Respondent:

William J. Wagner, Catholic University of America

B. *Catholic Faith and Medical Education*

Dr. Herbert Ratner, National Commission on Human Life, **Chairman** and Respondent

Speakers:

D. Alan Shewmon, M.D., University of Southern California at Los Angeles, School of Medicine

Eugene F. Diamond, M.D., Loyola University, Stritch Medical School, Chicago

4:00 P.M. - Plenary Session

Catholic Higher Education and Alan Bloom's Analysis of American Higher Education

Dr. Joseph Schwartz, Marquette University, **Chairman**

Speaker:

Dr. J. Brian Benestad, University of Scranton

Respondents:

John Knasas, University of St. Thomas, Houston

Dr. Janet Smith, University of Notre Dame

8:00 P.M. - Keynote Address

The Catholic Vision of Higher Education

Dr. Phyllis Zagano, **Chairwoman**

Speaker:

Rev. Ronald Lawler, O.F.M. Cap.
St. John's University

Respondent:

Mary Rousseau, Department of Philosophy,
Marquette University

SATURDAY, SEPTEMBER 24, 1988

9:00 - 10:00 Plenary Session

The Vatican Schema on Catholic Higher Education

Sister Janet Fitzgerald, Molloy College, **Chairwoman**

Speaker:

Dr. Joseph P. Scottino,
Gannon University

10:00 - 11:00 A.M.

Making and Keeping Catholic College Catholic

Dr. Rhonda Chervin, St. John's Seminary, Los Angeles, **Chairwoman**

Speaker:

Rev. Michael Scanlan, T.O.R.,
Franciscan University of Steubenville, Ohio

Respondents:

Damian P. Fedoryka, President,
Christendom College, Front Royal, Virginia

John Orr, President, College of St. Francis, Joliet, Illinois

The Convention (Continued)

SATURDAY, SEPTEMBER 24, 1988 (Cont'd.)

11:15 A.M. - Concurrent Sessions

A. Campus Ministry and Catholic Higher Education

Rev. Thomas Weinandy, O.F.M. Cap.

*Mother of God Community, Gaithersburg, Maryland,
Chairman and Respondent*

Speakers:

Rev. C. J. McCloskey III

*Princeton University, New Jersey
Campus Ministry on Secular Campuses
Princeton University, New Jersey*

Rev. Cornelius M. Buckley, S.J.

*University of San Francisco
Campus Ministry on Catholic Campuses*

B. Principles of Catholic Scholarship and Learning

Dr. Maura Aiken Daly, Chairwoman

Speaker:

**Dr. Patrick Lee, University of
St. Thomas, Houston**

2:00 P.M. - Plenary Session

Faith, Doubt and Science

Rev. Paul Quay, S.J., Jesuit Community, Chicago, Chairman

Speaker:

**Dr. Stephen M. Barr,
University of Delaware**

4:00 P.M. - Concurrent Sessions

**A. Political Science and Catholic
Higher Education**

**Dr. Regis A. Factor, University of
South Florida, Chairman**

Speaker:

**Dr. Christopher Wolfe,
Marquette University**

**B. Liberal Studies and Catholic Higher
Education**

**Rev. Dr. Francis Canavan, S.J.,
Fordham University, Chairman**

Speaker:

**Rev. Joseph Fessio, S.J., Ignatius
Press, San Francisco**

Respondent:

**Dr. Robert C. Rice, Christendom
College, Virginia**

6:00 P.M. - Dinner and Business Meeting

*Presentation of Cardinal Wright Award
Presentation of Cardinal O'Boyle Award
for Defense of the Faith*

Annual Review

**Rev. Msgr. William B. Smith,
St. Joseph Seminary, New York**

SUNDAY, SEPTEMBER 25, 1988

9:00 A.M.

*Academic Freedom and Its Strange
Uses Today*

**Dr. Charles Dechert, Catholic University of America,
Chairman**

Speakers (Cont'd.)

**Rev. Richard R. Roach, S.J.,
Marquette University, Wisconsin**

Speakers (Continued)

**Dr. Robert V. Young, North Carolina State
University**

10:30 - High Mass

12:00 - Dismissal

**Program Chairman: Monsignor Eugene V. Clark
(718) 990-6394 or 6395**

The "People of God" and A Newly Emerging Caste System?

When an orthodox Catholic comes across internecine warfare taking place between Catholic heterodox scholars, the typical response is one of amusement and a muttering-under-one's breath something like "a pox on both of your houses!" On occasion, however, an analysis of such disagreements can be a profitable exercise for Catholic orthodoxy. Consider Richard McBrien's book review (*Commonweal*), January 15, 1988, pp. 24-6) of Dennis McCann's *New Experiment in Democracy: The Challenge for American Catholicism* (Sheed and Ward, 1987) in which Mr. McCann argues for a radical democratization within the Catholic Church in the United States.

On the one hand, McBrien chides McCann for legitimating the 1976 Detroit "Call to Action" Conference in terms of the principle of "collegiality" rather than in terms of "the Council's more fundamental doctrine of the church as the People of God." Then McBrien castigates McCann because the letter "refers incorrectly to (Michael) Novak as a theologian." As McBrien continues: "we ought to call a halt, once and for all, to this careless practice of conferring theological degrees on people (mostly philosophers) who haven't earned them." What is to be said of McBrien's own apparently contradictory understanding of democratization within the Church? Is McBrien implying that all members of the "people of God" are not equal?

Perhaps Catholic orthodox scholars should sympathize with McBrien. After all, just as the orthodox are committed to defend a definition of the Magisterium as consisting of the Pope and those Bishops in communion with him, so apparently is McBrien dedicated to preserving the purity of the "second Magisterium" of theologians. God forbid that the "people of God" metaphor be used to justify philosophers as part of the

"second Magisterium,"! At best, following McBrien-like logic, philosophers must belong to a "third Magisterium" with social scientists and experts in the humanities constituting a "fourth Magisterium." I suppose that one is forced to conclude that there is a "fifth Magisterium" consisting of the average Catholic-in-or-out-of-the-pews.

On the other hand, perhaps the orthodox should not be sympathetic to McBrien. Maybe that McBrien's contradiction can be understood as a slip that unmasks the non-democratic elitism of what I call the "new Catholic knowledge class" — a group in which McBrien stands as a very high Brahman? Is McBrien primarily concerned with maintaining a strict caste system with the "People of God" in which he would be equal in authority, at least for the present, with any Bishop who just happens to stand in succession to the Apostles? McCann's call for a complete democratization within the Church, while utopian, is at least consistent. While theologically, sociologically, and anthropologically impossible, his call is basically altruistic and unselfish. That is more than can be said for McBrien. *Fellowship of Catholic Scholars* members, by the way, interested in a neo-conservative analysis of the "Call to Action" Conference that is opposed, in crucial ways, to both McBrien's and McCann's understanding of the event and the social movement it spawned will permit me to refer to my own *Toward The Establishment of Liberal Catholicism in America* (University Press of America, 1983) which is in print.

