

# FELLOWSHIP OF CATHOLIC SCHOLARS QUARTERLY

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## AN INVITATION TO MEMBERS OF THE FELLOWSHIP

## EX CATHEDRA

The Transformation of Theology in

Margaret Farley's 'Just Love' ..... J. Brian Benestad



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## THE PRESIDENT'S LETTER

# The Year of Faith: Thinking with the Church

by Joseph W. Koterski, S.J.  
President, Fellowship of Catholic Scholars

The Congregation for the Doctrine of the Faith recently declared that *Just Love: A Framework for Christian Sexual Ethics* (2006) by Sr. Margaret A. Farley, R.S.M., of Yale Divinity School was “not consistent with authentic Catholic theology.” A storm of controversy ensued. Perhaps it will be helpful to consider this case in relation to the Year of Faith. This special year of devotion began on October 11, 2012, the fiftieth anniversary of the opening of the Second Vatican Council

In his Apostolic Letter *Porta Fidei*, Pope Benedict explains that the Year of Faith is timed to commemorate not only the golden anniversary of the Council but also the twentieth anniversary of the *Catechism of the Catholic Church*. As with the encyclicals *Quadragesimo Anno* and *Centesimus Annus*, the papal choice to mark anniversaries is not simply ecclesial sentimentalism. Quite to the contrary, the goal of calling attention to special dates is to use them in some creative way so as to move matters forward. In reflecting on the forty years since *Rerum Novarum*, Pius XI seems to have been as eager to reformulate Leo XIII's notion of a living wage in terms of a family wage as he was to articulate the principle of subsidiarity. In honoring the centenary of *Rerum Novarum*, John Paul II was not only celebrating the demise of the Soviet communism but also initiating an examination of conscience about the proper purposes of the liberties and opportunities of democratic forms of government and capitalist systems of economics.

It is thus no surprise that Pope Benedict's invitation to the Church to undertake a Year of Faith uses the anniversaries of the Council and the *Catechism* to emphasize the need for the hermeneutic of continuity in the interpretation of the Second Vatican Council. The pope uses the two anniversaries in order to promote

“the ever necessary renewal of the Church” (§5), and to encourage proper faith formation for Catholics (§12) after a long period in which confusion about what the faith teaches and requires has been abetted by theological dissent.

Throughout *Porta Fidei* there is an uplifting tone that is crucial to the message – the joy that will be part of wholehearted devotion to the true faith. We see this point in a special way in the summons to charity with which the letter ends. “The Year of Faith,” Benedict says, will be “a good opportunity to intensify the witness of charity... Faith without charity bears no fruit, while charity without faith would be a sentiment constantly at the mercy of doubt. Faith and charity each require the other...” (§14).

The interesting reference here to being “constantly at the mercy of doubt” presumably has reference both to the unsettling ambiguities possible in a personal life that is not rooted in religious faith in God and those ambiguities prevalent in a culture whose Christian presuppositions are no longer taken for granted. Pope Benedict describes the latter situation when he writes: “It often happens that Christians are more concerned for the social, cultural, and political consequences of their commitment, continuing to think of the faith as a self-evident presupposition for life in society. In reality, not only can this presupposition no longer be taken for granted, but it is often openly denied” (§2).

The solution to these problems, he insists, comes from the alliance of true faith and genuine charity. Professing the faith of the Church will give wisdom in all areas of life, and that faith will be ever more credible by the witness of real practical charity. Among the forms that this practical charity sometimes needs to take is fraternal correction, precisely for the upbuilding of faith. It is in this spirit that we should understand the corrective delivered to Sr. Margaret Farley after the

Congregation for the Doctrine of the Faith received an inadequate response from her to the questions raised about her work.

The core of the defense that she offered seems rather odd from a past president of the Catholic Theological Society of America. She said: “I can only clarify that the book was not intended to be an expression of current official Catholic teaching, nor was it aimed specifically against this teaching. It is of a different genre altogether.” The book, she noted, offers “contemporary interpretations” of justice and fairness in human sexual relations as a way of moving away from a “taboo morality” and drawing on “present-day scientific, philosophical, theological, and biblical resources.” These scholarly terms risk disguising an abandonment of the genuine principles of Catholic morality in the area of sexuality that is the topic of this book.

As will be evident from a review of her book elsewhere within this issue of the *Quarterly*, the book in question contains an attempt to present a theological rationale for same-sex relationships, for masturbation, and for remarriage after divorce. Thankfully, Sr. Farley does admit the discrepancy between her position and Catholic teaching in her official response to the Vatican’s assessment: “I do not dispute the judgment that some of the positions contained within it are not in accord with current official Catholic teaching.”

Such an honest admission is welcome to a scholarly ear, but frankly much more is needed from the perspective of the mutual assistance that faith and charity need to supply for one another. Real charity for Christ’s faithful requires that one give them sound moral advice in conformity with the teachings of the Church that is known to us by faith, and the obedience of faith requires that scholarly writing from someone with her credentials and influence in the field of moral theology not be “a cause of confusion among the faithful.” ✠



# The Blessings of Liberty

by Gerard V. Bradley

Gerard Bradley is Professor of Law at Notre Dame Law School and a senior fellow of the Witherspoon Institute.

When we think of “liberty” our minds naturally turn to the Bill of Rights. Then we think of the Supreme Court, and some of us get a lump in our throats. For in this complex of thoughts “liberty” refers mainly to an individual’s prerogative to pursue his passions or to live her dream, even if doing so imposes great social costs, and even if one’s path is contrary to the community’s deepest moral convictions about human flourishing. In this view, the Bill of Rights is our country’s birth certificate, and the Supreme Court is our protector. The Justices (some of them, at least) stand ever-alert on the parapets, shielding us from the group-think and lifestyle conformity to which—as this story goes—our democracy would consign us. Thank heaven: without the Court I could not be me, whoever I turn out to be!

It is not just Democrats or liberals who think this way. This birth narrative’s climax was supplied by three Republican Justices (O’Connor, Kennedy, Souter) who, in 1992, declared that “the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.”

When America’s founders thought of “liberty” their minds did not gravitate to a “bill of rights,” much less to the Supreme Court as guardian of the lonely dissenter. One reason is that the founders understood “liberty” to be mainly a community’s right to govern itself according to laws made by representatives caring for the public weal. Individuals enjoyed the manifold blessings of living in such a regime. Some had the further satisfaction of participating in collective self-governance by the leave of no man, as equal and independent citizens.

You need look no further than the bookends of our Constitution to see this picture. “We, the People” established the Constitution (mind you, then with no separate bill of rights) to “secure the blessings of liberty to ourselves and our posterity.” Now take a look at the last amendment ratified, the 27th. It postpones the effective date of any “law varying the compensation of” members of Congress until after an intervening House

election, thus removing one temptation—a potential pay-grab—to use government service for private enrichment.

Ratified in 1992 the 27<sup>th</sup> Amendment nonetheless links us directly to the founders, who proposed it to the states in September 1789. It was the second of twelve alterations passed by the first Congress; our First Amendment was number three on their list. The first of the twelve mercifully still languishes: it would limit congressional districts to less than 50,000 people. Today that would mean a House comprised of 6,000 members.

The “liberty” to govern ourselves is a great and precious good, in season and out of season. We would do well to cherish it more. I said that the founders were *mainly*—which is not to say, *exclusively*—interested in it. They were also keenly aware of the importance of individual liberties. They affirmed the value of bills of rights. Several states had them. The national government soon acquired one. The founders were genuine pioneers of certain individual rights, religious liberty chief among them. They also recognized the limited upside possibility of independent courts standing fast by a bill of rights. And the founders had a more subtle, richer and—all things considered—*better* conception of individual rights and how to embed them in a democracy than we do. We would do well to cherish this legacy, too.

Here are four of the many different ways in which the founders understood and promoted individual liberty better than we do.

Let’s start with the many protections of individual rights which the founders wrote into the original (that is, unamended) Constitution. Among these are the prohibitions on: religious tests for federal office; laws impairing the obligation of contracts; bills of attainder and *ex post facto* laws; and, perhaps most significantly, the guarantee in Article III (repeated in the Sixth Amendment) of a jury trial for crimes. Each not only protects individuals against a certain sort of government imposition (upon religious belief or vested contract expectations, for example). Each is also a *structural* protection of limited and responsible self-government.

So the ban on religious tests eliminated one source of “faction”—sectarian rivalry—in national politics. The ban on contract-impairing laws removed a temptation for legislators to enrich affiliated interests or to satisfy

rent-seekers. The jury trial guarantee established an indubitably democratic institution between the larger (and often more distant and sometimes ill-motivated) government and an accused individual. The constraints upon legislative targeting of individuals (bills of attainder) and retroactive legislation promoted what legal philosophers today call principles of legality, namely, that all legislative acts be general and prospective.

A few clauses in the Bill of Rights as the Court now interprets them might possess this dual character as democracy-reinforcing individual rights guarantees. But not many do. And the Court's dominant interpretive grid pits claims of individual rights over and against the stated requirements of collective security, public morality, and other social necessities or amenities.

Another way that the founders joined together what the Court has since put asunder involves thinking of it as the *people's* Constitution. The founders were famously skeptical that courts could serve as bulwarks of constitutional liberties. They feared that bills of rights would rarely be more than "parchment barriers," partly because (they further held) courts would often lack the political courage to stand fast. But bills of rights could still function effectively by educating the people and by providing a touchstone of popular resistance to unjust laws.

Even where a constitution protects a liberty so vital as that of the press, Hamilton wrote in Federalist 84, "its security, whatever fine declarations may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and the government." Here, in the people's understanding and embrace of rights, and in their willingness to fight for them, Hamilton concluded, is "the only solid basis of all our rights."

Madison thought that in times of crisis the Constitution could serve as a rallying point and as a platform for popular action to keep the government on its appointed—i.e., constitutional—course. In his first inaugural Jefferson said that the Constitution was "the text of civil instruction—the touchstone by which to try the services of those we trust." In 1819 Chief Justice John Marshall stated that judicial "opinions should be written to be understood by the public."

Judicial opinions today are too prolix and too technical for public consumption. They are written by specialists for specialists. They read like law review articles. The substantive content of opinions concerning civil liberties unfolds in conscious opposition to what the people think; the leitmotif of civil liberties jurisprudence is precisely protecting the unpopular, the dissent-

er, the pervert. The Court worries enough about its "legitimacy" to attempt marriage between its antipopulism and populism. The justices tell us stories about how they are our better selves or our constitutional conscience, or about how they really hanker for a constitutional conversation with us. All these shotgun weddings fail.

Where the people's support is avidly sought (as the founders thought it should be), judicial opinions are bound to be more muscular and principled, the pace of doctrinal development is almost sure to be slower, more organic, and the content of any constitutional innovations which happen to emerge are unlikely to be at war with the common morality.

Third: the Mystery Passage is all sail and no anchor. It rests upon the value judgment that what makes a belief about life or the universe worthy of constitutional protection has nothing to do with the truth, validity, soundness of that belief. *All* that counts is that the belief be acquired absolutely freely, that it is purely voluntarily held, and that it is (therefore) an exquisite expression of who someone—anyone—really, deeply, is.

Now, voluntariness of acquisition is indeed integral to the value of holding *some* beliefs—those concerning religion are the prime example—but it is never *all* that counts. (False religious beliefs can lead people into lives of moral degradation.) And it is more often the case that the soundness of beliefs counts more than freedom in acquisition. This is true about moral beliefs as well as about scientific and other descriptive accounts of the way things are. Individual lives go better when people affirm, for example, the moral truth about human dignity and basic norms of morality such as the Golden Rule.

The founders were guilty of no such evaluative error as the Mystery Passage implies. They held fast to the distinction between worthy and unworthy claims to possess an individual liberty, and one strict criterion was moral truth. Although they did not use the terminology, the founders would have affirmed the proposition that one could not have a right, strictly speaking, to do a moral wrong, no matter how sincerely motivated the claimant might be. (They would say that these claims involved "licentiousness," their marker for morally debauched acts.) The founders understood that a moral consensus on matters pertaining to the political common good—human dignity, human equality, justice—was a great benefit to collective prosperity as well. And so they would have instantly seen how subversive it would be to drop morality into a centrifuge, as the Mystery Passage does.

Lastly: the “Mystery Passage” does not lead to a net increase in “liberty,” even if we hold for the moment that “liberty” consists of such extraordinary self creation. The “heart of liberty” says that everyone has a valid (*prima facie*) liberty interest in doing whatever it is they desire to do. Missing so far from the Court’s “liberty” is any illumination of responsibility, duty, forbearance, and limits. Note well: I say *illumination* of limits, not a list of them. For there is no question of there being limits, or of persons being held responsible. In fact, there is no necessary relationship between the sheer volume of legal regulation in a given society (on the one hand) and the guiding principles of the regime (on the other). Put differently: there may be no less law in a regime committed to the Mystery Passage than there would be in a society whose law was basically determined by, say, the goal of cultivating good people and sound citizens. There might even be *more* law in the former world; just think of how rule-generating identity politics and political correctness can be.

Where the *uber*-value is the liberty to live in one’s own world, the only public ethic really imaginable is something like: “liberty for each one, consistent with a like liberty for all others.” This leads, however, to a zero sum game, in which *A*’s liberty to do *X*—say, to be free from being seduced—simply takes away from *B*’s liberty to seduce. *A* has, or may well have, no *reason* to be

chaste, or to respect the integrity of *B*’s body, save fear of consequences.

This impasse is structurally similar to that engineered by Hobbes, who thought that men had the most rights—and the largest liberty—in a state of nature, a hypothetical location bereft of legally enforced obligation. “[I]n such a condition, every man has a [r]ight to every thing; even to one another[']s body.” But this is to say no one has an objective duty to respect another’s body. Which is to say that no one has a right to bodily integrity, save by dint of stipulation by human lawmaking authority.

We can now see how the Mystery Passage leads to the heart, not of liberty, but of darkness. The legal constraints which seem ever to multiply in our world cannot be experienced by liberty-lovers (as the Mystery Passage defines them) as reasonable requirements of free and fair cooperation among persons for the common good, save by those victims of happy accidents who have constructed mental worlds redolent of the founders. According to the Court’s experiment in liberty, “liberty” has no internal guidance mechanism to absolve law from being experienced as brute restraint, as shackles or fetters or as leaden weight. The law looms—as does bad weather or traffic jams—as raw impediments which one seeks to avoid or at least to survive: a millstone around the necks of the Court’s free spirits. ❧

## Why the Church Has Had to Fight the Contraception Mandate

by Kenneth D. Whitehead

Kenneth D. Whitehead is the author, principally, of **One, Holy, Catholic, and Apostolic: The Early Church Was the Catholic Church** (San Francisco: Ignatius Press, 2000). His most recent book is **Affirming Religious Freedom** (St. Paul’s/Alba House, 2009).

**A**rchbishop William E. Lori of Baltimore, chairman of the USCCB *Ad Hoc* Committee on Religious Liberty, was asked in a recent interview whether the Church’s firm stand against the birth prevention mandate of the U.S. Department of Health and Human Service (HHS)

under the Patient Protection and Affordable Care Act (“Obamacare”) might be compromised by what the interviewer said was the fact “that the priests and bishops haven’t upheld the Church teaching on contraception as well as they might have done.”

This HHS Obamacare mandate, of course, became effective on August 1 of this year with only an extremely narrow “religious” exemption in place. As individual and company insurance policies are renewed and/or new policies acquired, the mandate will eventually require nearly everyone except parish churches to purchase and carry health insurance—which themselves will henceforth obligatorily have to cover free contraception, sterilization, and abortion-inducing drugs.

Anyone morally opposed to these procedures will be obliged by law to accept and pay for them anyway.

Archbishop Lori candidly replied to the interviewer who didn't think priests and bishops had upheld the Church's teaching against contraception very well by noting that "our opponents have cleverly chosen a wedge issue. They know it's not a popular teaching. It hasn't been well defended, and so by trying to make it a fight about contraception, they are using it as a wedge to open the door to greater violations of religious liberty."