Dr. JOSEPH A. VARACALLI,
Nassau Community College
Garden City, New York

The Validity of Condom Information in Educational Programs

The National Federation of Catholic Physicians' Guilds questions the prudential judgment that factual information on condom-use should be included in AIDS education programs. Although it may be true that not every audience in a pluralistic society may accept Catholic teachings on sexual morality it is questionable whether condom endorsement is appropriate for any audience. Most recent studies¹ indicate that condom use is not significantly associated with protection from AIDS and failure to use condoms is not associated with increased risk of contracting the disease from an infected partner. Previous recommendations for condom use were based on highly questionable *in-vitro* data² or on misleading data derived from condom use in contraception³. The most that can be expected from condom use is a delay in transmission of AIDS infection. The risk of contracting a fatal disease even with condom use is unacceptable from a public health standpoint.

As the Surgeon General has pointed out with regards to the AIDS epidemic, good medical advice is identical to Catholic moral teaching where sexual activity is contemplated. The recommendation that condom information be included in the context of a "broader moral vision" is ambiguous and confusing. since condom use is both intrinsically evil and medically ineffective, its inclusion in education programs serves no understandable purpose.

It has been amply demonstrated that programs of contraceptive information have the effect of increasing sexual activity among adolescents.⁴

Since inclusion of condom information may be counterproductive and misleading, its exclusion from education programs would be both morally prudent and scientifically sound.

- 1.) Padian, N. et al Male to Female Transmission of Human Immunodeficiency Virus JAMA 258:788, 1987; and Salzberg, A. et al Male to Female Transmission of HIV JAMA 258:3386, 1987
- 2.) Minuk, G. et al Condoms and the Prevention of AIDS JAMA 256:1443, 1986
- 3.) Judson, F.N. Fear of AIDS and Gonorrhea Rates in Homosexual Men Lancet 2:159, 1983
- 4.) Zelnik, M. and Kantner, J. Sexual Activity, Contraceptive Use and Pregnancy Among Teenagers Family Planning Perspectives 12:230, 1980; and Schwartz, M. and Ford, J. Family Planning Clinics: Cure or Cause of Teenage Pregnancy Linacre Quarterly 49:143, 1982

Dr. Eugene F. Diamond
Loyola University Medical Center

Bishops and Theologians — Again

Since the NCCB is still at work attempting to establish guidelines under which contemporary theologians who want to be known as Catholic can be held to account or be trusted with a Church teaching mission — and so preserve intact the faith that owes its credibility to the words and deeds of Christ — it seems important to ask: Are the theologians in question prepared to play by any rules but their own?

The truths of the Catholic faith reputedly have been revealed by God through Jesus Christ and are proposed by the teaching authority of the Church as true and believed as such because the Church so teaches — infallibly either in the ordinary exercise of her magisterium or through a solemn definition.

More than a century ago German Protestant scholars broke the ties which bound religious truth to Church authority and tossed all religious questions into academia. Anglican theologian Eric Mascall is not the first non-Roman to point to the two Lutheran Churches which ensued — that of the universities and that of the pulpits. The Catholic faith, nonetheless, remained intact due to the moral strength of the modern papacy. Modernists, at the turn of the century, denied that dogmas are truths which come from heaven, asserting instead (as Alfred Loisy did) acquired by the toil of theological mental labour.' Pius X condemned this methodology (1907), insulating the Catholic faithful from religious skepticism at least until Vatican II.

In recent years doctrinal dialogue — not authoritative judgments — has been proposed even among Catholics as the answer to the modern dilemma created by theologians who set themselves up as rivals to the College of Bishops under the Pope. Suppose, however, that the theologians in question look upon theological discussion politically (right vs. left), think "people's acceptance" is a valid norm for judging religious truth, wish to speak freely "in the Church" on their own terms, but not "in the name of the Church," a phrase which suggests "being sent" by some higher authority to whom they owe obedience, who seem to resent theologian-popes or theologically-wise bishops, who prefer to keep the word 'authority' out of all scholarly discussions, who think peer approval is a higher form of truth-determination than magisterial declarations, who blame the media effectively against Church teaching, better than bishops use defending it, when theologians think that recent popes are intruding into their academic turf, what can we expect from dialogue and dialogic guidelines? That is — if the central question is Catholic truth, not the public relations of bishops with professors.

Read the April 1988 *The Bulletin of the Council of Societies for the Study of Religion* which reports the creation of an *Intersocietal Committee on Ecclesial Responsibility and Academic Freedom* by the three best-known Catholic theological associations. The summary of their first three meetings follows (Italics added):

"The ICERAF was set up by the College Theology Society (CTS), the Catholic Theological Society of America (CTSA) and the Catholic Biblical Association (CBA) and consists of delegates from those associations. An organizational meeting was held in Washington in the fall of 1986, and discussion sessions were held in Weston on 13 December 1986, and 4 April 1987. Those who participated at one or both of the two latter meetings were John Apeczynski (CTS), Richard Clifford (CBA), Chair, Elizabeth Johnson (CTSA), David O'Brien (CTS), Pheme Perkins (CBA), Walter Principe (CTSA), and Alice Gallin (Association of Catholic Colleges and Universities). One result of those meetings was the "description" of the situation on ecclesial responsibility and academic freedom given below. This formulation is still incomplete and tentative, one reason the committee did not want to call it a "statement."

"It was agreed that ecclesial responsibility is most integrally exercised by scholars' careful and critical reviews of each other's work in journals. Unfortunately, such reviews are relatively rare. Many *scholars are reluctant to criticize their peers*, whom they often meet in the confined society of Roman Catholic scholars. Others fear that criticism of other scholars in print will subject theologians to unfair criticism from the right. A good example of critical peer review is the annual issue of *Horizons*, in which several scholars assess a work, and the author has a chance to respond. Scholars' critique of their peers needs more discussion.

"It was agreed that freedom of the theologian is based on his/her pastoral task, which includes the responsibility to respond to the needs of the people in exploring and handing on the tradition. In fact, *the people's acceptance of "reception" is an important and undeveloped theological category*. For example, the documentation supporting bans on artificial contraception and abortion are similar but the Catholic people have received one with far more conviction than the other. (See the recent issue of *Concilium*, *The Teaching Authority of the Faithful*.)

"The committee discussed the distinction between the bishop and the theologian but was inclined to locate them on a continuum rather than sharply distinguish them. *The bishop obviously speaks in the name of the Church*; the idea that a theologian speaks in the name of the Church has its roots in Germany only in the 1840's. *It's better to say that the theologian speaks in the Church*. The image of the bishop as preacher was contrasted with the theologian as scholar. But this was a disputed question. Discussion shifted to the *roles* of the theologian and bishop. Bishops were originally teachers in the first Christian centuries. Then their teaching function was taken over by the cathedral schools, and finally by the universities.

Bishops and Theologians (Continued)

“Of vast importance is how their respective roles is communicated to a pluralistic society. The hermeneutic lens that the Media uses for the U.S. Church is that of an organization deeply divided along liberal and conservative lines, *often with the bishops holding the Roman line, and theologians as liberals*. Another source of confusion of roles of bishops and theologians is the vast expansion of the encyclical since the mid-nineteenth century which originally provided leadership after the European revolutions, but now is used to advance theology. *The popes are therefore exercising the role of theologians*. It is awkward to engage in mutual and critical dialogue with them.

“The publics of theologians and bishops have become mixed because of the mass media. David Tracy suggests the theologian has three publics: the university, secular society and the Church society. *The university itself may have different value systems. It becomes Catholic when theologians dialogue with other disciplines in the university*, not just when there is a theology department. For theologians and the university, canonical mission should be distinguished from the mandatum. These associate the bishop with theology.

“In clarifying how theologians and bishops differ, *it is better to talk about responsibility rather than about authority*. Bishops are responsible for religious education of the people; that is ecclesial. Theologians may assist the bishop in his pastoral educating function, but their responsibilities go beyond that. Difference between them is not “pastoral,” since both have pastoral roles, but on the nature of the evidence. *Sacra Doctrina* is the concern of both but their approaches are distinct. “Acceptance” is different for *bishops and theologians*: for bishops, the congregations and clergy “accept” the bishop for his effective pastoral presence; for theologians, “acceptance” by other scholars is determined by arguments.

“Ecclesial responsibility includes fidelity both to the tradition of the Church and to its growth as life-giving knowledge in the Christian community. Catholic theologians and scholars have a responsibility to clarify tradition so that its central focus remains clear, and to avoid unduly extending or narrowing it. Moreover, they are to keep the tradition in dialogue with the experience of the Christian people. The theologians’ ecclesial responsibilities include care for the students, the teachers and religious educators of the future.

“In this pastoral understanding of ecclesial responsibility, freedom is essential; it is necessary for the pastoral task of listening to the people of God and to the tradition. Theologians and scholars must see their freedom as pastoral, a necessary condition for contributing to the life of the Church.

“Related to the pastoral understanding of freedom of research, publication and education of theologians and religious educators is the concept of academic freedom. The history of higher education illustrates how academic freedom is necessary for the healthy functioning of colleges and universities and for the healthy development of the academic discipline of theology. *When academic freedom does not flourish—and it is easily corrupted—controversial areas are not explored and good minds seek other channels of expression for their talent*. Political pressures begin to determine what is useful to know. Controversial areas of theology, such as sexuality and ministry, atrophy.

“The freedom proper to the theologian in the Church is safeguarded by respecting the respective roles of the bishop and the theologian. Failure to define and respect the specific roles and responsibilities each has in the Church leads to attributing undue authority to one figure. The recognition of bishops’ and theologians’ roles requires more discussion than one Committee in two meetings can provide. The Committee feel nonetheless that important elements can be pointed out.

“The first element in the current relationship of bishops and theologians is that the *mass media, which has become the source of most Catholics understanding of their Church*, habitually confuses the two roles and multiplies the occasions of conflict between the two. A common media stereotype of the Roman Catholic Church is that of an organization in which liberals and conservatives struggle for power. *The bishops, supporting Roman orthodoxy, battle liberal theologians and activists of various causes*. Vatican statements are commented on by theologians, generally critically, virtually on the day of their publication. The resultant conflict makes excellent copy but leaves the impression that the theologians are leaders of a minority party.

“Another source of confusion is the emergence of *papal encyclicals and other authoritative teachings since the mid-nineteenth century*. In recent years the volume of such documents has increased. It seems that Vatican congregations have taken upon themselves the task of interpreting the new Code for the Church. From a historical perspective, *the papal and Vatican writings intrude into the domain of the theologian*. The result is the confusion between two different groups engaged in an overlapping task. How are the two to be distinguished? How is the theologian’s critical and questioning task to be carried out? If the theologian, because of the overlapping of tasks, is perceived by Church officials to be part of the magisterium, will the theologian’s critical task be hindered and the questioning theologian be accused of being unpastoral and disloyal.”

Special

Help in Dying: An Up-Date

Derek Humphrey, founder of the Hemlock Society (named after the lethal poison) is taking considerable pains to assure Americans that advocates of euthanasia seek only to legalize *voluntary* euthanasia for *terminally ill* patients. Humphrey would like the U.S. to follow the Netherland's lead: in Holland euthanasia has become a way of death. While technically still a crime, the courts generally condone euthanasia and the Dutch Parliament will soon consider a proposal allowing euthanasia in cases of terminal illness *or* (note, not *and*) uncontrollable suffering.

Euthanasia Practices in Holland

While it is widely reported that 6,000 to 10,000 deaths result annually from physician-administered drug overdoses and lethal injections, the actual figure may be as high as 20,000.¹ And, although Dutch practitioners of euthanasia claim it is strictly voluntary, advocates of the practice estimate that only 10% of cases which were evaluated were voluntary.² Observers report that many elderly citizens are afraid to drink their orange juice, fearing it might be poisoned.

About 2,500 of Holland's 31,000 physicians practice euthanasia and hope their country will be the first in the world to legalize the practice.³ (A false hope, since Hitler legalized it in Germany fifty years ago.) The Royal Dutch Pharmacists Association has published a list of lethal compounds useful for the purpose of intended death.

The medicalized killing of the sick, the frail elderly, the despairing, the severely disabled and the dying is not simply a nightmare—it is a reality both ignored and sanctioned by American authorities.

The practice of withholding food and fluids from non-terminal comatose, brain-damaged and severely disabled patients with the intent to cause death has been sanctioned by courts in "right to die" cases across the country, and is legal in many states under "living will" type laws.