The Baltimore prelate added, however, that the Church's necessary defense of "the sacredness of human life and its origins," which is what is involved in opposing this mandate, could nevertheless be a "wonderful moment" for the Church. The Church did not choose this public battle over contraception and the other immoral birth-prevention procedures, but the archbishop clearly saw that it redounds to her credit and honor to have been called to fight the battle.

And he was also surely correct in thinking that, in imposing the mandate, the Obama Administration surely *does* see it as a "wedge issue" to divide Catholics while it puts in place its policy of free, universal birth control billed as "healthcare." It should not be forgotten, moreover, that in imposing this policy the Obama Administration shows itself to be a genuine "true believer" in contraception as an unalloyed boon and human good. This is undoubtedly the majority view in American society today, in fact. Furthermore, Archbishop Lori's comment that the Church's teaching "hasn't been well defended" is really quite an understatement.

When Pope Paul VI issued his 1968 encyclical *Humanae vitae* affirming the Church's traditional teaching that every marital act must remain open to the transmission of life—that is, condemning on moral grounds the modern birth control methods otherwise almost universally accepted and used today—this Church teaching immediately encountered open dissent and rejection by what was probably a majority of the working Catholic theologians of the day. Instead of fulfilling theology's proper task of expounding, explaining, and developing Church teachings, the theologians of the day instead mostly set their faces against the teaching of *Humanae vitae* and presumptuously counseled the Catholic laity to ignore this particular teaching, as if they, the theologians, and not the bishops, were the primary teachers in the Church. Polls soon verified that modern contraceptive methods were being resorted to by Catholics almost as frequently as by anybody else.

No matter that the Church officially continued to teach that these methods were morally wrong; Catholics nevertheless proved ready in massive numbers to set this teaching aside anyway. Nothing quite like this had ever happened in the history of the Church—that Catholics should suddenly feel able to abandon a solemn Church teaching while continuing to present themselves as "practicing Catholics" in perfectly good standing. It was as if acceptance of the Church's moral teaching was no longer a necessary component of Catholic faith and practice.

This same attitude came to be exhibited by not a few Catholic politicians and public figures, who showed themselves able to favor and promote legalized abortion while continuing to present themselves as "good Catholics." Think former House Speaker Nancy Pelosi. Think Vice President Joseph Biden.

One of the reasons why this anomalous contemporary phenomenon of the "contracepting Catholic" and the "pro-choice Catholic politician" has persisted surely goes back to the fact mentioned by Archbishop Lori, namely, that the Catholic teaching against contraception "hasn't been well defended." It would be more accurate to say that over many years in the advanced societies of North America and Europe, it has hardly been defended at all.

When the pope and the bishops were confronted with the massive rejection of *Humanae vitae*, they really did not know what to do, and, as is quite common in human affairs, when someone doesn't know what to do, the end result is often that *nothing* is done. This proved to be the case with the Church's teaching against contraception: essentially nothing was any longer said or done about it. Certainly Pope Paul VI *had* to reaffirm the Church's teaching in the encyclical; the Holy Spirit would never have allowed any other outcome—for the simple reason that the teaching is *true*, and the Catholic Church is "the teacher of truth" (Vatican II, *Dignitatis humanae*, n. 14). The Church *had* to uphold the teaching regardless of what the modern world had come to believe about it; and once the pope had spoken, the bishops too *had* to go along as well.

But none of this meant that the teaching was *effectively* being upheld. Quite the contrary. Moreover, those holding official positions in the Church, while openly dissenting from the encyclical, were by and large *not* corrected or disciplined. Discipline was only insisted upon by Rome in a few notorious cases such as that of Fr. Charles E. Curran (think Cardinal Ratzinger!). In those cases the bishops loyally went along

but rarely—almost never—did they initiate any such disciplinary cases themselves. Dissenters from *Humane vitae* remained “in good standing” in the Church. Over several decades, dissent from the encyclical was rarely—again almost never—considered a disqualifying factor for holding a pastoral or even a teaching position in the Catholic Church.

While some Catholics may have dimly recalled from time to time that there was a Church teaching against contraception, most seemed able to consider it merely a “technicality,” or perhaps a “non-essential”—or they put it out of their minds entirely.

What then happened was that pretty nearly everybody in the Church just stopped talking about contraception. Priests stopped preaching about it; teachers stopped teaching about it; nor does it seem to have figured importantly in marriage counseling any longer, or perhaps even in confession. Any mention of it, in fact, largely disappeared from Catholic discourse. Perhaps many thought, if they ever thought about it at all, that the teaching eventually would just be quietly dropped (forgetting that the Catholic Church *never* just “quietly drops” her authentic teachings). A dissident moral theologian, the late Fr. Richard A. McCormick, S.J., periodically published in the Jesuit magazine *America* a succession of articles each entitled “The Silence since *Humanae Vitae*.” That was precisely the case; there was *silence*.

Nor was this silence confined to intra-Church discourse. It was around the same time, that is, during the Johnson Administration in the 1960s, that the Catholic Church in the United States *ceased its former public opposition* to U.S. government family-planning and population-control programs. Beginning in the 1950s, these programs had come to be thought desirable if not essential by American’s social-engineering elites. The Truman, Eisenhower, and Kennedy Administrations all dearly wished to get on board with family planning and population control programs—but they feared the wrath of the Catholic bishops of the day; they didn’t dare propose any such thing as taxpayer funding of them.

However, as revealed in a *Washington Post* op-ed article published on December 2, 2009, Joseph Califano, President Lyndon Johnson’s principal domestic affairs advisor (and later, President Jimmy Carter’s Secretary of Health, Education, and Welfare), recalled how the Johnson Administration reached an agreement with the U.S. bishops’ conference of the day in accordance with which the bishops would cease to press publicly the

Church’s opposition to taxpayer subsidized birth control. Califano negotiated this agreement with Fr. Francis T. Hurley, later archbishop of Anchorage, Alaska, acting with the consent of the then president of the U.S. bishops’ conference, Detroit Archbishop (later Cardinal) John Dearden. According to Califano, it was agreed that “if the president phrased his policy in terms of ‘population control’ (which allowed for the Church-approved rhythm method of family planning as well as contraception) the bishops would cool their rhetoric.” (Today it is hard to see how anyone could ever have imagined that “population control” was any less opposed to Catholic moral teaching than contraception!)

However accurate this account of Joseph Califano’s may be, the U.S. bishops did in fact cease their public opposition to publicly funded family-planning programs, a new Church policy which then endured for decades nearly up to the present day. These U.S. government programs continue to be massively funded, of course, but the Church became mute with regard to them. The earlier expected “wrath” of the U.S. bishops never materialized and effectively *did* get laid aside. In contrast to the consistent and commendable opposition to legalized abortion which the American bishops have always maintained, government subsidized family-planning and population-control programs got a free pass as far as the public stance of the Catholic Church was concerned.

There is, of course, no requirement that the Catholic Church must always actively oppose every evil that finds its way into the public square. The Church has long recognized that the social cost of attempting to stamp out some obvious evils (e.g., prostitution) can sometimes exceed any benefit. In the case of government-subsidized birth control, however, with the Sexual Revolution in full swing, the Church’s official passivity in the matter could only contribute to the already widespread belief that the Church was not, and could not be, really *serious* in her opposition to contraception; this Church teaching surely had to be considered an anachronism, a “nonessential” that could surely now safely be left aside, as many contracepting Catholics and dissenting theologians *had* laid it aside. Surely the Obama Administration was thus not altogether mistaken in assuming that it *would* be laid aside when it came to the mandate. Hasn’t the Church been nonjudgmental, if not actually indulgent, of the Catholic politicians and public figures who promote legalized abortion? They continue on without any rebuke or correction from the Church.

It was in this climate, precisely, that the Obama Administration elected to impose the Obamacare HHS mandate, henceforth requiring pretty nearly everybody to carry and pay for health insurance covering free contraception, sterilization, and abortifacients. From all public accounts, it seems that the Obama Administration entirely did not anticipate anything more than pro forma opposition from the Catholic Church. The Church long had been wholly silent on public funding of birth control, and Catholics themselves were divided on the issue. In other words, it *was* considered the kind of “wedge issue” spoken of by Archbishop Lori that would surely further divide Catholics.

Instead, within a little more than a week following the announcement of the mandate by HHS Secretary Kathleen Sebelius on January 20, the Obama Administration suddenly found itself confronted by the virtual monolithic opposition of the Catholic Church in America. All of the 181 dioceses in the United States—that’s *all* of them—issued public statements in opposition to the mandate as a gross violation of the religious liberty of Catholics. Nothing even remotely like this had ever happened in the history of the Church in this country—but then nothing like the mandate that the U.S. government was presuming to impose upon a whole faith community in violation of the moral teachings of that same faith community had ever been attempted by the U.S. government, either. On the contrary, American law and practice had traditionally allowed fairly wide latitude to “conscientious objectors”—a policy which the Obama Administration seems to have deliberately eschewed in this case.

Thus, the Church’s opposition turned out to be anything but pro forma, and it has continued apace, gathering speed and strength. Among numerous manifestations, the U.S. bishops themselves sponsored a Fortnight for Freedom of prayer, special events, and demonstrations against the mandate. This nationwide campaign took place between the Feast of Sts. Thomas More and John Fisher, martyrs to religious liberty, on June 21, and American Independence Day on July 4. It began with a Mass celebrated by Archbishop Lori in Baltimore’s National Shrine of the Blessed Virgin Mary attended by a capacity of crowd of more than 1,000 worshippers, and concluded a fortnight later with another Mass estimated to have been attended by as many as 5,000 held in Washington’s National Shrine of the Immaculate Conception; this latter Mass was celebrated by Washington’s archbishop, Cardinal Donald Wuerl, while Philadelphia’s Archbishop Charles Chaput preached

memorably in defense of religious liberty. The USCCB website recorded similar activities in more than ninety U.S. dioceses during this same Fortnight for Freedom.

One especially notable thing in the case of all these activities was the degree to which the Catholic people seemed to be rather solidly behind their bishops. Demurrals by a few liberal Catholics here and there have not taken hold, or resonated; and, indeed, these have seemed more than a little half-hearted. No doubt there are Catholics who do not like what the bishops are doing—a few have spoken out—but few others seem disposed to strongly oppose or “fight” the bishops. The campaign in favor of religious liberty seems to have largely taken hold. Even Catholics who disagree with the Church about the wrongness of contraception can nevertheless see that what the government is attempting to force upon the Church is unprecedented and indeed outrageous, an unexampled violation of religious liberty on anybody’s interpretation.

Meanwhile, on June 28, the U.S. Supreme Court declined to overturn Obamacare on constitutional grounds. The mandate thus remains in place. However, by this time no less than twenty-three lawsuits have been filed against it, including twelve separate challenges by some forty-three Catholic dioceses, schools, hospitals, social service agencies, and other institutions. These lawsuits collectively represent very serious challenges to a government mandate which, on its face, seems to be in clear violation not only of the First Amendment to the U.S. Constitution that supposedly guarantees the free exercise of religion in the United States, but also of other laws such as the Religious Freedom Restoration Act.

All these court cases have to be adjudicated, of course, and even though federal judges in Nebraska and Washington, D.C., rather quickly dismissed two of them—basically on the grounds that the plaintiffs had as yet suffered no real restrictions or penalties—the decisions in these two cases hardly touched upon the real and essential question of whether anyone’s religious liberty was really being violated or not. It did not seem likely that these legal challenges could all be dismissed quite as cavalierly as this, nor that the Obama Administration could easily conclude that its plans and intentions could still be carried through in the face of the substantial opposition, both legal and otherwise, that has now emerged.

Certainly, the apparent original notion that the Catholic teaching against contraception could safely be ignored because Catholics themselves were divided

about it has turned out to be a distinct nonstarter. The Obama Administration appears not to have had any inkling of the opposition that was going to arise. This was a very serious miscalculation and overreach on the part of the Obama people. The “wedge” hasn’t worked as planned. Moreover, the opposition to the mandate has hardly been confined to Catholics. Protestant, Orthodox, Jewish, Muslim, and even some secularist voices have been raised in opposition to it. On June 11, more than 150 Protestant leaders signed an open letter to this effect, and this was only one manifestation of this kind of ecumenical support. Anyone who seriously looks at the issue, after all, has to realize that if the government can successfully impose this kind of mandate on Catholics and the Catholic Church, it can undoubtedly henceforth impose practically anything on anybody.

So what has come about, perhaps unexpectedly for some, is that the opposition to the mandate has held steady and coalesced and increased: there is not just a majority but a virtual *unanimity* of the Catholic bishops of the United States, with the membership of what remains America’s largest Church in numbers basically behind them, as well as solid and welcome further support from society at large. How did it come about, then, that a Church which had benignly tolerated for decades dissent within her own ranks, as well as taxpayer subsidies to Planned Parenthood, suddenly decide to turn around and cry, in effect, “Hell no! We won’t go!”?

First of all, the turn was not quite as sudden as it may have seemed. For some years the conviction has been growing for an increasing number of people, and not just Catholics, that the Sexual Revolution has hardly been an unalloyed success. The dysfunctions and pathologies it has brought in its wake have increasingly come to be seen as deleterious not only to individual lives but to the life of society generally. Infidelity, divorce, cohabitation, promiscuity, STDs, out-of-wedlock pregnancies, fatherless families, delinquency, abortions—all such manifestations, and yet others (such as the actual penalties now being imposed in some places for *not* recognizing that two partners of the same sex are “married”) have pointed ineluctably to the conclusion that the major premise of the Sexual Revolution is quite simply—*wrong!*

This major premise, of course, is that no moral judgments or criticisms or penalties are ever to be made with regard to the sexual behavior of consenting adults. It is a false premise, and much harm has followed in the wake of society’s more or less tacit acceptance of it up to now.

For Catholics, the clerical sex-abuse crisis that exploded in 2002 and after adds an element that is especially troubling. How could the Church’s legitimate practice of clerical celibacy have been so wrongly used as a cover for deviants to abuse children and young people? The rest of America is currently learning that such deviancy is scarcely confined to abusing clergy. But the obvious conclusion applies generally: namely, that moral judgments *do* have to be made about some sexual behavior, and society (like the Church) *does* have to enforce certain standards. “Anything goes” *doesn’t* go any longer!

Contraception, the supposedly neutral “method” that made possible the Sexual Revolution in the first place, is now coming to be recognized as something else besides the “liberating” thing it was originally welcomed as. In fact, it has been the “enabler” of sexual behavior that, too often—in fact, regularly—turns out to be both wrong and harmful. As this conclusion dawns upon more and more people, often as a result of painful experience, belief in and recourse to contraception begins to diminish. It has now once again become possible to say out loud that contraception is *wrong*, as the Church has taught all along.

In November 2009, the U.S. bishops, who had been silent on the subject for decades, turned around and issued not one but two pastoral letters that underlined both the truth and the importance of the Church’s teaching about contraception. The first of these pastoral letters, entitled “Marriage and Love in the Divine Plan,” contains a firm defense of the Church’s teaching about marriage generally, making good use of Pope John Paul II’s “theology of the body” (expressly developed in the wake of the dissent against *Humanae vitae*, and as a counter to it).

The second of these two 2009 pastoral letters, “Life-giving Love in an Age of Technologies,” deals with the problems of infertile couples tempted to resort to modern technical methods and procedures which may be gravely immoral. The upshot of both of these episcopal documents is that the U.S. Catholic bishops are now very much back in the business of actively expounding and defending the Church’s teachings against contraception—just in time, it turns out, to have to face up to the Obama Administration’s bold attempt to force the Church to violate these teachings.

Not uninterestingly, the retired archbishop of Anchorage who, according to Joseph Califano, negotiated the original neutrality pact on birth control with the Johnson Administration, voted *against* the bishops’ two

pastoral letters! Interestingly, too, the USCCB General Counsel's office has *resumed* after many years silence registering the Church's public opposition to subsidizing contraception in U.S. government family-planning programs.