Citing convincing evidence that the vast majority of nursing home deaths in Pima County, Arizona were caused by dehydration, Nat Hentoff, reporter for the *Village Voice*, recently wrote, "The patients' physicians decided to *care* for them by cutting off all fluids...it could be said that there, and everywhere else in the United States, there are liquidation institutions for certain old folks."⁴

Cases throughout the country have authorized denial of necessary medical treatment and care—including food and fluids—to persons who are disabled—without documentation for reasons for the denial and with no right of appeal. Each case has further expanded the threat to the lives and rights of medically vulnerable patients. One of the clearest examples is that of Nancy Ellen Jobes, a young woman from New Jersey who was severely brain damaged as the result of an anesthesia accident but was otherwise healthy. Nancy could see, hear, respond to pain and enjoyed having her hair washed. But last August, with the approval of the New Jersey Supreme Court, she was starved to death. In this and other starvation cases, health care professionals were ordered to participate, against their own consciences, in the deaths of their parents.

It is only a small step from acceptance of the "right to die" by starvation—an excruciatingly painful and prolonged dying process—to acceptance of lethal injections (which advocates refer to as "swiftly, painlessly and humanely terminating the life of a qualified patient.") There has been at least one law suit (in Colorado) asking for a lethal agent to speed the death of a patient who had just won the "right" to be starved. The suit was withdrawn when Hector Rodas, a quadriplegic, indicated he had not requested that he be provided with a lethal injection.

Americans Against Human Suffering, Hemlock's political arm, hopes to get a "physician aid in dying" initiative on the 1988 California ballot. Similar legislation has already been introduced in Hawaii and is planned for Arizona and Florida (states with large elderly populations), Washington and Oregon (states with early "living will" legislation which proponents admit is the first, necessary step for active euthanasia) and elsewhere.

For more information, call or write to the International Anti-Euthanasia Task Force (IAETF), a division of the Human Life Center at the University of Steubenville in Steubenville, Ohio 43952 (614/282-9953 or 612/542-5120). The IAETF is comprised of individuals from five continents, representing a broad spectrum of interests including disability rights, advocacy, education, medicine, ethics, religion and law.

Julie Grimstad

International Anti-Euthanasia Task Force

Review Essay: The Emerging Parish: Reality or Problem?

Harper and Row has published a "Notre Dame Study of Catholic Life Since Vatican II" under the title *The Emerging Parish*. The authors of record are Monsignor Joseph Gremillion and Jim Castelli, two one-time employees of Church agencies, in Rome and Washington, D.C., respectively. The book is advertised as "the first of its kind, this descriptive and interpretative survey," one which "reveals the past, present, and future of 18,500 (sic) Roman Catholic parishes in the United States."

From page one, the authors plan the "emerging" parish for a journey along the path pointed to by Vatican II (p. 2) with the assurance at the very end that "the Vatican II engendered sense of lay ownership of the Church is reflected in the growing reliance by Core Catholics on their own consciences instead of Church teaching in deciding what is moral and what is best for the Church" (p. 199). In between there are nine reports of people's opinions about parish programs, devotions, homilies, closeness to God, schools, etc. The views reported belong to those whom the authors call "Core Catholics," simply defined as "parish-connected." The authors do not provide a precise explanation of what this term means, although they say it is "an obvious way to define a group of Catholics in a study of parish life" (p. 29). They distinguish themselves from other pollsters who call Catholic anyone who so identifies himself, and separate themselves also from scholars who make "Mass attendance" the controlling norm. However, it is fair to ask: What is the meaning of "parish connected"? Most informed parish priests are connected with "Catholics" who hardly have Catholic faith or live by Catholic moral standards at all. For a study called (by Jesuit Father Joseph Fichter) "the most solid piece of research ever done on the parish level," some better norm of defining Catholicity is in order. Since the book alleges to tell us what "Core Catholics" think of their parishes, it would be reassuring to know how "core" (i.e., how actively Catholic in faith and in behavior) the chosen respondents really are. In his earlier book *The American Catholic People* (p. 177), Mr. Castelli concluded that for all practical purposes "the only belief that separates many active and inactive Catholics is the belief by active Catholics that they are *in* and the belief by inactive Catholics that they are *out*." This misrepresents Catholic reality. One recalls the lady activist who contributed to a national magazine survey of Vatican II Catholic opinion as the chairperson of her parish liturgy committee, although simultaneously confessing her personal doubts about the presence of Christ in the Eucharist.

Such imprecision is particularly to be avoided when the study is done, as this one is, on less than 1,100 parishes out of 19,500, and on 2,667 Core Catholics from thirty-six representative parishes out of a universe of 52,000,000. Two person teams, composed of a liturgist and a social scientist, were dispatched to selected parishes for on-sight visits, once they were trained at Notre Dame to check on parish liturgies and the planning aspects of parochial operations. There is no explanation of who the parish inspectors were or of what went into their "training," although clearly large stress was placed on the democratic processes at work in parish planning. High approval

Post-Vatican II marks go to parishes for their consultative procedures.

Given the book's total reliance on social science normative judgments, it might be helpful to recapitulate here what Church authority has to say about the ideal Catholic parish, and how earlier sociologists made their evaluation of parochial success or failure.

First, John Paul II. During his 1987 visit to the Hispanic Catholics in San Antonio (September 13th), the Pope specified what were the "essential factors" of parish life:

"Instruction in the faith of the Apostles,
The building up of a living community,
The Eucharist and the other sacraments,
And the life of prayer."

Most of us who are or have been pastors presumed the parish to be the universal Church in miniature, designed to make disciples in a local neighborhood and to make those disciples as good as possible. Simply from reading the gospels, we expected to run into the hardhearted, the fickle, and the worldly. Even Christ faced disciples who cared to walk with him no longer. Still the Church's laggards throughout history knew the Christian norms. You could only be His disciples if you believed in and lived according to His teaching (John 8:31, 32). And you would enter life only if you kept His commandments (Mt. 19:17). John Paul II only reiterates the best Catholic tradition.

The Post-Vatican II Code of Canon Law re-institutionalized those ancient Christian objectives when it legislated the rights and responsibilities of the Catholic pastor (CNS.528-530), norms according to which pastors (and parishes) may be classified as "good", "bad", "mediocre", depending on how well or poorly those norms are implemented.

Old-time Catholic sociologists classified Catholics with the Church nomenclature in mind: Baptized Catholics were *nuclear* (i.e., the activists who performed works of supererogation for the Church beyond the call of duty); or *average* (i.e., regular Sunday Church-goers, usually seventy-five percent, who were not otherwise engaged in parochial matters); or *inactive* not surprisingly called *dormants* (i.e., those who, though baptized, rarely attended Mass, although most of these died with the sacraments), and, the *apostates*, many of whom went to God with the blessing of a priest. Those factual descriptions of Catholic life neither validated nor invalidated the Church's norms. They merely considered such norms a frame of reference for scientific research.