In the case of these government programs, undesirable and immoral as they undoubtedly are, there has at least not been any direct, formal cooperation by the Catholic taxpayer in sponsoring them. In the case of the Obamacare HHS mandate, however, Catholic employers, like Catholics generally, are now going to be obliged to purchase and pay directly for insurance policies that obligatorily provide for the use of methods and procedures judged to be gravely immoral by the teaching authority of the Church—in other words, they will be obliged to *act* in direct violation of the Church's teaching, something no Catholic with a correctly formed conscience can morally do. The essence of mortal sin is to act to do evil, knowing it is evil.

There can thus be no compromise whatsoever with what the government is now demanding. The Church, therefore, has *had* to fight the contraception mandate. The main reason the U.S. bishops have been so strong and unanimous in making clear that the Church *cannot* comply with the mandate is that the bishops clearly *see* that the Church herself cannot comply with it. USCCB president Cardinal Dolan of New York plainly and explicitly told President Obama precisely this—that the Church *cannot* comply—when the president telephoned him back in January to inform him that the mandate was going to be put in place. For his part, the president told the cardinal that the Church was being given a grace period of a year to figure out how to comply. The president simply does not understand that the Church will not and cannot comply.

The very day before the mandate was announced, on January 19, 2012, Pope Benedict XVI reminded a group of American bishops on their *ad limina* visit to Rome that what the mandate would be requiring of all Americans is nothing less than an “intrinsic evil.” Nobody compromises on something believed to be an intrinsic evil; nor do the American Catholic bishops have the power to modify or water down the Church's teaching in any way in the matter, as the Obama people perhaps imagine. The bishops are going to have to hang tough. They *are* hanging tough.

One of the more remarkable facts about the whole

disempowering mandate business is how the Obama Administration's “house Catholics”—again, think former House Speaker Nancy Pelosi, or Vice President Joseph Biden, or, especially, HHS Secretary Kathleen Sebelius herself, who has been the president's principal agent in all this—seem never at any point to have realized, and therefore to have been able to advise their president, that the Administration was attempting to impose on Catholics and the Catholic Church something they *could not* comply with! And this in an election year no less! Thus, it has been the president's own “Catholic” collaborators who have allowed him to stray into what has to be considered an overreach that has resulted in the mobilization of virtually the entire Catholic Church in America against him. Nothing like this has ever happened in the Catholic Church in America!

We do not yet know how the Obamacare HHS mandate issue is going to be resolved, whether through the courts, the ballot box, or otherwise. What we do know—something the Obama Administration apparently does not yet understand—is that the Catholic Church in the United States, because of the mandate, is fully and irrevocably committed to its repeal. The mandate cannot stand. It must be opposed, even if this entails suffering and possibly even outright civil disobedience.

At the same time, something else has been brought about by this crisis: in opposing the mandate, the Catholic Church is once again publicly articulating and defending her authentic teaching about contraception. The silence since *Humanae vitae* has been broken. Priests once again *are* preaching about contraception; once again it *has* come to figure again in religion courses as well as in marriage preparation and counseling (and no doubt also in the confessional!); Catholics are standing up for the teaching in the public forum; it is no longer seen as the oddity or anachronism that the Catholic Church alone was attempting to uphold. The teaching against contraception that almost nobody wanted to defend thus turns out to be a teaching that imperatively has to be defended. It thus may well be that in the end the opposition to the mandate by Catholics and the Church will prove to be the “wonderful moment” that Archbishop Lori spoke about—the Church of Christ rising up in defense of “the sacredness of human life in its origins.” ✠

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# Casey at Twenty: Lessons from a Judicial Disaster

by William Saunders

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***The lesson of Casey is that the nomination and confirmation of judges with a sound judicial philosophy is an essential foundation stone of a culture of life.***

Twenty years ago last Friday the Supreme Court announced a landmark decision, *Planned Parenthood v. Casey*. *Casey* concerned whether *Roe v. Wade*, the 1973 decision establishing a constitutional right to abortion, would be overruled or would remain the law of the land. What *Casey* did, in effect, was to ratify *Roe*. And that effect is breathtaking—twenty more years of abortion on demand, with millions of unborn human beings dead and millions of women scarred physically, psychologically, and emotionally.

It didn't have to turn out that way.

The political process had been churning ever since *Roe* was decided. Many states sought ways to limit or eliminate abortion despite *Roe*, and passed various kinds of restrictions. Cases contesting those regulations made it all the way to the Supreme Court on more than one occasion. In particular, in 1989, *Webster v. Reproductive Health Services* produced, for the first time on the Court, a five-vote majority upholding state abortion regulations. Given that the votes in favor of *Roe* had been diminishing steadily from the high water mark of seven (in *Roe* itself), the momentum seemed to be growing in the courts not only to uphold tighter restrictions but even to overturn *Roe*.

One of the states that had been encouraged to strengthen its abortion limits by the *Webster* decision was Pennsylvania. And it was Pennsylvania's regulations that were the subject of the case that next reached the Supreme Court. While the Court upheld most of the Pennsylvania restrictions, what it did *not* do was to

reverse *Roe*. Though it recast or abandoned many of the important aspects of *Roe* (e.g., substituting "substantial burden" for strict scrutiny, and apparently dropping the trimester framework for a viability standard), the majority (composed of two pro-*Roe* diehards and three others who will be discussed extensively below) refused to overturn *Roe*. (Its "reasons" for doing so have been subjected to scorching critique by many, most notably Professor Michael Paulsen.)

Many—including the majority in *Casey*—expected the decision to end the matter. Pro-life Americans were expected to take their pro-life convictions into the privacy of their homes and their individual consciences, and to abandon the public square.

That—thank God—did not happen. Instead, building on the Court's decision upholding most of Pennsylvania's restrictions (despite its incoherent reasons for doing so), pro-life forces strove to enact legislative restrictions.

For example, *Casey* was the first decision allowing detailed informed-consent requirements. So fifteen states since *Casey* enacted such laws. Fourteen other states, which had such laws before *Casey*, significantly strengthened them afterwards. Similarly, since *Casey* upheld Pennsylvania's parental involvement law, eighteen states enacted such laws after *Casey*. Eight other states strengthened previously enacted laws in this area.

Likewise, expanding upon notions of informed consent, in the past decade, twenty-one states have enacted ultrasound requirements.

It is essential to note that these laws were *not* enacted to make peace with a landscape of pro-abortion conquest in the wake of *Casey*. Rather, these laws were enacted to hem in abortion, to show it for the evil it is, and to limit it as much as possible, as soon as possible.

But they aim for more. They aim to overturn the abortion-on-demand regime inaugurated by *Roe* and affirmed (and entrenched) by *Casey*. They aim to do so by expanding the few openings left by *Casey*. They aim to identify within *Casey* the seeds of its own destruction. And they aim to bring that seed to fruition through a decision of the same body that inaugurated

the abortion regime, the Supreme Court.

There is no reason to believe this cannot be accomplished. *Roe* and *Casey* are incoherent as matters of constitutional interpretation. The implied-privacy-right basis of *Roe* is not taken seriously anywhere, even within the pro-abortion legal academy. The “individual liberty” basis of *Casey* (“At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life”) is similarly ridiculed (as is its conclusion-begging reliance on *stare decisis*). At some point, a majority of the Court will admit that there is no right to abortion under the Constitution, and return the matter to the state legislatures.

That seems an unassailable conclusion. And, yet, such a conclusion seemed unassailable in 1992 as well. I believe that if we do not learn the essential lesson of *Casey*, we will be as disappointed in the future as we were in past.

*Casey* was a 5 to 4 decision by the Court. That is, *Roe* was upheld by a single vote. There were four votes to directly overrule *Roe*. After twenty years struggling to right the wrong that was (and is) *Roe*, the pro-life cause had four votes to overturn it. And then something happened.

Three justices blinked.

Three justices joined with two unabashed supporters of *Roe* to uphold it.

Three justices refused to follow the logic of their own evaluation of *Roe*, all but explicit in their opinion in *Casey*, that *Roe* was wrong as a matter of constitutional interpretation, and strike it down. Rather they demanded that pro-life Americans accept what the Court had wrought in *Roe* as something that could never be overturned *because to do so would be to damage the institutional prestige of the Court*. They asserted that to recognize a wrong and to correct it would damage the Court’s role and American democracy, but failing to do so would maintain the Court’s prestige and essential role.

That, it must be remarked, is an astounding proposition, hardly one that most Americans would accept or respect. Ordinary Americans do not, I believe, respect the Court merely because it speaks. Rather, they respect it because they believe it speaks *truth*—it elucidates what the Constitution actually means. The view of what we might call “the *Casey* Three,” however, reflects a view of the judiciary that is truly imperial—if the Court says it, whether it is true or not, Americans must obey it.

Who were the *Casey* Three? None of them was a holdover from *Roe*. Indeed, they were all confirmed in the years after *Roe*, when the unsoundness and injustice of *Roe* were very much a part of the cultural and political debate. All three justices were nominated and confirmed under Republican presidents—Sandra Day O’Connor (nominated by Ronald Reagan in 1981 and confirmed by the Senate by a vote of 99–0); Anthony Kennedy (nominated by Reagan in 1987 and confirmed by the Senate by a vote of 97–0); and David Souter (nominated by George H.W. Bush in 1990 and confirmed by the Senate by a vote of 90–9).

Clearly, what matters is not the political party that supports the judge. What matters is the judicial philosophy of the judge. Does he take the view of the *Casey* Three that the Court is free to “find” substantive rights in general terms such as “liberty”? Does he agree with them that once the Court has spoken the issue is closed? That it is all but impossible to reverse clearly wrong rulings on the most pressing issues of the day? Or does the judge take a restrained view of his role, one consistent with the original intentions of the Framers, one that corrects wrong decisions because they are wrong, because they are not required by the Constitution?

Last Friday marked the twentieth anniversary of a highly significant case, *Planned Parenthood v. Casey*. The decision, however, by upholding some state statutes restricting abortion, may contain the seeds of its own destruction because it enabled citizens to enact regulations of abortion, regulations that will continue to be challenged in the federal courts, giving subsequent Supreme Courts the opportunity to reverse both *Roe* and *Casey*. However, *that will not happen* if future justices are confirmed whose judicial philosophy is like that of the *Casey* Three, a freewheeling interpretation of constitutional provisions combined with an ironclad requirement that the people submit to the Court’s interpretations, even when wrong.

The lesson of *Casey* is that the nomination and confirmation of judges with a sound judicial philosophy is an essential foundation stone of a culture of life. That culture cannot be built if judges feel themselves empowered to knock it down. Our Constitution nowhere recognizes a right to rule by “enlightened” judges. The people we select for high judicial office must understand this and their judicial philosophy must reflect it. We forget this lesson from *Casey* not only at our peril, but at the peril of millions of unborn children and their mothers. ❧

# Interpreting Vatican II: Beyond Continuity/Discontinuity

by Fr. John Conley, S.J.

As we approach the fiftieth anniversary of the convocation of the Second Vatican Council, many Catholic scholars are disputing whether we should interpret the texts of the council through a hermeneutic of continuity or one of discontinuity. The partisans of continuity insist that Vatican II did not alter the teaching of the church. In union with Catholic teaching promulgated by earlier councils and popes, Vatican II simply expressed the Church's perennial doctrine on faith and morals in language adapted to the sensibilities of contemporary, educated people. The partisans of discontinuity argue that in both style and substance, Vatican II represented a serious departure from, perhaps a rupture with, previous Catholic teaching.

This hermeneutical split has opposed the Bologna school, typified by Giuseppe Albergio,<sup>1</sup> to the Roman school, exemplified by Agostino Marchetto.<sup>2</sup> While the former highlights discontinuity, claiming that the council was a new Pentecost, the latter stresses continuity with earlier Church history and criticizes conceiving the council as a rupture with the past. Dueling American publications advance each thesis. John O'Malley's collective work *Vatican II: Did Anything Really Happen?* defends the novelty of the council, while Matthew Lamb and Matthew Levering's anthology *Vatican II: Renewal Within Tradition* underlines the council's neo-classicism.<sup>3</sup> The dispute over continuity/discontinuity is not a scholar's parlor game. It has clear practical consequences for the current life of the Church. To cite one obvious example, the protracted negotiations between the Vatican and the Society of Saint Pius X, the schismatic disciples of Marcel Lefebvre, pivot in part on whether a hermeneutic of continuity can permit members of the Society to accept certain Vatican II theses which they have long rejected.

Each side in the dispute can marshal its own preconciliar, conciliar, and postconciliar sources to prove its particular interpretation of Vatican II's documents. But this debate on continuity/discontinuity increasingly reminds me of an old television commercial many of us

of a certain age saw in the 1960s. The product promoted by the commercial was a mint called *Certs*. The ad opened with two people (often twins or other siblings) arguing about the mysterious identity of the product. One person argued, "*Certs* is a breath mint." The other argued, "*Certs* is a candy mint." After this passionate debate, a calm, omniscient voice cried out, "Stop, you're both right!" The disputants would smile, caress their pack of *Certs*, and the rest of us would discover the mystery of how that same pack of white tablets could actually be both a breath mint and a candy mint.

In fact, Vatican II exhibits both continuities and discontinuities with previous councils as well as obvious differences. It copiously cites previous ecumenical councils, especially Vatican I and Trent, in its documents, including the most controversial passages on ecumenism, religious freedom, and collegiality. The texts of the conciliar debates indicate that the council fathers supporting the more controversial passages insisted that these texts were in conformity with earlier conciliar declarations, papal encyclicals, and creeds. Just as there were continuities, there were discontinuities. As John O'Malley rightly notes, the literary genre of Vatican II was markedly different from that used by previous councils; the rhetoric of moral exhortation had largely replaced the earlier legal rhetoric of definition and anathema.<sup>4</sup> I would also note one of my favorite differences. A pope, namely John XXIII, convoked the Second Vatican Council, whereas a woman, namely Empress Irene, convoked the Council of Nicea in 787. This council is a personal favorite because Irene and her allies condemned the iconoclasts and set the stage for some glorious medieval church art.

I would like to suggest that if the continuity/discontinuity debate is less enlightening than it seems because Vatican II is both, we might find other perspectives through which we could interpret these complex documents. I believe that the conciliar texts themselves provide at least three possible paths for an alternative hermeneutic of the council. These hermeneutical approaches include development of doctrine, the analogy of faith, and *ressourcement/aggiornamento*. While each of these approaches appears within the limits of one

particular conciliar document, I believe that each suggests a method of interpretation which could help us to comprehend the council as a whole in ways that avoid the impasse of the continuity/discontinuity debate.

## Development of Doctrine

In *Dignitatis humanae*, the Declaration on Religious Freedom (1965), the Second Vatican Council declared its commitment to the development of doctrine. In the preface to the declaration, the council fathers declare:

Truth can impose itself on the mind of man only in virtue of its own truth, which wins over the mind with both gentleness and power. So while the religious freedom which men demand in fulfilling their obligation to worship God has to do with freedom from coercion in civil society, it leaves intact the traditional Catholic teaching on the moral duty of individuals and societies towards the true religion and the one Church of Christ. Furthermore in dealing with the question of liberty the sacred Council intends to develop the teaching of recent popes on the inviolable rights of the human person and on the constitutional order of society (*DH*, n. 1).

The council's appeal to the development of doctrine—the first in conciliar history—was occasioned by a very particular problem. The declaration's teaching that human beings enjoy immunity from civil coercion in the exercise of religious freedom appeared to contradict the condemnation of religious freedom found in several prominent papal documents, such as Pius IX's *Syllabus of Errors*. It appeared to contradict the long-standing teaching of the Catholic Church that ideally the state should recognize Catholicism as the state's official religion and repress expressions of heretical ideas in the public forum, such as proselytizing activities and public acts of false worship. The Church had long justified such a quasi-theocratic arrangement on the grounds that salvation was the highest good of the individual soul (and hence eminently worthy of protection by the state with an overwhelmingly Catholic population) and that such a close interaction with the Church will strengthen the general moral order which the state promoted among its citizens.