Now, *The Emerging Catholic Parish* (Harper & Row, \$16.95), suggests that normative parish life by Catholic standards is out, and a new parish style is "emerging," one in which Catholic laity and their pastors have been legitimated by Vatican II in their deviance from Catholic norms. The authors see Church dissonance as the proper unfolding of the mind of the recent Council. "Vatican II," they say, in one place, "has already awakened Core Catholics (i.e., the old nuclears) from the sleepy myth of an unchanging Church." That is, "they practice the same kind of pick and choose Catholicism found among inactive Catholics; they follow Church teaching when they agree with it and reject it when they do not" (pp. 4-8). As for priests:

continued...

Review Essay (Continued)

“Parishioners seem unaware of a silent opposition among pastors to some Church teachings. For example, in one parish in six, parishioners did not realize that their pastor believes the Church’s position on abortion is too rigid, fourteen of thirty-six pastors were opposed to the Church’s teaching on contraception, but only one of fourteen parishes knew this. Sixteen pastors supported ordaining women” (p. 204). One of the book’s favorite authorities (Jay Dolan) explains the phenomenon: “The longing for order, so central a feature of the Church in the immigrant era, has given way to a longing for pluralism” (p. 24).

Msgr. Gremillion and Mr. Castelli go out of their way to deny that “their” Core Catholics are better Catholics than those who were not active in parishes” (p. 36). (Indeed, they admit that two percent of the book’s “Cores” are not even baptized.) The largest proportion of the study’s Core sample think of the Church’s faith system in individualistic terms, but this (so the authors say) is “the product of four centuries of catechesis which emphasized growth in personal holiness and the individualistic nature of sin, confession, and absolution.” (One wonders what other purpose the public penance of the early Church had in mind?) Communal Catholics, on the other hand, are of the mind that “the parish should give higher priority to help the poor.” Regardless, all Cores concur: “if a Church teaching does not make sense to them, they will refuse to agree” (p. 37). Strong support for continued change in the Church is found among communal Catholics, especially among the young (pp. 41-43). Two of every three oppose the Church’s ban on artificial contraception, yet they “are not less faithful in Mass attendance and communion practices” (p. 44), a conclusion surely not in accord with other findings. If the Gremillion-Castelli data are true, they would demonstrate how common the unworthy reception of the Eucharist has become.

The authors unashamedly confess that their definition of Core Catholics is “not an effort to define who is a good Catholic and who is not, or to define who is a true Catholic and who is not” (p. 49). The “Cores,” though called more conservative “are clearly not a group in lockstep with their Church leadership.” They value independence, pluralism, and participated democracy, we are told, because they “have accepted and internalized the Second Vatican Council” (p. 51).

There are other interesting *bon mots* in this book:

1. “*The Post-Vatican II American parish is now returning to its lay roots*” (p. 13). Post-Vatican II language has “the Church in the form of the People of God came first, and the Church in its institutional form followed” (p. 9). History also “has wrongly depicted the trustee system and lay trustees as detrimental to Catholic life” (p. 12).

On the contrary, you cannot have a Christian people without Christ and, after Pentecost, without hierarchy. Further, during the birth of the American nation it was the appeal to Rome for a bishop to bring order to an unruly Church which occasioned the appointment of John Carroll in 1789. Peter Guilday described the infant U.S. Church as “sadly

hampered by priests who knew not how to obey and of laity who were interpreting their share in Catholic life by non-Catholic Church systems” *Councils of Baltimore*, (p. 85). So successful was the U.S. hierarchy in remedying these defects by 1900 that John Talbot Smith was able to describe our parish system as the highest achievement of the American priest. One of the best-kept secrets of Vatican II is that its document on the Church says twice as much about hierarchy as it does about laity or religious.

This book returns time and time again to the “people” Church and to dissent, the authors obviously pleased that even Core Catholics are not traditionalists:- “Church leaders may regret this independence,” they opine, “but they themselves have helped foster it, and it is not likely to disappear” (p. 199. See also pp. 5, 75, 196).

2. The book reveals less than cool objectivity with its cynical gibes at the Pre-Vatican II Church:

- “The parish where Father O’Brien took care of God, Sister Cerita ran the school, and people met their Mass obligations and said ‘Hail Marys’ would be a woefully inadequate stereotype of U.S. parishes in the 1980’s” (p.3).

And in the 1950’s, too.

- “Religious orders were used much like the Marines” (p. 20).

They served as Religious always served.

- The initials NCWC (the predecessor the USCC) “were often said to stand for “Nothing Counts West of Chicago” (p. 22).

The NCWC leadership was not partial to Eastern Bishops either.

- “For a century priests took center stage and left the laity to pay, pray, and obey” (p. 29).

The Laity loved their priests and the priests loved them.

When some significant observations are made, there is almost no indepth analysis of why certain findings are true. For example, the statement that “in many areas of the United States fewer Catholic schools existed in 1980 than in 1930” (p. 26) begets neither explanation nor comment. Nor did the following: “Religious education and help for the poor within the parish rank at the top of priorities for Core Catholics. Help for the poor outside the parish and social change rank at the bottom” (p. 65).

The Emerging Parish is more than a “Notre Dame Study of Catholic Life Since Vatican II,” as the jacket says. It is an exercise in advocacy sociology, a collection and interpretation of selective data which mainly project a new Church a-borning, one that finds little basis in the intent or documents of the recent Council or in the subsequent decrees of the Holy See. However, when one considers the chief consultants and architects of the

(continued on p.24)

Book Reviews

Paul C. Vitz, *Sigmund Freud's Christian Unconscious* New York and London: The Guilford Press, 1988. Pp. xv, 287.

Professor Vitz has broken new ground in this study of "Freud's personal, often positive, relationship with Christianity" (p.2). The official view of Freud (such as that presented by his friend and biographer Ernest Jones), is that Freud "went through life from beginning to end as a natural atheist...(who) saw no reason for believing (in God)...and felt no emotional need for such a belief" (*The Life and Work of Sigmund Freud*, vol. 3, 1957, p. 351).

For some time it has been known that Jones's judgment in this matter was inadequate. Paul Roazen pointed out that Freud's feelings about religion were deeper and more ambivalent than he ever acknowledged (*Freud and His Followers*, 1975, p. 251). Several studies have been written recently about Freud's involvement with Judaism, suggesting a complexity greater than that recognized by Jones. But this is the first book devoted to the complex emotional and personal ties Freud had with Christianity, and more specifically Roman Catholicism. These ties are rooted in experiences in early childhood, experiences to which Freudian theory itself seems required to give substantial weight.

In his early years Freud had a Catholic nurse, Resi (Theresa) Wittek. Materials made accessible in recent years reveal how profound and moving an influence she and the religious experiences were to the very young Freud.