The council argued that the declaration's defense of the civil right to the exercise of religious freedom did not represent a repudiation of the earlier church teaching on the danger of religious freedom and the duties

of the state to recognize and defend the Church: rather, it constituted a development of the Church. It both confirmed certain elements of the previous teaching and developed newer elements which were not present or present only implicitly in the earlier ecclesiastical documents.

In this perspective, the declaration confirmed the Church's position that the Catholic Church is the one Church founded by Christ and that all people had the moral duty to enter this Church and persevere in it, once they knew this truth; that the act of faith must be free and rational—an ancient canonical position on the nature of faith—and that an externally coerced act of faith is an oxymoron and an offense to God; that the Catholic Church had the right to administer public institutions in conformity with her beliefs (such as schools, hospitals, and social welfare agencies), and that she had the right to take a stand on the public issues of the day. In this sense, the "freedom of religion" condemned by the popes of the nineteenth century was the limited "religious freedom" conceded by liberal states issuing from the French Revolution. According to this oppressive account of religious freedom, religion was a purely private affair, often reduced to the single right of worship, and the Church could not express itself in the public world of politics, education, and healthcare. In the developmentalist perspective, the Church had added something new in its teaching on religious freedom. It now insisted that the right to freedom in one's personal act of faith included the right to express one's sincere religious convictions through public teaching, media, worship, and efforts at proselytism. While the document did not forbid the state from recognizing Catholicism—or indeed any other religion—as the official state religion, it urged the state to protect the civil right to religious freedom among all its citizens, especially those of religious minorities. *Dignitatis humanae* exemplifies the development of doctrine inasmuch as it simultaneously reaffirms traditional positions on the rights of the Church, the truth of the Catholic religion, and the freedom of the act of faith and advances new positions on the contingency of the confessional state and on the contemporary value of the limited personal autonomy which respect of human dignity requires.

Unless tempered, the developmentalist approach would provide near-arbitrary justification for almost any change in doctrine, as long as something from past teaching was conserved. John Henry Newman's *Essay on the Development of Christian Doctrine*—which was undoubtedly one of the inspirations for the conciliar

passage on development—provides a useful set of criteria to distinguish legitimate from illegitimate changes in religious doctrine.<sup>5</sup> According to Newman, authentic developments of doctrine possess the following characteristics: (1) conservation of type (the changes do not alter the substance of the earlier doctrinal position, just as the oak is not substantially different from the acorn); (2) theoretical continuity (practical applications of a theory may change, but the underlying principles of the earlier teaching remain); (3) assimilative power (the teaching could acquire new nuances as it grows within the bounds of a particular historical era); (4) logical consistency (the development does not contradict previous versions of the teaching); (5) temporal anticipation (although not explicit, the current development of the doctrine could be seen retrospectively to be implicit or at least possible in earlier accounts of the teaching in question); (6) conservative relationship to its past (the development clearly affirms earlier articulations of the teaching); (7) critical vigor (the development possesses the capacity to contest theological errors concerning the substance of the doctrine and the ability to correct these errors). Martin Rohnheimer has recently demonstrated how the teaching of *Dignitatis humanae* on religious freedom possesses these traits of authentic development.<sup>6</sup> I believe that such a Newmanian hermeneutic of development can assist in the interpretation of many other conciliar texts, such as those on ecumenism and interreligious dialogue, which pose similar questions of doctrinal identity through pronounced historical change.

## Analogy of Faith

In *Dei verbum* (1965), the Second Vatican Council's dogmatic constitution on revelation, the council fathers consider the problem of Scriptural exegesis. While approving with some cautions the historical-critical approach to biblical interpretation, the text insists on the value of "the analogy of faith" for a proper interpretation of the Bible as a whole. Philological, historical, and contextualist approaches might illuminate the genesis and structure of particular biblical books and passages. But the analogical approach explores the interrelatedness of all biblical texts as the unique inspired Word of God.

Since the Sacred Scripture must be read and interpreted with its divine authorship in mind, no less attention must be devoted to the content and unity of

all Scripture, taking into account the Tradition of the entire Church and the analogy of faith, if we are to derive their true meaning from the sacred texts. It is the task of exegetes to work, according to these rules, towards a better understanding and explanation of the meaning of Sacred Scripture so that their research may help the Church to form a firmer judgment (*DV*, n. 12).

How would the "analogy of faith" operate practically in the interpretation of biblical passages? I believe I saw it demonstrated by my Old Testament teacher in Paris, the Jesuit Paul Beauchamp. One day a Buddhist student asked Paul where he should begin in reading the Bible. Paul told him that he could start anywhere. Every passage in the Bible contained echoes, references, and premonitions of other biblical texts. The Prologue to St. John's Gospel could lead the reader to the opening account of creation in Genesis. Genesis's account of the fall would lead the reader to the discussion of Adam in St. Paul's Epistle to the Romans. As the attentive reader followed the memory and anticipations of the various biblical texts, the comprehensive truth of the Bible itself would gradually unveil itself. Granted, this is a somewhat Parisian twist on the analogy of faith; truth is hidden in the footnotes, in the Roland Barthes manner.

As opposed to more traditional philological or historical approaches, which tend to focus on isolated books or passages, this analogical approach attempts to grasp Scripture as a whole, to read individual books and passages in the light of the whole, and to highlight rather than bracket the divine authorship which is the source and guarantor of the redemptive truth at the center of the biblical edifice.

What would such an "analogy of faith" approach to interpreting the documents of the council yield? It would emphasize the unity of the corpus of conciliar texts and interpret particular passages in the light of the entire ensemble of texts, not simply in light of other passages within the same document. Unsurprisingly, much of the scholarly interpretation of controverted passages within conciliar documents has tended to focus on the position of the passage within a specific document, on how the passage emerged through various drafts of the text on the floor of the council, and on how the text was understood (and often contested) during the debates on the floor of the council. While valuable, such methods tend to atomize the conciliar documents—a result difficult to avoid in an era of specialization. An analogical approach would relate the part

to the whole; particular passages would be interpreted in light of the corpus of conciliar documents.

Such an analogical approach would encourage efforts to study broad themes which characterize the council across a variety of apparently dissimilar texts. The concept of freedom in the aforementioned *Dignitatis humanae* could be compared with the treatments of freedom in *Lumen gentium*, the dogmatic constitution on the Church (1964), and *Gaudium et spes*, the pastoral constitution on the church (1965). While elucidating the differences in concept, such an analogical approach would privilege the similarities in concept and highlight the ways in which all the disparate passages and documents in which they are embedded have a unique authorship in the Church and, more boldly, in the Holy Spirit. I also believe such an analogical hermeneutic would foster some creative pairings in an attempt to grasp more deeply the elusive “mind of the council.” For example, *Sacrosanctum concilium*, the constitution on the liturgy (1963), has been the object of intense controversy because of the changes it precipitated in the way Catholics worship, especially in the way we celebrate Mass. It is odd, however, that the controverted passages are rarely tied to similar passages in *Inter mirifica*, the conciliar declaration on social communications, which was promulgated on the same day, December 4, 1963. Both documents have extensive passages on the nature of art, specifically sacred art. Both were debated in the early days of the council: 1962–1963. Both breathe a similar, but not identical, vocabulary. An “analogy of faith” approach to the conciliar documents themselves, and not only to the Biblical text aimed at by the “analogy” passage in *Dei verbum*, could yield an insight into the meaning of the council which more partitioned, isolated-silo interpretations of particular texts have often missed.

## Ressourcement/aggiornamento

**P***erfectae caritatis*, Vatican II’s decree on the renewal of religious life (specifically of the Church’s religious orders; 1965), employs a simultaneous call to *ressourcement* and *aggiornamento* in its mandate for the reform of the vowed life. *Ressourcement* here is a return to authentic sources of the identity of an order; *aggiornamento* is the updating of religious orders to adapt to the needs of the contemporary world.

The up-to-date [*aggiornamento*] of the religious life

comprises both a constant return to the sources [*ressourcement*] of religious life and to the primitive inspiration [or charism] of the institutes and their adaptation to the changed conditions of our time. This renewal, under the impulse of the Holy Spirit and with the guidance of the Church, must follow certain principles (*PC*, n. 2).

This summons to simultaneous *ressourcement* and *aggiornamento* entails a complex dynamic of recovery and of adaptation. Each religious order is to recover its founding charism. This is not only the particular apostolic work in which it specializes, but also its distinctive founding vision, spirituality, mode of governance, and intellectual heritage. The adaptation mandated presupposes an adequate knowledge of the contemporary world in which the religious lives. Unsurprisingly, subsequent passages in the decree insist on changes in the material culture of religious orders and in the formation of younger members.

The conciliar charge to exercise both *ressourcement* and *aggiornamento* is not a simple call to integrate both past and present in the renewed life of a religious order. There is a volitional dimension to this appropriation of past and present. The dynamic of *ressourcement* is a targeted retrieval of the past. It seeks to recapture the animating charism and foundational texts, graces, and persons of the order’s early existence. Not all moments or markers in the past receive equal treatment. The dynamic of *aggiornamento* is similarly precise. Its primary objective is to form members of the order in a distinctive knowledge of the contemporary world.

“Lest the adaptation of religious life to the needs of our time be merely external and lest those whose rule assigns them to the active ministry should prove unequal to the task, they should be properly instructed—each according to his intellectual caliber and personal bent—concerning the behavior patterns, the emotional attitudes, and the thought processes of modern society” (*PC*, n. 18). Reflecting the democratic ethos of contemporary society, the method of renewal stresses consultation and dialogue. “In matters which concern the entire institute, superiors should find appropriate means of consulting their subjects and should listen to them” (*PC*, n. 4). The decree directs all adaptations be conducted with prudence, with a critical discernment of the mores of the culture in which the religious order is conducting its changes.

An imperative for the renewal of religious life, the decree’s use of *ressourcement* and *aggiornamento* can provide a hermeneutical framework for other conciliar

texts. *Sacrosanctum concilium's* mandate or liturgical reform follows a similar dynamic. Why does this conciliar constitution attempt to retrieve the liturgy of the fifth-century basilica as a type of liturgical ideal? Why does the Church no longer turn, as it did in the late nineteenth century, to the medieval liturgy of Cluny as its *beau idéal*? In its mandate for change and adaptation, why does the council place such a high value on “the active participation of the faithful”? To what extent is this ideal of participation linked to the emphasis on participation as a moral value in the social teaching of *Gaudium et spes*? This is more than a simple affirmation of continuity with the past and change to adapt to the needs of the present and, presumably, of the near future. It is a selective retrieval and reinterpretation of certain ecclesial texts and events; it is a targeted interpretation of certain events in contemporary culture and a critical effort to respond to these events through a particular set of changes.

The hermeneutic of *ressourcement/aggiornamento* can also help in the interpretation of Vatican II as a whole. The entire ensemble of conciliar texts and the larger “event” of the council itself involves a selective retrieval and revivification of certain markers in the Church’s past, especially its biblical and patristic past, and a targeted effort to adapt the Church’s mode of teaching and of apostolate to certain characteristics of modern republican culture.

## Conclusion

The dispute between partisans of a hermeneutic of continuity and a hermeneutic of discontinuity regarding Vatican II will probably intensify as the Church celebrates specific milestones during the fiftieth anniversary of the council. The passion of this apparently theoretical dispute is tied to its grave practical consequences for the life of the church. But I would suggest that the conciliar texts themselves propose alternative paths for interpreting the corpus of Vatican II and for integrating the council as both event and text into contemporary ecclesial life. Viewing the council through the council’s own lenses of development, analogy of faith, and *ressourcement/aggiornamento* might yield a richer hermeneutical focus for viewing the council than our current binary oppositions suggest. ✕

## ENDNOTES

- 1 See Guiseppe Albergio, *Storia del Concilio Vaticano II*, 4 vols. (Bologna: Ed. Il Mulino, 1999).
- 2 See Agostino Marchetti, *Il Concilio Ecumenico Vaticano II. Contrapunto per la sua storia* (Vatican City: Libreria Editrice Vaticana, 2005).
- 3 See *Vatican II: Did Anything Happen?* ed. John O’Malley (New York, NY: Continuum, 2007) and *Vatican II: Renewal Within Tradition*, ed. Matthew Lamb and Matthew Levering (Oxford: Oxford University Press, 2008).
- 4 See John W. O’Malley, *What Happened at Vatican II* (Cambridge, MA: Belknap Press, 2010).
- 5 See John Henry Newman, *Essay on the Development of Christian Doctrine*, 6<sup>th</sup> ed. (Notre Dame, IN: University of Notre Dame Press, 1989). Ian Kerr has long argued for the pivotal influence of Newman on the developmentalist perspectives of Vatican II. For a synthetic presentation, see Ian Kerr, *John Henry Newman: A Biography* (Oxford: Oxford University Press, 2010).



# Blessed James Alberione's Intercessional Cure of Maria Librada Gonzalez-Rodriguez

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On 11/26/71, at 6:25 PM, a short-statured, elderly Italian priest passed away at the age of 87 after suffering respiratory failure, most likely secondary to pneumonia. Only two hours earlier his Holiness, Pope Paul VI, visited his sickbed to bless him for his journey to eternal life. James Alberione had lived a remarkably productive life, founding ten separate religious and lay institutes (Pauline Family). His primary religious institute, The Society of St. Paul, is found in over thirty countries promoting and producing relevant Catholic media. In a rapid beatification process of little more than thirty years, Fr. James Alberione, founder of the worldwide Pauline Family, was counted among the blessed of the Church. This brief review will examine the medical miracle utilized for the beatification of blessed James Alberione—called by John Paul II the “First Apostle of the New Evangelization.”

Maria Librada Gonzalez-Rodriguez was born in the Mexican city of Guadalajara in September 1931. A highly intelligent woman, Maria Librada's personality was marked by intellectual curiosity and a love for the arts and sciences. She studied chemistry, physics, and biology, and worked in the academic field as a professor. She also trained in philosophy and theology and entered into the consecrated state as a secular member of the Institute of the Annunciation of Mary—an institute of James Alberione's Pauline Family. In childhood she suffered rheumatic fever resulting in valvular heart disease. In 1982 she underwent a mitral commissurotomy. Her health was stable for the intervening years. In the early days of April 1989, she fell and suffered a traumatic injury to her right foot and ankle which required casting. On April 29th, she was diagnosed with and hospitalized for a pulmonary embolism (PE) in the

leading academic hospital in Guadalajara. Within two days of her discharge for PE she was readmitted with new onset atrial fibrillation, a common complication of mitral valve disease and also of PE. She was subsequently diagnosed with respiratory distress, most likely due to the atrial fibrillation and its rapid ventricular response, although a new PE may have occurred. On May 19th, she acutely declined with a cerebrovascular accident consistent (CVA) in a left middle cerebral artery distribution with manifestations of hemiparesis and aphasia. The next morning at 10 a.m. she deteriorated, again with severe pulmonary compromise and bilateral shoulder pain. She was cyanotic (hypoxemic) and appeared moribund. She could not speak because of the stroke. This no doubt happened under the anxious watch of multiple clinicians.

My review of her medical record confirmed my suspicion that her anticoagulation with warfarin was inadequate, putting her at risk for recurrent thromboembolic phenomena. The simultaneous presentation of hemiplegic stroke and respiratory distress was clearly life-threatening. Whatever the etiology, the situation was critical with limited technical interventions at hand. Intravenous heparin had been administered. Her vital signs were unstable. She stated later under oath that at that moment she prayed with these words, “Lord, if it is your will, I ask you through the intercession of Fr. Alberione to grant me the grace to accept the cross of remaining an invalid for the rest of my life, or to grant me bodily health so that I can work for your glory.” The respiratory crisis had lasted for nearly thirty minutes and, at the completion of her prayer, resolved spontaneously. She recounts the medical reversal in the following words: “At the end of this prayer, my breathing suddenly returned to normal. The pain was gone, and my tongue no longer felt swollen.” The respiratory crisis and stroke findings disappeared in an instant!

The medical record verified her immediate stabilization and in a few days she was discharged from the hospital.

Her recovery, examined at any angle, was a remarkable event. In August 1994, she was examined by the Diocese and Tribunal of Guadalajara, presided over by the auxiliary bishop. This included repeat medical exams. The initial findings were forwarded to the Congregation for the Causes of Saints, which issued a decree in November 1995 recognizing the validity of the diocese's work and validation process. The comprehensive medical evaluation performed in 1994 revealed no evidence of pulmonary or cerebral embolism. New imaging studies were obtained to confirm that reality. The diagnostic process was repeated again in 1999 with the same conclusion. However, the Board of Medical Consultants for the Congregation for the Causes of Saints (*Consulta Medica*) required more information and documentation. My personal review of the 300-page "positio" of the case demonstrated a comprehensive work replete with personal testimony, professional credentials, hospital notes, and clinical records including echocardiograms, nuclear imaging and electrocardiography. After another five years of thorough review, the *Consulta Medica* declared that the cure was "unexplainable to science and conscience in the light of current medical knowledge." One may interpret this statement to express the opinion that the consultants could not offer any natural explanation for the event—in essence, the event was of a "supernatural" character. Moreover, the miracle was positively viewed in a theological light by the Congregation for the Causes of Saints, and the beatification of James Alberione was celebrated in Rome by John Paul II in April 2003.

As an internist, I was intellectually stimulated and challenged by this case history. The skeptic in me always thinks it relevant to entertain alternative diagnoses and explanations for rapid recovery. However, the facts of the case are rather straightforward and conclusions unavoidable. Maria Librada Gonzalez Rodriguez suffered rheumatic fever as a child and late in life required mitral commissurotomy for mitral stenosis. She later experienced a pulmonary embolism (PE) after developing a provoked blood clot in a casted limb. It appeared her anticoagulation status was not optimal—a common problem in clinical practice, especially early in the diagnostic work-up. Finally, the development of atrial fibrillation would be no surprise in light of her underlying valvular heart disease in combination with a PE. Atrial fibrillation served as the clinical risk factor for her cerebral embolism (stroke). A paradoxical embolism to the brain from the lung was possible; however, my review of her echocardiogram reports did not demonstrate this

to be the case. Inadequately anticoagulated as she was, a secondary pulmonary embolism would certainly lead to the "submassive" embolic event she manifested by her hypoxia, cyanosis, and bilateral shoulder pain. The very unfortunate combination of a pulmonary embolism with an acute stroke was life-threatening. Pulmonary complications of stroke such as aspiration, neurogenic pulmonary edema, or apnea seem less likely in this clinic scenario. Oxygen desaturation is a common finding in acute hemiplegic stroke victims and is associated with underlying cardiac and pulmonary disease. In any case, her acute "crisis" in my experience rose to the level of a catastrophic medical condition. The rapid recovery of neurologic status is also very striking. After suffering from stroke sequelae for over twelve hours, it would be unprecedented to have an immediate reversal of paresis within minutes. Other causes of a reversible hemiparesis such as complex migraine, Todd's paralysis, severe hypoglycemia, or a functional disorder seem highly unlikely to explain her immediate recovery from this neurological event.

It is difficult for a clinician to render a definitive opinion on the etiology of any syndrome without visiting the bedside. However, I was duly impressed by the testimony of her physicians and the rapid and full recovery Maria Librada Gonzalez experienced from this critical illness. Much effort was also made to demonstrate the lack of any clinical or radiographic evidence of any residual disease following her "healing." The *Consulta Medica* voted positively in favor of this miracle by a vote of six of its seven members. Their attestation to the supernatural course of her recovery served as the miraculous basis for Alberione's beatification in 2003. Something highly unusual happened on May 20, 1989 at the bedside of Maria Librada Gonzalez, and this was witnessed by the medical professionals who attended her care.

Through the gracious assistance of the Vicar General of the Society of Saint Paul (Fr. Celso Godilano), I was able to learn that Maria Librada Gonzalez is still alive, but perhaps in the interim has had a more significant permanent stroke. Those graced by miracles are not guaranteed protection from age and eventual death! She is elderly and in need of daily assistance. My attempts to communicate directly with her have been unsuccessful. However, her own written testimony of her rapid and sustained recovery is compelling.

I understand that several other cases of medical interest are being evaluated in the canonization process, one of which occurred here in the United States.

Owen Danyo was born in 2006 near Philadelphia and suffered from significant brain injury confirmed by a worrisome MRI showing “multiple areas of reduced diffusion in the anterior and posterior watershed regions.” Initially considered appropriate for hospice care, he is now enjoying normal health and has achieved many neurological milestones. Video of his progress is available on YouTube for all those interested. His grandmother, a Pauline cooperator, attributed his recovery and reversal of fortune to the intercession of Blessed James Alberione. The postulator general for Alberione’s cause for canonization has visited the boy and his family. Therefore we await a potential new “positio” to be presented before the thoughtful opinion of the *Consulta Medica*. If a positive verdict is received, it will make for another engaging case review by this current author—with all that modern medical technology can offer to intrigue the scientific community.

In summary, the miraculous cure of Maria Librada Gonzalez, as certified by the Church, is an excellent example of the rigors applied by our colleagues on the medical consultation board of the Congregation for

the Causes of Saints. The review is thorough and relies firmly on concrete evidence provided by vetted and credentialed practitioners. Nothing is assumed without documentation and several delays were allowed for the sake of completeness. Catholic physicians can be proud of the work of the dedicated members of the *Consulta Medica* who volunteer for the difficult task of ascertaining medical realities in most challenging cases. They remain loyal to their professional conscience and will verify only what they consider an “unexplainable” recovery not in theological terms, but according to the criteria of accepted medical science. If any explanation is possible within the realm of known natural science, the board will render a “no” vote for a “miracle” in order to maintain the integrity of their deliberations. The Church has perennially taught that faith and reason are compatible, and this case review confirms that teaching. ✠

*ADDENDUM: Special thanks to the editorial assistance of J. Brian Benestad, Ph.D., Brother Aloysius Milella SSP, Miss Monica G. Burke, and Juan C. Montoya Rebellon, MD.*



# Holy Sacrifice of the Mass

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Earlier this year the French Conference of Catholic Bishops published a study of priestly formation in their country. As reported by *Paix Liturgique*, conservative seminaries do much better in attracting candidates than others. It is known that there has been an 85% drop in vocations since the close of Vatican II. At the end of the Council in 1966 there were 4,536 seminarians studying for the priesthood; in early 2012 there were only 710 candidates. It is clear from the Bishops' study that the outlook at the parish level remains unfavorable. It is also clear that the number attracted to the priesthood has much to do with the orientation of the bishop or religious community. Enrollment figures for Parisian seminarians peaked under the late Jean-Marie Cardinal Lustiger and sharply declined thereafter. Enrollments are increasing in dioceses governed by bishops in accord with Benedict XVI's pontificate. The French study cannot avoid the conclusion that increased enrollments are directly related to diocesan liturgical reform that has taken place in the spirit of the Holy Father's directives. The situation is not the same in the United States, yet the liturgy at the parish level is often a cause of concern.

"The Holy Sacrifice of the Mass"! When did you last hear those words? Never? It sometimes seems that collectively we have lost the sense that the Mass is a sacrifice, an unbloody sacrifice to be sure, but a re-creation of Christ's death on the cross. The symbols of what transpires in many a parish are all askew. The sacrificial altar has been replaced by the communion table. We have gotten used to that and take it for granted in most parishes. Need we remind ourselves that in the Hebrew Scriptures and in the rites of ancient Greece and Rome, it was a male who offered sacrifice on behalf of the people. What then are all of those women doing, offering the communicant the Eucharist with see-through blouses and a décolletage that would have in times past had them thrown out of a high school dance? Often the priest himself, in lieu of a proper chasuble, seems to be wearing something that looks like a bargain from a Wal-Mart sale, the multicolored

stripes providing no visible sign that it is supposed to be a sacred garb. Something is wrong here.

What may be equally wrong is the use of the Mass as a backdrop for the parish musicians, no longer confined to a choir loft but performing in full view as if on a stage. Those strumming guitar players and that awful soprano, accompanied by a cocktail lounge piano do not add to or suggest the solemn character of the moment, nor do the ill clad Eucharistic ministers, who seem oblivious to what they are actually doing. We pray for vocations and yet use altar girls who, once forbidden, have become the norm. What boy wants to fight a girl for the opportunity to carry the cross or empty the cruets? A normal road to the priesthood was through youthful service at the altar. It is amazing that vocations still come, at least in some dioceses, when the priest is ordered around by the women who seem to be running the parish.

At risk is a concept of the awesome power of the priesthood itself, the power, through the words of consecration, to change bread and wine into the Body and Blood of Christ Himself. The nature of the priesthood itself is at issue. If through the symbols employed the real presence is implicitly denied, there is no need for the priest himself whose power to consecrate derives from an unbroken Apostolic succession. No wonder that polls show that many nominal Catholics have lost belief in the real presence. From the pulpit, when have you ever heard a sermon on any one of the Ten Commandments, the Sacraments, or the virtues? It takes a genius, and few have the talent to make sense of the disparate biblical readings, which lend themselves to storybook repetition, rather than to the preaching of doctrine. And then there are those petitions, often self-contradictory, often the reflection of someone's political and social agenda, as if the petitions in the canon of the Mass were not enough.

Yet the people still come to Mass, perhaps out of habit or because it is the Catholic thing to do, but most likely because they believe in the Real Presence and are willing to endure liturgical practice that flies in the face of common sense. It is not clear who said it first, but it has been truly said, "The destruction of the old Mass was the greatest act of vandalism the human race has known." ✠

# Paul Ryan's Austrian Tutors

by Jude P. Dougherty  
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F.A. von Hayek and Ludwig von Mises were not household names, that is, until Mitt Romney named Congressman Paul Ryan as his presidential running mate. Since then one finds reference to the Austrian economists on a daily basis as journalists and commentators attempt to unravel the political philosophy of candidate Ryan. Most commentators identify Ryan with the Austrian school of economics and its later offshoot at Chicago. Ryan, by the fiscal policies he has endorsed, is clearly in the mold of F.A. von Hayek (1899–1992) and Ludwig von Mises (1881–1973). By coincidence, the University of Chicago Press has in the past few months published volumes seven and eight of its nineteen-volume *The Collected Works of F.A. von Hayek*.<sup>1</sup> Volume seven, *Monetary Theory and the Trade Cycle*, is particularly relevant to the current debate on national fiscal policy. Although Hayek himself purposely refrained from combining purely theoretical considerations with discussions of current events, one cannot help but relate the two, given the policies of the Federal Reserve System under Alan Greenspan and Ben Bernanke. Von Hayek's *Monetary Theory and the Trade Cycle* may date to 1932, but given its relevance, it could have been written as an assessment of the Federal Reserve System's policies of the past decade.

The connection between Mises and Hayek is that of professor and student. Before Hayek was forced to flee Vienna, both were parties to an ongoing debate on economic and political issues that included Joseph Schumpeter, Michael Polanyi, Otto Neurath, and Karl Popper, participants all who later rose to international prominence.

The newly released edition of *Monetary Theory* makes it clear that von Hayek viewed business cycles as the inevitable consequence of excessive growth in bank credit. Hayek believed that “[t]he history of government management of money has, except for a short period of time, been one of fraud and deception.”<sup>2</sup> With von Mises, Hayek was a strong advocate of the gold standard. He saw that society does not benefit from an artificial increase in the money supply and the easy availability of bank credit. The credit expansion by banks, in addi-

tion to causing inflation, makes depression inevitable by causing malinvestments, that is, by inducing businessmen to overinvest in higher inventories of capital goods. Inflationary bank credit when loaned to business masquerades as pseudo-savings and makes businessmen believe that there are more savings available to invest in capital goods production than consumers actually demand. Hence an inflationary boom requires a recession, which becomes a painful but necessary process by which the market liquidates unsound investments and productive structures that best satisfy consumer preferences and demands. A sustained period of low interest rates and excessive credit results in a volatile and unstable balance between savings and investment. A normal interest rate, Hayek claims, is one that strikes a balance between people's eagerness to consume now and their willingness to save for the future.

Hayek is known principally for a short work he published nearly seventy years ago, *The Road to Serfdom*, a book perhaps more relevant today than when it was written.<sup>3</sup> *The Road to Serfdom* may be read as a historical review of the social and economic policies that prevailed during the first decades of the twentieth century, but Hayek's primary purpose in writing the book was to warn the victorious powers against the danger of adopting policies and measures that led to the rise of National Socialism in Europe. Writing in England near the close of the Second World War, he found it, in his words, “necessary to state the unpalatable truth that it is Germany whose fate we are now in danger of repeating. The danger is not immediate, it is true, and conditions in England and the United States are still so remote from those that we have witnessed in Germany as to make it difficult to believe that we are moving in the same direction.”<sup>4</sup> Still, he complains, the socialist policies endorsed by our “progressive” intellectuals are the same as those of the 1920s and 1930s that created National Socialism.

One may say that *The Road to Serfdom* is concerned principally with protecting liberty from the seemingly unstoppable trend in Western democracies to subject their national economies to central planning, which evidence shows, von Hayek claims, eventually leads to tyranny. Even a strong tradition of political liberty, Hayek warns, is no safeguard. The democratic statesman, who from the loftiest of motives sets out to plan

economic life, will soon be confronted with the alternative of assuming a dictatorial power or abandoning his project. In short order, he will have to choose between discarding ordinary morals and failure. Hayek is convinced that the unscrupulous and uninhibited, lacking principles to constrain their activity, are likely to assume positions of dictatorial authority. The general demand for quick and determined government will soon lead to a new morality and suppression of democratic procedures.

Throughout his long life, Hayek was to return time and again to themes first articulated in an earlier work, *The Fatal Conceit: The Errors of Socialism*,<sup>5</sup> and *The Road to Serfdom*. In his last book, *Law, Legislation and Liberty*,<sup>6</sup> published when Hayek was eighty-nine years old, he professed to be an agnostic with respect to the existence and nature of God, but he had no doubt about the classical and Christian origins of Western culture, and he saw that with the eclipse of Christianity, Europe was losing a force for the good.

In *The Fatal Conceit*, the connection between property and liberty is examined in the light of history. The Greco-Roman world, Hayek finds, was essentially and precisely one of private ownership, whether of a few acres or of the enormous domains of Roman senators and emperors, a world of private trade and manufacture. The Greeks seem to have been the first to see the connection between private property and individual freedom. From antiquity to the present, “no advanced civilization has yet developed without a government which saw its chief aim in the protection of private property.”<sup>7</sup> “Where there is no property, there is no justice,” is a proposition as certain as any demonstration in Euclid, Hayek maintains. Why then do intelligent people tend to be socialist? “Of course intelligent people,” he responds, “will tend to overvalue intelligence, and to suppose that we must owe all the advantages and opportunities that our civilization offers to deliberate design rather than to following traditional rules, and likewise to suppose that we can, by exercis-

ing our reason eliminate any remaining undesired features by still more intelligent reflection, and still more appropriate design and ‘rational coordination’ of our undertakings. This leads one to be favorably disposed to central economic planning and control that lie at the heart of socialism.”<sup>8</sup> Ignored by the “progressive” intellectual is the fact that there are other and more important elements that are at the root of our civilization and sustain it. To these there seems to be willful blindness. “How could,” Hayek rhetorically asks, “traditions which people do not like and understand, whose effects they usually do not appreciate and can neither see nor foresee, and which they are still ardently combating, continue to have been passed on from generation to generation?” We owe to religion, Hayek concludes, that such beneficial traditions have been preserved and transmitted. Those traditions may be no more than “symbolic truths,” but it has been and remains the role of religion in society to preserve our moral compass.