Resi, probably his wet nurse, was in many ways a mother-substitute for Freud. Freud in his later work acknowledged something of the depth of the emotional impact she had in his life.

A letter from Freud to Wilhelm Fliess (October 1897) suggests some of the reasons. Freud here tells how his mother responded when he asked her if she remembered his nurse. She remembered indeed, with many angry criticisms of her. She told Sigmund that the nurse "was always taking you to Church" (to the Catholic churches of the area, in which he was exposed to the emotional impact of ritual, religious music, prayer, and preaching.) It moved him so deeply that, his mother said, "when you came home, you used to preach to us, and tell us about how God conducted his affairs" (p. 14).

There came a time of crisis: the nurse was accused of theft and was fired, with indignation. The whole experience caused deep emotional wounds in Freud.

In many fascinating chapters Professor Vitz, reveals both the poverty of positive religious contacts and experiences in most of Freud's life; and at the same time the recurring signs that his early years left him far more ambivalent about religion than his biographers have noted.

In many ways Freud was both attracted and repelled by, the second Rome of Christianity. Vitz traces two ways in which his selective interest in religious art reveals the impact of young religious experience; how his fascination with Christian churches, especially Notre Dame in Paris, and his perhaps not-fully-conscious interest in Christian feasts give insights into complexities rarely noted in Freud. Professor Vitz draws

perceptive conclusions from reflections on what Freud read and did not read in authors who treated religious themes.

The account of Freud's fascination with the diabolical is carefully presented.

Freud seems to have had a genuine affection for the Christian psychiatrist Oskar Pfister, a liberal Protestant minister. In a letter to Pfister Freud acknowledged that "in itself psycho-analysis is neither religious nor non-religious, but an impartial tool which both priest and layman can use in the service of the sufferer. I am very much struck by the fact that it never occurred to me how extraordinarily helpful the psycho-analytical method might be in pastoral work." (p. 174)

He described Pfister as a "true servant of God, a man in the very idea of whom I should have had difficulty in believing, in that he feels the need to do spiritual good to everyone he meets. You did good in this way even to me." (p. 174) Vitz finds in this correspondence "an envy, almost a longing, for Pfister's faith" (p. 178). Significantly, however, he also judges that Freud never seemed deeply moved by the form of Christianity that Pfister exemplified. The religion that deeply moved Freud was the one he tested in childhood: the Catholic religion of his nanny, with its powerful images and symbols, and its demanding realism, immature as he was when he tasted it.

Freud's most influential attack on religion is found in his *Future of an Illusion*. He acknowledged that the views expressed in this book did not flow from analytic theory or evidence: they "form no part of analytic theory. They are my personal views" (p. 209). Freud explicitly notes that the book does not directly weigh the "truth value" of religious doctrines. It seeks to undermine religious belief by showing the immature and irrational motives that underlie religious belief.

For Freud, an illusion is a belief in which "wish-fulfillment is a prominent factor in the motivation." Religion, he suggested was rooted in illusion, grounded on nonrational and immature beliefs based not on evidence, but on felt needs and deep desires to escape terrible fears. We fear natural forces and evils inflicted by men; we are terrified by death. The "truths" of religion are exposed as wish-fulfillments: they express precisely what immature longing demands in the face of evils the helpless cannot cope with.

Professor Vitz reminds us that the core ideas of *Future of an Illusion* are not very original. Feuerbach especially had anticipated Freud's account of religion as a projection of human needs.

Why then was Freud's teaching so influential? Partly because of his persuasive art and the power of his style. But more because he was known to be a psychological genius, and it was assumed that he had carefully examined and analysed the religious experience of believers, and those found in the structures of which he spoke.

But this is far from true. Professor Vitz points out that "not one of Freud's major published cases dealt with a believing Christian or Jew" (p. 211). While Freud dealt with many Jewish patients, "I have not found one case where Freud analyzed a practicing, devout Jew" (p. 211).

Book Reviews (Continued)

What made Freud an authority in the psychology of religion? Professor Vitz's book offers much evidence that Freud had, after his young childhood, almost no personal religious experience. He had virtually no religious friends or associates (Pfister was a notable exception). He had some contact with religious Jews in his early years, but very little; and his professional world was radically secular. In fact, it seems that "Freud was in many respects afraid of religious experience, and to some extent took steps to avoid it" (p. 213). Nor, our author argues persuasively, did Freud gain a knowledge of religious experience from reading theology or learned accounts of religious experience.

Professor Vitz completes a brilliant analysis (esp. pp. 214-17) of the emotional foundations of Freud's rejection of religion with the perceptive remark: "In short, Freud's religious neurosis was deeply satisfied by his theory that religion is an illusion" (p. 217).

Freud's atheism is not a philosophically grounded one. Rather, Vitz argues, it is emotionally rooted, and grounded primarily in the unhappy experience he had with his father, and in his rejection of his father. This does not mean that unmanageable emotions entirely dominated his religious or secular responses. Vitz in many places recalls occasions and opportunities Freud had to reconsider his whole religious and philosophical stance; and he points out the practical reasons and personal biases that led Freud generally to refuse to reconsider personal and (non) religious positions.

One can find understandable how the pain of his life, and the difficulty of coping with intolerable burdens, could lead Freud to turn against a God he knew of in only most inadequate and childish ways, pressed by mechanisms that his own psychoanalytic theory explains so well. His theory provides excellent reasons for seeing his atheism rooted in illusion, in emotional responses to trials difficult to master. But psychoanalytic theory has discovered far less evidence that the theism of authentically religious people has such roots. Freud really knew no such people; and their motivations for faith are far more complex than any Freud encountered or studied. But "detailed clinical evidence does show that the rejection of God can be a consequence of unconscious neurotic needs" (p. 221).

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Personal Commitments by Margaret A. Farley
139 pp. (N.Y.: Harper and Row, 1986) \$13.95

Personal Commitments is a cold, calculating book requiring great concentration to follow its close-cropped reasoning. Anyone capable of reading it probably may not need the book in the first place. We end up where we started, knowing that commitments are important and that one should consider all elements carefully before deciding to change or abandon a seriously-made commitment.

Margaret Farley, professor of Christian ethics at Yale

Divinity School, covers her subject in eight tightly-packed chapters: The Problem of Commitment, The Meaning of Commitment, Commitment and Love, The Way of Fidelity, Conditions for Presence, Discerning Obligation: Can there be Release? Discerning Obligation: A Just Love., and a final chapter on Commitment, Covenant, and Faith.

This is a rationalist book, even though Professor Farley talks about faith and God.