To what extent Paul Ryan has read Hayek or Mises awaits his telling. What is certain is that in his political speeches he has adopted the fiscal policy of the Viennese. And perhaps more importantly, like Hayek, he understands the classical and Christian sources of Western culture that support the law, liberty, and the necessity, if not sacredness, of private property that Hayek defends in his last book. ✠

## ENDNOTES

- 1 *The Collected Works of F.A. Hayek*, vol. 7, *Business Cycles*, Part I; vol. 8, *Business Cycles*, Part II (Chicago: University of Chicago Press, 2012).
- 2 *Collected Works*, vol. 7, Part I, p. 60.
- 3 F.A. Hayek, *The Road to Serfdom* (Chicago: University of Chicago Press, 1944).
- 4 *The Road to Serfdom*, p. 4.
- 5 F.A. Hayek, *The Fatal Conceit: The Errors of Socialism* (Chicago, University of Chicago Press, 1989).
- 6 F.A. Hayek, *Law, Legislation and Liberty*, 3 vols. (Chicago: University of Chicago Press, 1973).
- 7 *The Fatal Conceit*, p. 32.
- 8 *The Fatal Conceit*, p. 54.



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Mark D. Popowski. *The Rise and Fall of Triumph: The History of a Radical Roman Catholic Magazine, 1966-1976*. Lanham, MD: Lexington Books, 2012. 255 pp.

Reviewed by D. Q. McInerney, *Our Lady of Guadalupe Seminary, Denton, Nebraska*

The decade which represented the short but sparkling life span of *Triumph* magazine was couched within a larger time period that proved to be, by reason of the number of profound cultural transformations then taking place, one of the most tumultuous in American history. *Triumph* has left us a record of that period, and, more valuably, its responses to the issues that defined it, responses which were often as penetrating and perspicacious as they were passionately expressed, and in any event always inimitably its own. In *The Rise and Fall of Triumph: The History of a Radical Roman Catholic Magazine, 1966-1976*, Mark D. Popowski has given us a comprehensive, richly detailed, engagingly written account of an altogether remarkable journal: its nature, the elevated mission it established for itself, and the peculiar manner in which it endeavored to fulfill that mission.

The noteworthy success of this book is in good part to be attributed to the effective way the author chose to organize it. The book's seven chapters are divided into a number of sections, each of which is devoted to one or another of the major issues with which the magazine concerned itself over the course of its history. So, for example, we have sections dedicated to such topics as the Second Vatican Council, Pope Paul VI's New Order of the Mass, secular liberalism, conservatism, economics, education, the cold war, the Vietnam War, contraception, and abortion. The peculiar strength of the book, and what makes it especially informative, is to be explained by Popowski's decision to, as it were, let *Triumph* speak for itself, by quoting copiously from the journal's editorials and articles, as well as from letters submitted by readers.

As a conservative journal, *Triumph* was a product of its times, in the sense that its genesis can be seen as a particular expression of the resurgence of conservative thinking that the country experienced right after the Second World War, although it has quickly to be said that the magazine's brand of conservatism was not at all consonant with, and in fact was antipathetic toward, the prevailing conservative mindset. The core group of individuals behind the founding of *Triumph* were L.

Brent Bozell, Frederick Wilhelmsen, Russell Kirk, Thomas Molnar, Francis Wilson, and John Wisner. Of these, the two most important figures were Bozell and Wilhelmsen. Popowski identifies Bozell as the heart of the magazine, and Wilhelmsen as its guiding intellectual. Among the writers who contributed to the magazine over the years, and who were associated with it in one capacity or another, were Hamish Fraser, Dietrich von Hildebrand, Josef Pieper, Gary Potter, and Germain Grisez.

While he was a student at Yale College, L. Brent Bozell became friends with fellow student and debate team member, William F. Buckley, and it was in good part due to the influence of the latter that Bozell was converted to Catholicism. Buckley seemed also to have been influential in turning Bozell toward conservatism. After graduating from Yale, Bozell went on to take a degree from Yale Law School, subsequently entertaining ambitions to become active in politics, ambitions which he realized to the extent of running three times for public office in the state of Maryland. But his vocation lay elsewhere. Bozell married William Buckley's sister, Patricia, a Vassar graduate, and for a time he was on the staff of his brother-in-law's *National Review*. The year 1954 saw the publication of *McCarthy and His Critics*, a book which he coauthored with Buckley; later he was to be the ghost writer for Barry Goldwater's blockbuster, *The Conscience of a Conservative*, which was published in 1960.

Frederick Wilhelmsen, a professional philosopher, was born in Detroit, and was a student at the University of Detroit from 1941 to 1943; he interrupted his college career to join the Army, and served as a medic during World War II. After the war he took his undergraduate degree at the University of San Francisco, then went on to earn a master's degree at Notre Dame. After a teaching stint at the University of Santa Clara, he gathered up his family and moved to Spain, where they resided for a decade. (Bozell and his family also lived in Spain for a time, and that experience had, as it did for Wilhelmsen, a significant shaping effect on the way he came to look at politics, the Church, and the world in general.) While in Spain Wilhelmsen earned his doctorate at the University of Madrid, and taught for a time at the University of Navarro. After his association with *Triumph*, Wilhelmsen became a member of the faculty at the University of Dallas.

*Triumph*, Popowski contends, was not merely a magazine, it was a movement—whose umbrella organization was the Society for the Christian Commonwealth—and it was a movement that showed itself

to be militantly crusading. Both Bozell and Wilhelmsen were bold, unapologetic Catholics, who were not a bit shy about proclaiming to the world that the religion they belonged to represented the one, true faith, and it was that conviction that fueled their desire that everyone should adhere to that faith. It was part of the special character they gave to the magazine that in expressing their views in it they put to maximum use their appreciable rhetorical talents, which doubtless was not without its good effects. But at times their language could be brash to the point where it bordered on the abrasive. They were men who were motivated by an intense sense of urgency, for they saw the world in which they lived to be on the brink of disaster, and they had set for their movement the task of doing what it could to prevent that disaster. They were completely committed to the idea of a confessional state, and, consonant with this, they had no less a goal for the United States of America than that it should be converted to Roman Catholicism. Because of the central position occupied by this country, given its power and prestige, its conversion to Catholicism would be of immeasurable help in realizing the larger project of restoring all things in Christ. As the years passed, however, and the editors became increasingly more disillusioned by the moral quality of the country—it ceased to be in their eyes the last best hope for the establishment of a Christian civilization—the prospect of its proximate conversion ceased to be for them a viable possibility.

*Triumph* came into being at a time when the Cold War was raging, and its editors, passionate anti-Communists that they were, had no hesitancy in choosing sides. Despite their growing ambivalence over the United States, and, more generally, over contemporary Western culture, Communism, in comparison, was an unmitigated evil, and it had to be defeated at all cost, even if the cost might turn out to be apocalyptic in proportions. There was a time in the early years of the magazine when the rhetoric of the editors waxed very warm indeed over the subject of nuclear war. At one point, discussing the possibility that it could actually happen, Wilhelmsen wrote that it was better “for the whole cosmos to go up in flames, unto the very last star and the most remote moon, burnt out—and the whole of existence scorched and reduced to a cinder blown away into the awful wastes of the void than that dishonor should unfold the banner of Hell within our walls” (18). Though pyrotechnic rhetoric of that sort was fairly typical of both Wilhelmsen and

Bozell, it should be taken, if not with a grain of salt, at least in the spirit in which it was indulged in. For men who firmly believed that the world was in extremis, strong words were needed to shock readers out of their complacency, and make them aware of the stark reality of their situation. And it should be noted that the editors eventually came to alter their views on the subject of nuclear war, deciding that it could not be squared with just war theory.

As mentioned above, the editors of *Triumph* were not at all sympathetic with the kind of conservatism which was current during the lifetime of the magazine, especially as espoused by *National Review*. Though they were very much concerned with politics, and economic matters were not beyond the bounds of their interests, they were at bottom dedicated moralists, whose principal concerns had to do with religious truths, and how those truths were to be given best practical application within the social order. Insofar as they can be categorized as conservatives, they were very much conservatives of their own stripe, as evidenced, for example, by the fact that, though they were adamantly antisocialist, they were just as adamantly anticapitalist. As far as mainline conservatives were concerned, the drummer they marched to kept a heretical beat.

The *Triumph* people considered themselves to be Catholics before they were Americans, and they were in deep disagreement with what they regarded as the basic premises upon which the country was founded. They did not look upon the Constitution as a quasi-sacred document, according to which every serious social question had to be settled, and, with respect to specific tenets of the American creed, they regarded the notion that the people were the source of political authority as radically wrongheaded; God, not the people, was the source of all authority, political or otherwise. This attitude, among others, put them at odds with the crew at *National Review*. When *Triumph* was launched, Buckley's magazine gave it a hearty public welcome, but the relations between the two publications gradually cooled, and they became engaged in an ongoing feud because of their different ideological positions.

Particularly troubling for the *Triumph* people was what they saw as the dominance in the country of a libertarian attitude which fostered an unrestrained faith in individual freedom. Though totally sympathetic with the benefits brought to American blacks as a result of the civil

rights movement, they nonetheless felt that the movement, because overly influenced by the disoriented way of thinking about social issues that prevailed in the larger culture, was founded upon a serious misplacement of emphasis: it was not *civil* rights that should be accentuated, but rather *natural* rights, the rights that come from God and not from the state. The modern state, and the United States was by no means to be considered an exception in this respect, had become the instrument for the fostering and spread of a sinister, essentially atheistic secularism, as evidenced by the American government's giving official sanction and active support to contraception, and then eventually, and predictably, fully embracing the abomination of abortion, through the infamous *Roe v. Wade* decision of 1974. That the country could condone something like abortion was, for the editors, "convincing evidence that our society is not only evil, but mad" (207).

Though the editors of *Triumph* regarded themselves as foursquare, uncompromising Catholics, this did not mean that they could not be critical of the Church or, more precisely, of the attitudes and actions of certain churchmen whom they found to be at times dangerously compromising and altogether too ready, for whatever reasons, to accommodate themselves to a world that, ironically, had nothing but contempt for them and the Church they represented. The editors could go back and forth in their attitudes on any number of matters relating to the Church, a fact perhaps best explained by the discombobulating times through which they were living. Both Pope Paul VI and Pope John Paul II more than once had called explicit public attention to the turmoil existing within the Church, and the consternation it caused among the faithful. The consternation in question was something to which the editors of *Triumph* bore lively witness in the pages of their publication. Though they had unmitigated praise for Paul VI for his publication of *Humanae Vitae*, they wondered out loud if he was always as steady and stabilizing as he should be in the manner in which he was governing the Church. They were clearly displeased and dispirited by the liturgical mayhem that followed in the wake of the changes that had been mandated by the Vatican, and they eventually took the fairly settled position that it had been a mistake to have abandoned a beautiful and ancient liturgy and to have adopted in its stead the pallid product of an ad hoc committee.

Their harshest criticism was reserved

for the Church in America, which they believed had slipped anchor and was adrift on a wild and unfriendly sea, principally because of the studied inattention, or worse, of the American hierarchy. They had little sympathy for the NCCB, which in their opinion seemed to be intent more on keeping up with the secular Joneses, thanks to the liberal bureaucrats who set the agenda for the organization, than on putting all its energies into spreading and defending the faith. American bishops, seemingly more concerned with being liked than with being leaders, had effectively abandoned their episcopal responsibilities, and the Church in this country was suffering sorely on account of their neglect.

The change of mind that *Triumph* displayed regarding the matter of nuclear warfare, previously alluded to, did not represent an especially unusual episode in the magazine's history. While taking strong stands on a wide range of issues, the editors were not so narrow-mindedly rigid in their opinions that they were incapable of altering them, or abandoning them altogether, if they felt that circumstances warranted it. Their attitude toward the Vietnam War underwent a kind of evolution. At first they were fully supportive of the conflict, seeing it as a worthy attempt to stay the advance of Communism, but over time they came to deplore the manner in which it was being conducted, and in the end they saw the defeat as a fitting indictment of the country for the general direction in which it was heading.

*Triumph's* final issue was dated January 1976. At that time the magazine had 5,000 subscribers, a precipitous drop from a subscription list of some 28,000 in 1968, three years after its founding. Referring to the magazine as a doomsday publication, Popowski suggests that this substantial loss of readers may have had something to do with the general tone of the magazine. Perhaps it was not so much its radicalism as it was the sharp-tongued manner by which it was promoted that tended to alienate readers. The continuing emphasis the magazine gave to an apocalyptic interpretation of its times could have had a wearing effect on even the most dedicated of them. One may readily agree that the end of the world will one day inevitably come, but would nonetheless prefer not to be constantly reminded of the fact.

There were of course the financial problems that had to be dealt with, a constant for any periodical that wants to keep its head above water, and *Triumph's* financial problems were surely exacerbated as the number of its subscribers dimin-

ished rather than increased over the years. In its final days the editors were constantly putting out calls for private donations, to keep the journal alive, and those calls were responded to. But evidently the donors eventually came to realize that they were backing a sinking ship.

The story of *Triumph* is a most interesting and instructive one, and it has been very well told by Mark Popowski. In this review I have had to be selective, and thus have been able to tell only part of the story; one must go to the book to get the full story, in all its dramatic variations. Though short, the journalistic life of *Triumph* was not lived in vain. The men behind the journal were radicals, to be sure, but it was their uncompromising commitment to truth that had made them such, and if they responded in extreme ways to the events taking place in the world in which they lived, it was because they believed that in that world the truth was under siege. The issues of *Triumph* now stand as a permanent record of a particularly trying period in the history of our country and of the Church, and how a set of brilliant and dedicated men responded to it.



John W. Carlson. *Words of Wisdom: A Philosophical Dictionary for the Perennial Tradition*. Notre Dame, IN: University of Notre Dame Press, 2012. 350 pp.

Reviewed by D. Q. McInerney, *Our Lady of Guadalupe Seminary, Denton, Nebraska*.

That we are happily experiencing in these early years of the twenty-first century a real revivification of Thomistic thought and philosophy, within the Church and even beyond the bounds of the Church, is now an indisputable matter of fact, the latest verification thereof being the recent publication of Professor John W. Carlson's *Words of Wisdom: A Philosophical Dictionary for the Perennial Tradition*.

What is the perennial tradition? It was what Pope Leo XIII had in mind, I believe, when, in his encyclical *Aeterni patris*, he referred to "every word of wisdom, every useful thing by whomsoever discovered or planned," which he saw as incorporated within "the golden wisdom of St. Thomas," and therein creatively developed. Professor Carlson cites more recent allusion to it, which was made by Pope John Paul II in his encyclical *Fides et ratio*, when he referred to the "enduringly valid philosophical tradition." To be more

precise about the matter, we can say that the perennial tradition is identified by the fact that its centerpiece, the core around which it has advanced and flourished over the years, is the thought of St. Thomas Aquinas. As to why we call the tradition "perennial," Professor Carlson appositely quotes Jacques Maritain, who describes it as embodying a philosophy that "is eternally young and always inventive, and involves a fundamental need, inherent in its very being, to grow and renew itself" (1).

But to get the most precise idea of the tradition which all the entries in the dictionary are intended to elucidate—and which, I might add, in fact serve appreciably to further—we could not do better than to consult the entry in the dictionary for "perennial philosophy." There we read: "(Latin *philosophia perennis*) or **perennial tradition**: As understood within Catholic thought, and as understood in this dictionary, a name for the philosophic tradition, incorporating insights of Plato and especially of Aristotle, that came to fruition (although not final completion) in the work of St. Thomas Aquinas" (202). The entry continues interestingly and informatively for some length, but the above will suffice for our purposes here.

In the introduction to *Words of Wisdom* Professor Carlson advises the reader that "this dictionary seeks—through the exposition, discussion, and noting of relations among terms—to contribute to the ongoing renewal of the perennial philosophy" (2). Anyone who takes upon himself the ambitious and challenging task of compiling a reputable and reliable dictionary naturally has an intended audience in mind, and it is unsurprising that Professor Carlson should mention, among those for whom the book was especially intended, students of philosophy and theology, fellow philosophers (whatever be their philosophical views), and a more general set of readers, people with some background in philosophy who want to learn more about the tradition to which the book is dedicated. But he also indicates a "deeper purpose" for the book, directed toward any reader, which is "to serve as a resource for those who wish to master—and perhaps participate in—a comprehensive tradition (or traditions) of thought" (3). In this he is extending an open invitation to his readers to enter into the very spirit of the book.

We are provided with ample and telling evidence of the fact that Professor Carlson has an expert's knowledge of the genre which his book represents, by the list he provide us (it strikes me as being well-nigh exhaustive) of philosophical dictionaries in

English currently in print, which is found in the introduction. Apropos of that list, he makes the apt observation that *The Cambridge Dictionary of Philosophy* and *The Oxford Companion to Philosophy* "might more accurately be characterized as one-volume encyclopedias" (5). Whatever benefits can be offered by the array of philosophical dictionaries now available, and they are doubtless many and varied, Professor Carlson became convinced, in searching through them, that they are notably lacking in entries which pertain to, and are especially important for, the perennial tradition; for example, you are not likely to find in them entries for terms such as: "**act, being, conscience, end, existence, good, intellect, moral precept, natural, perfection, subsistence, transcendental, voluntary and wisdom**" (5). These other works, then, are only "marginally helpful to the reader whose aim is to master the type of philosophy for which Aquinas serves as a source and model" (5). It is precisely in that respect that *Words of Wisdom* is more comprehensive than these other works.

Professor Carlson is very probably correct in noting that Fr. Bernard Wuellner's *Dictionary of Scholastic Philosophy*, which was published in 1956, represents the last attempt to publish a dictionary of terms relating to the perennial tradition. This little gem of a book, which many of us have found very useful over the years, is now long out of print, so the appearance of *Words of Wisdom* is most timely. It arrives on the scene to meet a very important need.

Professor Carlson discusses the reasoning behind the selection of the items for the entries, and provides as well the rationale for the design and contents of the entries themselves. He explains that "the great majority of the entries are ones that have specific meanings for philosophers who continue the intellectual tradition of St. Thomas Aquinas" (9). But attention is also given to "other major figures and movements in Western philosophy," as well as to "the fundamental achievements of modern and contemporary thought" (9). Also, care was taken to give consideration to various contemporary challenges to some of the ideas and positions assumed by the perennial tradition, and finally, to incorporate key terms relating to specifically Catholic matters, such as "transubstantiation," and "Real Presence." The dictionary, its author points out, is not intended to serve as a substitute for the texts of St. Thomas, but as an adjunct to them. It is not too farfetched to claim that

in this one can hear echoes of the advice given by Leo XIII in *Aeterni patris: Ite ad Thomam*, “Go to Thomas!”

The body of the book is taken up by the entries themselves, 1,173 in all. There follows an extensive bibliography which is divided into three parts. The first part lists works of St. Thomas available in English; the second provides an array of works, by a wide range of authors, relating to the perennial tradition; the third part gives us “works of other individuals or movements of thought that either may be contrasted with this tradition or show promise of contributing to its ongoing development” (13). The richness and sweep of this bibliography is such that it could stand as a valuable research tool in itself.

In perusing the entries of the dictionary I found that I could not, just offhand, think of any significant omissions. In this respect, the book has a satisfying completeness to it. Every entry is noteworthy for its clarity, its accuracy, and its pointed succinctness—just the kind of qualities that the entries of any good dictionary should have. And, just as the book as a whole has a satisfying completeness to it, so too does each entry. The system of cross-referencing employed in the text was especially helpful, and it had the peculiarly beneficial effect of bringing home to the reader that all of the concepts the dictionary deals with relate, either positively or negatively, to a single, philosophical whole, a coherent body of thought. The above-mentioned succinctness of the entries was especially admirable for the fact that it stands in marked contrast to the kind of sound bite brevity with which we are so often bombarded today, and which does more to conjure up confusion than to convey knowledge. Here we have solid substance masterfully articulated—crispness and content conjoined.

I began this review by alluding to the Thomistic renewal we are now bearing witness to, a phenomenon of which, as it happens, Professor Carlson is very much aware, and the details of which he is very knowledgeable, as attested to by an ample footnote he attaches to the introduction of this book. But Professor Carlson is not simply a spectator and chronicler of what is transpiring; he must be counted as a major player in the adventure, as evidenced by *Words of Wisdom*, to be sure, but also, and significantly, by his earlier work, *Understanding Our Being*. In referring to *Words of Wisdom*, he describes it as “a work that seeks to contribute to the renewal of the tradition shaped by St. Thomas Aquinas” (6). There is no question but

that it does so, and with emphasis, displaying uncommon skill and steady control throughout. This is a work of very impressive scholarship. It is a reference work of the first order, one which admirably meets the purposes for which it was designed. Every institution of higher learning in the English-speaking world that takes philosophy seriously should find a place for it in its library. We can be assured that for years to come it will do good service for the perennial tradition.



José Luis Olaizola. *Fire of Love: A Historical Novel about Saint John of the Cross*. Translated by Stephen Caro. San Francisco: Ignatius Press, 2011. 217 pp.

Reviewed by D. Q. McInerny, *Our Lady of Guadalupe Seminary, Denton, Nebraska*

Writing the biography of a saint, especially of a saint like St. John of the Cross, surely has to rank among the most challenging of literary tasks. In the case of St. John of the Cross that challenge has been met admirably well by two Discalced Carmelite friars who were both first-rate scholars and writers, the Frenchman Fr. Bruno and the Spaniard Fr. Crisógono. Fr. Bruno’s biography was published in 1929, that of Fr. Crisógono in 1955. So complete and distinguished are these two works that they can be considered, together, to have provided us with what deserves to be called a definitive account of the saint’s life.

When it comes to writing a novelized version of a saint’s life, that presents a challenge of an altogether different sort, and to take it on would require a writer who, besides being healthily audacious, is possessed of an unusual amount of literary talent and, most importantly, has the kind of artistic acumen which would allow him to strike a happy balance between excess and defect. I would imagine that the literary genre of novelized lives of the saints, if there is one, is not particularly large. At any rate, my reading experience includes only two such novels, *Time Cannot Dim* (1955) by Malachy G. Carroll, based on the life of St. Thomas Aquinas, and *Brother Zero* (1959) by Covelle Newcombe, based on the life of St. John of God. I came to both of these novels already familiar with standard biographies of St. Thomas and St. John of God, and perhaps that had something to do with my less than enthusiastic response to them. Both novels were well written, if one regards them from a purely

literary point of view, but if I had to decide between the raw historical facts of the lives of these two saints, as unearthed by accomplished biographers, and a fictionalized development of those facts, I would without hesitation choose the former.

With the experience of those two novels in mind, it was with more than a modicum of caution that I approached José Luis Olaizola’s *Fire of Love*. I was not expecting very much, frankly. For that reason, my surprise in reading it was all the more pleasant. This is a first-rate novel, not only for its literary quality, which is very high, but also for the peculiar skill and sensitivity Olaizola displays in telling us the story of a man, and the story of a saint, both being one and the same. He struck a perfect balance and maintained it throughout the novel: he did not exaggerate the man at the expense of the saint; he did not exaggerate the saint at the expense of the man.

It seems that a peculiar danger—if that is not too strong a word for it—in writing a novel based on the life of a saint is that one can get so carried away on the wings of fancy that the end result turns out to be a never-never land version of reality; the work lacks requisite aesthetic force because it can convincingly convey neither the truth of history nor the truth of fiction. Olaizola makes a wide detour around this problem in his novel. One of the reasons for its marked success, in my opinion, is his allowing the historian in him to have the upper hand over the novelist. He writes mainly as a novelist, to be sure, but as a novelist whose imagination is under the continuous guidance of a lively consciousness of the definitive say of history. What we are presented with, as a result, is a life of St. John of the Cross which is at once faithful to history and yet has a character which is peculiarly its own. Olaizola does not so much bring us back to the sixteenth century as he brings the sixteenth century up to us. He shows us the pertinence of the “then” to the “now.”

One of the special strengths of the book is the way Olaizola incorporates into the narrative any number of historical documents, letters, depositions, and, with special effectiveness, the narrative dictated by Francisco, the brother of the saint, which is particularly interesting and informative. Besides enriching the narrative, these inclusions strengthen its overall structure.

The life of St. John of the Cross, though relatively short, was chock full of activity and significant events. There might be the temptation to write a novelized

version of that life which could rival the size of *Don Quixote*, but how successful such a novel would be is an open question. At any rate, that Olaizola did not succumb to such a temptation is a credit to his artistry. *Fire of Love* is a moderately sized novel, but it has a satisfying completeness to it, and that is to be accounted for by the judicious choices Olaizola made with respect to the particulars of the saint's life. He displays an uncanny sense of what is best to focus on and develop in the narrative, and what is best to leave out, in order to present a portrait of the saint which is as vivid and memorable as he can possibly make it.

St. John of the Cross was born in 1542 in Fontiveros, a town in northwestern Spain with a population of around 3,000. He was the son of Gonzalo de Yepes and Catalina Álvarez, both people of uncommon virtue. Gonzalo was of noble lineage, whereas Catalina very much was not, and when he turned down the opportunity to marry the daughter of a wealthy kinsman to bind himself for life to a poor girl who made her living as a weaver, he was summarily cut off by the de Yepes family, and that pretty much guaranteed the life of poverty he and his bride were subsequently to lead. Gonzalo himself took up weaving, and at that trade he and his wife eked out a meager living. They had two other children besides John, Francisco and Luis, the latter of whom died as a boy, very likely by disease brought on by malnutrition. Francisco, who was some twelve years John's senior, eventually followed in the footsteps of his parents by taking up the weaver's trade. He married a good woman and together they brought eight children into the world. The two brothers, Francisco and John, remained very close throughout their lives, and it was John's consistent opinion that it was Francisco who was the saint in the family. If the financial straits in which the de Yepeses found themselves were not already bad enough, they became appreciably worse when Gonzalo died at the age of thirty-five. The larger situation in which Catalina now found herself was not bettered by the fact that Castile was ravaged by famine because of a prolonged drought. In order to better her circumstances, she moved her family first to the town of Arévalo, and then to the bustling city of Medina del Campo, where they settled permanently.

John was around nine years old when they moved to Medina del Campo. In order to alleviate hardships at home, John was placed in the Catechism School, an orphanage which had a two-fold purpose

with respect to its charges: to ground them in the fundamentals of the Christian religion and to establish them in a trade. John excelled when it came to the first, but it was a different matter regarding the second. He began apprenticeships in a number of trades, but he did not show himself to be particularly adept in any of them, very likely because his heart was not really in the enterprise. There were already clear indications that his vocation in life did not lie along these worldly lines. It was while he was at the orphanage that his piety and prayerful demeanor, which had displayed itself at a very young age, became increasingly evident. When John was around twelve he was taken into the employ of a local hospital, and for the next eight years or so he worked there conscientiously, caring for the sick and also soliciting alms for the institution. When he was seventeen, still working at the hospital, he began his studies at the Jesuit secondary school established in Medina not too many years earlier. John proved himself to be an assiduous student, and one gifted with remarkable intellectual acuity. When he had completed his studies with the Jesuits he had, among other accomplishments, gained a mastery of the Latin language. He was then twenty-one years old.

By this time, the young man's exceptional virtue was common knowledge in Medina. The director of the hospital at which he worked had formed the intention that John should be ordained a priest and assume the chaplaincy there, a position which would have brought with it a comfortable benefice. What is more, just about every religious order in the city had an admiring eye on this young man, regarding him as a prize candidate for their ranks. There could be little doubt that Juan de Yepes had a religious vocation, but how was it to be realized? He surprised many when he decided to join the Carmelites, an order which, at that time, especially in Spain, was not in the healthiest of conditions. When John was clothed in the Carmelite habit he took the name of John of St. Matthias. After completing his novitiate and making his profession, he was given permission by his provincial to follow the primitive rule of the order, which was notably more strict than the rule followed by the order at large. John did not become a religious to lead an easy life. According to the inspired logic by which he was led, a life a prayer—intense, continuous prayer—went hand in hand with an ascetic life.

After pronouncing his vows, he was sent by his order to the University of Salamanca. The Carmelites had a *studium*

*generale* or house of studies there, San Andrés. John took courses both at San Andrés and at the university proper. At that time the University of Salamanca was the premier university in Spain. More pertinently, it remained a vibrant center for Scholasticism in general and Thomism in particular, when both had pretty much lost their edge in most of the other European universities. John was ordained a priest at Salamanca in 1567, and it was not long after that when he was to meet a woman who would change the whole course of his life, St. Teresa of Avila. Madre Teresa had already initiated the reform of the Carmelite nuns with the foundation of St. Joseph's convent in Avila, but that was only the first step. She had it in mind to reform the friars as well, but she had not found the right men for the task. That problem was solved once she met John of St. Matthias, and then, later, Fray Antonio de Heredia, an older Carmelite who at that time was the prior of the monastery in Medina. John had been seeking a life more compatible with his contemplative bent, and was thinking of joining the Carthusians. St. Teresa succeeded in convincing him that living in a community following the primitive rule of Carmel, the rule that the reformed friars were to abide by, would not be appreciably unlike the life led by a Carthusian. Together with a lay-brother, Fray Pedro de Cristo, the two priests founded, near the village of Duero, the first community of Discalced Carmelite friars. John took a new name; he was now to be known as Juan de la Cruz, John of the Cross.

At first the reform movement among the friars was looked upon benignly, even approvingly, by the Carmelite order, and for a time it seemed that the reform would take root and continue to grow within the confines of the order, and, perhaps, transform it as a whole. But for a number of reasons, tensions began to build up between the reformed and unreformed friars, tensions which, particularly on the part of the latter, turned into outright animosity. John of the Cross, being the principal figure in the reform movement, was a specific target of that animosity. While acting as the chaplain of the Carmelite convent of the Incarnation in Avila, he was kidnapped by the Calced Carmelites and spirited off to their monastery in Toledo, where he was imprisoned for the better part of a year and subjected to shockingly inhumane treatment. The experience proved to be his "dark night of the soul," but God knows how to bring light out of darkness, and the experience, besides its

pronouncedly sanctifying effects, proved to be the matrix out of which was birthed his greatest poetry. When John was carried off to Toledo he was undoubtedly already a saint; he emerged from his ordeal there as both a saint and a poet. Today, quite rightly, he is considered to be one of the greatest poets in the Spanish language.

Eventually, by papal mandate, the two branches of the Carmelite order, calced and discalced, were administratively separated, and following that, the reform movement grew by leaps and bounds. Reflecting on how deeply involved John of the Cross was in that movement, one is astonished at how he was able to combine a very active life with a thoroughly contemplative one. It's reasonable to suppose, knowing what we do of his personality, that few would have been capable of matching him in that respect. Over the remaining years of his life, John of the Cross was the rector of two Discalced Carmelite communities, one of which he had founded. He served as prior in four others. He successively served as Provincial Diffinitor, the Vicar Provincial of Andalusia, and Councilor General of the order. John of the Cross died at the Discalced Carmelite monastery at Ubeda in 1591, at the age of forty-nine. He was beatified in 1675, canonized in 1726, and declared a Doctor of the Church in 1926.