The book does give many beautiful insights in purple passages like this:

...the event of the original vision and spontaneous love is not sufficient in itself. Even if it could last forever, it is not enough. The reason is that the vision (when it is authentic) is not so much of what *is*, but of what we can *become* together... For it to come to be in all of its promise, we must learn a kind of "discipline of nonfulfillment," freedom's way of not destroying the future by mistaking it for something less, or demanding it before its time. (p. 51)

But the book does not offer any real help in concrete problems of personal commitment. Take Karen, for example. "Is there a word that bridges the life of Karen, seeking as she does to belong to God, to share life in community with others, to quiet the restlessness of her heart and the urgent anxiety of her compassion? How can we describe what she yearns for, what she dreams of, as her life stretches before her, and her love grows for God and God's people?" (p. 2) "What will actually *happen* in the moment when Karen vows to live a celibate and simple life within a community dedicated to God?" (p. 16) "When Karen pledges friendship to a community of persons, is it out of her hands now whether she remains in this community 'for life?'" (p. 25) "Karen, after five years in a religious community, experiences a growing loneliness, even though she has found energy and love in her prayer and in community and in her work. She begins to yearn to renew her relationship with Carl, who still loves her and who would welcome her back to the engagement they broke six years ago." (p. 47)

At this point Professor Farley, discussing fidelity, says "we will reach other moments when, like Karen, if we do wish to remain faithful, we must again (or at last) decide to 'let go,' to refuse to be distracted from what 'is' by dreaming of 'what might have been.' In these moments, at least, there is no substitute for radical decision--renunciation and affirmation. (p. 48)

Marriage commitments are treated in much the same manner--interestingly, laboriously, but in no sense as strictly as Christ regarded the marriage bond.

The author distinguishes between a commitment and the framework of the commitment. This enables her to press the feminist agenda.

Likewise, it is possible to offer religious reasons for specific forms of frameworks of commitment but another task altogether to sort out the cultural roots of religious beliefs about particular commitments (such as the belief still held by some that a Christian

Book Reviews (Continued)

marriage includes an essential commitment to a patriarchal model of power relations between husband and wife. (p. 111)

The style becomes heavier (and stylistically ludicrous) when Professor Farley, refusing to call God "He", says "...that God takes on God's own self the burden of human suffering." (p. 124)

But it is more than just annoying when she *changes* Scripture: "You, therefore, must be perfect, as God is perfect." (Matt 5:48)

And worse, her fumbled attempt to use the Trinity (as showing receptivity in God) without mentioning The Father and Son:

Here is a triune life in which "persons" in God communicate, with mutual and infinitely active receptivity and receptive activity, and utterly shared life that is the life of the Spirit. (p. 131)

Chapter 8 is the "explicitly theological" section of the book in which the author discusses "the Covenant tradition that the Jewish and Christian religions both affirm as integral to their faith." (p. 111) She gives a good short "history" of the Old Testament Covenant, then says:

As patterns for human relationships, then, they (the patterns of Divine-human relationships in the Covenant) no longer withstand the critique made of them by, for example, Jewish and Christian feminists. Without offering here a complete ethic for such relationships, two alternatives are possible. The Covenant model can be rejected, or it can be differently interpreted.

Aside from the strong feminist bias and distortion, the help a reader will get from this book is pretty well stated at the end of the chapter "Discerning Obligation: A Just Love:"

But whatever methods we use to try to discern whether we are bound or released from the commitments we have made, the overall task is the same. We may resolve questions of obligation regarding our promised deeds of love by taking account of the seriousness and urgency of need (on the part of those who claim our action), the nature of the commitment-relationship, the implications for

the common good, etc. We shall resolve the questions of radical obligation regarding whole frameworks for loving only when we determine what we shall love with an absolute love. (p. 109)

Sister Bernadette Counihan
Davenport, Iowa

Francis Canavan, S.J., *Edmund Burke: Prescription and Providence*, Carolina Academic Press, P.O. box 51879, Durham, N.C. 27717, 183 pp.).

Father Canavan is one of the "greats" of a Jesuit tradition of *America* magazine. An associate editor of *America* magazine in its heyday, an early member of the Fellowship, Father Canavan's genius is to reduce to simple declarative sentences complex intellectual concepts and in a reasonably logical order.

Edmund Burke is one of England's most fascinating 18th Century political writers with a unique gift for the language. Citations from his speeches and written works turn up everywhere, usually in defense of political order against the vagaries of the French Revolution. His *Reflections on the Revolution in France* is classic, an expression of Burke's understanding that the French Revolution was radically evil. But in time prescription legitimized its existence, because in an important sense that Revolution was part of God's over-arching and continuing rule of the universe.

Father Canavan summarizes Burke's general view at the end of the book:

"Men are always obliged to seek to realize this essential order of creation in those contingent orders which they create as subordinate clauses of the great primeval contract of eternal society. The event of their endeavors, however, is in the hands of God, as it must be in the metaphysics of a creative universe."

Father Canavan argues that Edmund Burke enjoyed a carefully reasoned theory of political authority, rooted in Christian, biblical, and metaphysical views of a creator. Although Burke was not a Catholic, he was heir to the doctrines and beliefs of the pre-Reformation Church.

This is a *perceptive* book.

The Christendom College Summer Institute on Christian Culture and Its Intensive Four-Week Course of Studies will be held from July 11th through August 5, 1988. It will consist of two three-credit courses: (1) The Catholic Artist in the Modern World, and (2) The Classic Tradition of Catholic Spirituality. *Christendom College* is located at Front Royal,

Virginia 22630, phone (703) 636-2900, just one hour west of Washington, D.C. Tuition for this six-credit course is \$1,500. Room with kitchenette will be provided at a room fee of \$300. Questions on any aspect of the Institute may be directed to Mr. Gregory Wolfe at the college.

Brief Reviews

Edith Stein, A biography by Waltraud Herbstrith (113 pp., Harper and Row, \$15.95).

It is difficult to write of Edith Stein without enthusiasm and some passion. The author permits himself both in a sound, short biography of Edith Stein. The unbecoming umbrage taken by some Jewish spokesmen at the time of her canonization becomes less and less acceptable as you read the life of this clearheaded woman who, in a better world, should have been celebrated as a bride of integrity and honest affection between the Jewish and Catholic communities.

She is attractive to most modern readers. Her inner piety and generous action are a single motion. She underlines that Mary and Martha were never serious in their division. Christ used the occasion to establish a priority not a dichotomy. Normal Christians are ever Mary and Martha. Edith Stein is a glorious example of the multifaceted charity that shines from a human being radically converted to Christ.

John Gray, G.A. Cevalco (Boston: Twayne, \$17.95).

Virtually all the writers and artists of "The Tragic Generation," as Yeats labeled the period of the 1890's, burned themselves out at an early age—took to alcohol or drugs, committed suicide, or died in disgrace. One writer of the period, John Gray, does not fit the stereotype.

John Gray broke with Wilde early in the nineties, underwent a deep and lasting metanoia, and left London for Rome to seek the priesthood. After his ordination in 1901, he served churches in Scotland and was named Canon of the Diocese of St. Andrews and Edinburgh. Among Gray's outstanding literary works, which Professor Cevalco analyzes in detail, are *Silverpoints* (1893), *Spiritual Poems* (1896), *The Long Road* (1926), and *Park: A Fantastic Story* (1932). This is a happy rescue of a very attractive man.

Raphael Simon, OSCO, MD, *Hammer and fire: Way to Contemplative Happiness, Fruitful Ministry and Mental Health in Accordance with the Judaeo-Christian Tradition* (St. Bede's Publications, P.O. Box 545, Petersham, Mass., \$11.95 Post-paid).

Father Simon, a Fellowship member, wrote this book for lay people who cannot find a spiritual director, but are looking for good guidance in their prayer lives. The book attempts to set up a program of spiritual direction for them. It deals with Scripture and Tradition, the virtues, the sacraments, theology, and mental hygiene in the spiritual life. It also includes sections on prayer forms such as Centering Prayer and the Charismatic style. Clergy and Religious who are spiritual directors and their clients will benefit as they read the guidance it offers. Seminarians should read it to help them prepare for their ministry. (One priest who read this book said it was the best guide for spiritual direction he had ever found).

The author offers direction in the tradition of the Church, and includes Scriptural sources, human development and the development of the personality as they touch prayer-traditions.

From The Ignatius Press:

Henry DeLubac, *Three Jesuits Speak*, (195 pp., \$12.95).

A very fine tribute to three Jesuits of the old school. If you want to rediscover Jesuit piety at work, this is the book. Translated by Ken Whitehead.

G.K. Chesterton: *Collected Works, Volume V* (660 pp., \$17.50).

A classic - *Outline of Sanity, End of the Armistice, Utopia of Usurers*, and four others.

Edwin S. Goustad, *Faith of Our Fathers: Religion and the New Nation*, (Harper & Row, 176 pp., \$15.95).

A church historian outlines here the sources of tension between Church and State in the United States between 1776 and 1826. We wonder what the American Civil Liberties Union thinks of a president who insisted that "before any man can be considered as a subject of the governour of the universe" (p. 142). That was James Madison speaking.

This little book grapples with the thinking of the Founding Fathers about whether religion was private ("solely between man and his Creator," as Jefferson averred), or was primarily communal and public (as the very existence of churches on so large a scale suggested). Professor Gaustad has created interesting categories for these "fathers": Jefferson and Madison are called "libertarians," Adams and Jefferson are called "philosophers," while Franklin and Washington are called "icons." He observes that the widest religious option presented to the American public in those years was the choice between being a Presbyterian or a Baptist. And he ends with the notion that the difficult decisions about religion in modern society were just as difficult at the beginning of the nation.

While George Washington's recognition of the Catholic contribution to the American Revolution is duly noted, the establishment of the U.S. hierarchy within six months of his first inauguration seems irrelevant to his short recap of Catholic involvement in the American foundation.

Oddly, the Toleration Act of 1639 by Maryland's dominant Catholic Assembly—a unique step in a young country where there were established churches—is not treated.

The book is a primer not the last word.

Shirley Koers, Ave Maria Press, Notre Dame, Indiana, *The Eyes are Sunlight: A Journey Through Grief*.

This is a very personal portayal of a woman's response to the death of her husband through cancer. The style is informal filled with poems and free associations. At its best it will provide solace and help for some of those going through the same experience. However, the book suffers from a disorganized structure and from sentimentalism. It is not for those who want a cooler or quieter or more astringent response to grief.

Richard P. McBrien, *Ministry* (Harper & Row, pp. 119, \$12.95). A little book which reflects McBrien's general sense of the church, namely, that "to accept divine revelation as authoritatively presented by the Church" is a post-tridentine neo-scholastic development."

(Continued on p.24)

Review Essay (Continued)

study, the results are not surprising. Father Theodore Hesburgh, Monsignor John Egan (an originator), and his successor at Notre Dame, Monsignor Joseph Gremillion, Jay Dolan, Chicago's Sister Agnes Cunningham, and Father Timothy O'Connell, among a host of lesser-known contributors, have generally been identified with movements and activities which break ties with *magisterium* quite proudly. One should hardly expect from this source a research study with Church norms or content uppermost in mind. Father Hesburgh's optimistic assessment of the data in the Foreword to the book, or Cardinal Bernardin's expectation on the book's jacket alleging that the book offers "a wealth of

information for predicting trends and values of the future parish" need not be taken as realistic judgments. The Gremillion-Castelli team has something less in mind for the parish than St. Paul's general counsel to Church leaders:

"Let that mind be in you which is in Christ
Jesus, Our Lord" (Phil. 2,5).

To separate a religious order or a college from the Church's *magisterium* in the name of Vatican II is bad enough. But, the parish, too?

George A. Kelly

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Brief Reviews (Continued)

Ignatius Gramunt, Javier Hervada, LeRoy A. Wauck, *Canons and Commentaries on Marriage*, (The Liturgical Press, \$14.95).

Written for pastoral ministers, seminarians and students of canon law, this commentary on the marriage canons of the 1983 Code spells out the changes from the previous Code and addresses the intent and meaning of each marriage canon. In the opinion of a distinguished Fellowship canonist, it dodges the critical question of whether almost any marriage can now be attacked on psychological grounds thereby altering the Church's ancient posture of protecting marriage.

Julien Green, *God's Fool: The Life and Time of St. Francis of Assisi*, (Harper & Row, 273 pp., \$7.95 paper).

Endorsed by Catholics as different as Rober Drinan and Malcolm Muggeridge, this account is more meditation than German historical analysis.

Love: A Fruit Always in Season: Daily Meditations by Mother Teresa, (Ignatius Press, 260 pp., \$9.95).

Adrienne Van Speyr, *John: The Farewell Discourses*, (Ignatius Press, 297 pp., \$9.95).

Father Balthasar rates this book highly.

Collins Liturgical Publications (151 Union Street, San Francisco 94111, (415 477-4545) has issued six small booklets on "new parish ministries" with emphasis on inactive Catholics, initiation, communion, etc. The books are trendy and sociological more than doctrinal or canonical.

Cornelius Buckley, S.J., *Your Word, O Lord*, (Ignatius Press, 300 pp., \$9.95).

Meditations for college students and anyone else. Father Buckley is an experienced college teacher and a first-rate writer.