St. John of the Cross was a poet in a comprehensive sense. He was a consummate artist with respect to language, and that in itself is no mean accomplishment. But he was an artist with respect to his entire life, making of that life a poem of the most compelling kind, a song sung by a man whose whole being was caught up and set afire by those two greatest of loves, the love of God and, flowing forth naturally from that, the love of neighbor. More people need to come to know St. John of the Cross, and shed the unfortunately too common but erroneous notion that he is to be regarded as a model only for specialized souls. In fact, he is a model for all of us. *Fire of Love* helps us better to see that. We are indebted to José Luis Olaizola for given us a very fine book, and to Stephen Caro as well, for his excellent translation of it.



John M. Headley. *The Problem with Multiculturalism: The Uniqueness and Universality of Western Civilization*. New Brunswick, NJ: Transaction Publishers, 2012. xvi + 106 pp.

Reviewed by Jude P. Dougherty,  
The Catholic University of America

Disheartened by the current literary and intellectual fashions that prevail in the academic life of our campuses, fads that suggest that there is nothing unique or exceptional about Western civilization except its oppressiveness, John Headley has produced a remarkable book to the contrary. Headley admits that the horrors of the past century have done little to advance appreciation for the virtues of Western civilization. "Even so," he writes, "certain features of our civilization convey the West's uniqueness: the influence of its science and technology, the idea of a common humanity, the legitimacy of political dissent and diversity, the process of secularity and the universality of human rights." Christianity, he thinks, got it right when it allowed Christ's mandate to "render unto Caesar what is his due" to develop into our modern understanding of "secularity," something he finds absent in Islam and Hinduism. The West understands the difference, in the words of Bishop Otto of Freising, whom Headley quotes, between "the imperium and the sacerdotium."

Headley's opening chapter is devoted to the definition of "civilization." Drawing upon a treatise by the Greek geographer, philosopher, and historian Strabo (63 B.C.–24 A.D.), Headley finds that Strabo in his *Geography* introduced the reader to a global appreciation of the inhabited world and may have been the first to use terms such as "cultivated" or "civil" to describe the more advanced societies. The evolution from a rustic state to a cultivated one, Strabo held, depended to a considerable extent on physical environment such as that found in Europe and the Indus Valley. A favorable physical environment is one that is not too demanding or too easy, one that obliges the human elements of diligence and care to be exercised. "Thus, the civilized conditions are possible only given a certain degree of material support, neither so slight as to make existence impossibly difficult, or so great as to smother human initiative." Strabo was aware that non-Greek-speaking peoples, such as Carthaginians, Egyptians, and Indians, at the time of Alexander the Great, also possessed traits associated with civilized life—i.e.,

respect for law, education, eloquent speech, and other qualities demanded by city life.

More than 1,500 years separate Strabo from Headley's next exhibit, Giovanni Botero, S.J. (1544–1617), a Thomist, whose "Global Reports" resembles Strabo's in their reach and focus. During the period between the two authors Christianity had become almost synonymous with civilization. In Europe the monastery became the consolidated center of rationality, order, and discipline—the engine of concentrated enterprise and particularity in an otherwise barbarous world. "Civility," Christian and European, was complemented by the viability of princely courts that added a further dimension to the idea of cultivated existence. Giovanni Botero carries us forward to an age of discovery and European engagement with the earth's many peoples. Modern scholarship, suggests Headley, may accord Giovanni Botero the honor of being the first demographer as well as the first oceanographer for works that included *On the Greatness of Cities* (1588) and *The Reason of State* (1589). Reporting to Federico Cardinal Borromeo, then head of the Congregation de Propaganda, Botero found as a result of his travels in the Orient that peace and quiet usually flourish under a great monarch. With peace, there comes the possibility of right teaching, uprightness, civility, order, good customs, and the arts devised to render man more pleasing, hospitable, kind, and cultivated. Without them there is nothing.

The term "civilization" did not come into common use until the mid-point of the eighteenth century when it became equated with moral refinement and learning. John Stuart Mill opened up and expanded the concept of civilization while applying the term in the plural to societies both ancient and modern. In an essay published in the *London Review* (1836), Mill maintained that the test for civilization lay in the power of cooperation and compromise. "For Mill," Headley relates, "discipline and perfect cooperation become the salient attributes of civilization."

This historical excursion apart, Headley's primary target is the educational establishment that has allowed the pervasive strictures of multiculturalism to marginalize the study of Europe and Western civilization, ignoring the former prominence of the West. "In our haste since the 1960s to learn about other civilizations and peoples beyond our own, we have lost our palate for the West, gorging ourselves upon otherness." Drunk, if not drugged, with Derrida, Foucault, and political correctness, the educational establishment has ceased to

serve the commonweal by undermining its national heritage.

Unlike some of the globalist and cosmopolitanists who deal in abstractions often removed from both history and reality, Headley does not write in a vacuum: “We live at a moment when government, confronted by an economic collapse second only to the Great Depression, also has to connect with the recovery of an entire legal and constitutional system as well as withdrawal from unwanted wars.” His is an appeal to reform a dysfunctional educational system in the interest of self-preservation.

In a concluding chapter, “On the Meaning of America,” Headley writes, “The United States has become the bearer as well as the heir of Western civilization and its multiple meanings and responsibilities.” He is convinced that “America must resume its leadership as well as its responsibilities and initiatives among the peoples and societies of the Earth.”



Shmuel Feiner and Natalie Naimark-Goldberg. **Cultural Revolution in Berlin: Jews in the Age of Enlightenment.** Oxford: Bodleian Library, 2011. ix + 94 pp.

Reviewed by Jude P. Dougherty,  
*The Catholic University of America*

The focus of this brief historical study is the absorption by Jewish intellectuals of the prevailing civil and rational values of eighteenth-century Europe. It is a study of emancipation and Jewish integration into the wider society without loss of Jewish identity. The story here presented is entirely based on one collection of texts held in the Leopold Muller Memorial Library of the Oxford Center for Hebrew and Jewish Studies. As such, the volume is richly illustrated by photographs of the books and manuscripts mentioned in the book that are held by the library.

Moses Mendelssohn (1729-1786), the central figure in this narrative, is representative of a new Jewish elite, who having adopted the basic values of the European Enlightenment, challenged the cultural supremacy of the rabbinical elite. Mendelssohn, who became fluent in German and other European languages, is acclaimed for prodding his fellow Jews to leave the ghetto, learn the German language, and embrace modernity, while at the same time counseling them to retain their religious tradition. His interest in natural

theology led him to the study of Leibniz, Wolff, and Locke, among others. His treatise *Phaedo: On the Immortality of the Soul* (1767) underwent eleven editions in his lifetime. His greatest contribution to the Jewish Enlightenment is thought to be his book *The Paths to Peace*. In it, he stressed the importance of making the Bible the chief object of study rather than the study of the Talmud, which is usually considered the authoritative text of the Jewish religious tradition. He translated the Bible into high German.

There followed a great secular revolution within the culture of the Jewish community. German had rarely been used by Jews in their daily lives. Hebrew hardly lent itself to the translation of scientific texts. Leaders of the secular movement were greatly disturbed by the neglect of the sciences. Meir Neumark assumed the role of translating many scientific texts for a Jewish audience who did not know Latin. Others were concerned that the neglect of grammar by rabbis and other commentators had led to a deplorable misinterpretation of the Scriptures and to a shameful misreading of other literature. The *Guide for the Perplexed* by the famous medieval philosopher and theologian Moses Maimonides was republished in 1742, having been out of print for nearly 200 years.

Raphael Levi's pursuit of science brought the observant Jew into contact with non-Jewish knowledge and non-Jewish intellectuals, providing a model for others. Hartwig Wessely, for his part, outlined in 1782 the first systematic curriculum for modern Jewish education. Wessely employed a distinction between two modes of knowledge, “the teaching of man” or human knowledge and the “teaching of God” or divine knowledge. The study of the Bible and the Talmud, he maintained, should leave room for the study of history, geography, and natural science, for these disciplines are necessary for a study of the ancient texts. He considered important the study of the vernacular from an early age. Wessely, although clearly a man of the eighteenth-century Enlightenment, a man comfortable in European culture, nevertheless did not lose his commitment to faith, to the study of the Bible and the Talmud, and to the observance of the commandments, but on the other hand he no longer belonged to the circle of Talmudic scholars.

By the end of the eighteenth century there had emerged a formidable group of “free thinkers,” a Jewish elite, who, in the light of their affinity for the values and

concepts of the European Enlightenment, were prone to distinguish themselves from the Jewish masses. A typical representative of the reformed Jew was Lazarus Bendavid (1762-1832), a disciple of Immanuel Kant whose writing he helped to popularize. Bendavid blamed the Jews themselves for their negative image and insularity. In a Kantian manner, he sought to retain the Jewish religion in its “inner essence” while totally rejecting its rituals. Whereas Mendelssohn believed that the unique essence of Judaism lay in the obligation to observe the practical commandments, Bendavid put forth the radical idea of totally annulling the commandments as an essential step to ensure the acceptance of Jews in the modern world. Bendavid, we are told, was a prolific and dynamic intellectual, active in numerous enlightened German societies, and he even presided over some of them.

Bendavid was not alone. Saul Ascher (1767-1822) proposed a religious reform as a prerequisite for the acceptance of Jews as full citizens of the state. Following Kant, he also held that the law-based character of Judaism was opposed to the “true autonomy of the will” and irrelevant to the new generation. His criticism of rabbinic culture apart, it must be acknowledged that Ascher was among the few Jewish German intellectuals who dared engage in a direct confrontation with contemporary foes of the Jews, notably Johann Gottlieb Fichte, one of the founders of the Humboldt University of Berlin.

Feiner and Naimark-Goldberg end their narrative abruptly with the close of the eighteenth century. We know that within the German-speaking lands of nineteenth and early twentieth centuries, assimilated Jews not only flourished but became leaders in the sciences and in the arts. Budapest, Vienna, Munich, and Berlin became important centers for the study of theoretical physics and physical chemistry, and Jews are associated with major discoveries in each. Budapest alone gave birth to Eugene Wigner, John von Neumann, Leo Szilard, Michael Polanyi, and Edward Teller. Albert Einstein, born in Ulm, studied in Munich, Lise Meitner in Vienna. Moses Mendelssohn's grandson, Felix, earned world renown as a composer. Without doubt the cultural revolution produced great scientists who for the most part remain aloof from Enlightenment philosophy, often at variance with actual practice in the sciences.



Louis Groarke. *Moral Reasoning: Rediscovering the Ethical Tradition*. Oxford: Oxford University Press, 2011. x + 466 pp.

Reviewed by Jude P. Dougherty,  
The Catholic University of America

This book is based upon the thesis that the history of Western moral philosophy is an integral part of any attempt to write an ethics relevant to contemporary moral issues. *Moral Reasoning* is written primarily for classroom use, but it is much more than a textbook. In its encyclopedic scope and historical reach, from Heraclitus to John Rawls, it is a research document suitable for use beyond an academic setting.

Early chapters are devoted to Socrates and Plato, to Aristotle, and to Aquinas. These are followed by chapters entitled, “The Contractarians: Thomas Hobbes, John Locke, John-Jacques Rousseau, and Karl Marx,” “Kant: Duty and the Moral Law,” “Utilitarianism and Liberalism: Jeremy Bentham and John Stuart Mill,” and “Contemporary Moral Theory.” From years of experience as a professor teaching ethics, Groarke finds that most contemporary textbooks are remarkably uninformed with respect to the history of the discipline. “Generations of students pass through the university system without any knowledge of the moral tradition bequeathed to them by a host of major authors in the Western philosophical tradition.” In answering the question *what is moral philosophy?*, Groarke responds, “Modern philosophers think of ethics as the most rigorous way of evaluating human behavior [whereas] historical authors present ethics as the secret to happiness.” Groarke finds that contemporary philosophers often focus on the issues that produce the sharpest disagreements while ignoring issues and themes on which there is widespread consensus. “Underneath the bewildering surface array of opinions,” Groarke writes, “there are common principles, concepts, and procedures that can be applied to diverse human situations.”

Although the book surveys a wide range of theories, both ancient and modern, *Moral Reasoning*, is primarily an exposition and a defense of “virtue ethics” written from an Aristotelian perspective. Groarke insists that the aim of moral philosophy is not knowledge per se but action. Its purpose is not so much to know what virtue is but to inspire personal goodness. “Morality,” he writes, “is the only reliable source of self-fulfillment and enduring happiness.”

In the process of setting forth his own views, Groarke provides valuable discus-

sions of “justice” from a contractarian point of view, “duty” from a Kantian point of view, and “pleasure” in the work of Bentham and Mill. There is even a short section on Nel Noddings’s *A Feminist Ethics of Care*. Groarke is scrupulously fair in presenting views other than his own, and he shows that virtue ethics can draw upon many alternative views.

*Moral Reasoning* is written as an introductory textbook for general use. Enlivened by newspaper and other clippings that illustrate contemporary moral issues—i.e., suicide bombing, euthanasia, childhood obesity, moral liberalism, and the growing gap between rich and poor, the student is confronted not only with issues that beg to be resolved but also with numerous questions for study and review and is given the opportunity to think things through from different points of view. In sum, Groarke has produced a down-to-earth text that is likely to be welcomed by many college teachers of ethics.



Richard Epstein. *Design for Liberty: Private Property, Public Administration, and the Rule of Law*. Cambridge: Harvard University Press, 2011. x+233 pp.

Reviewed by Jude P. Dougherty,  
The Catholic University of America

This book is a frank discussion of the difficulty of maintaining a rule of law within the modern administrative state. Epstein’s focus is the intersection of three elements: private property, public administration, and the rule of law. Few would dispute the proposition that the rule of law is the bulwark against the tyranny of power. Given the profound legislative changes that occurred in the United States in the early twentieth century, we have not only a vast expansion of government but agencies that seem to be beyond the rule of law. Initially created to deal with social and monetary issues, the federal agencies that were brought into being to deal with them were given, in effect, legislative, administrative, and judicial power. Early on, social and economic theorists, such as Bertrand de Jouvenel in *Power: The Natural History of Its Growth* (1944), F.A. von Hayek in *The Road to Serfdom* (1944), and Milton Friedman in *Capitalism and Freedom* (1962), predicted what was likely to come, given the discretionary power granted to largely unaccountable commissions. Their works are worth revisiting.

Epstein traces the expansion of administrative government to Woodrow Wilson’s

creation of the Federal Trade Commission, a move that increased government control over the economy. Control expanded with Franklin Delano Roosevelt’s New Deal and Lyndon Johnson’s Great Society legislation, which in 1964 created the Economic Opportunity Act, the Civil Rights Act, and the Equal Employment Opportunity Commission. With this legislation the progressivists won out, repudiating the traditional liberal theory of government that stressed the value of private property, liberty, and limited government. We now live with the excesses of the administrative state and with its political and economic inefficiencies.

The central aim of the welfare state, Epstein reminds his reader, is the redistribution of wealth to offset disadvantages arising from birth, ill fortune, and social position. Liberals manufacture positive rights on a daily basis, e.g., a right to jobs, health, education, and living wages, leaving wealth distribution at the mercy of political pressure. Individuals are divided into classes. Some are eligible to receive benefits, and others are required to give. The question of who receives is separated from that of who pays. Within administrative discretion we now have rules pertaining to discrimination, disability, equality, reasonable accommodation, undue hardship, adverse environmental impact, and habitat preservation. “The expansion of the administrative state, with its civil and criminal sanctions, is deeply in conflict with the traditional values associated with the rule of law.” Epstein urges a return to the classical liberal view of property and contract as found in John Locke.

In a timely section on what he calls “the faltering constitutional presumption against retroactive laws,” Epstein is mainly concerned about the effect of retroactive law in the economic order, on what it does to property rights, contract law, and tort law. In his judgment, given the current political climate, no private party can rely on even an explicit state promise not to change its laws. Stable substantive and procedural rules, he maintains, are both needed to counteract the risk that unfettered political discretion will undermine voluntary transactions. Abstractly considered, the administrative state should be compatible with the rule of law, but experience suggests otherwise. Often the only way the administrative state can achieve its goals is to violate or to ignore components of the rule of law. Protection against the imposition of retroactive liability is weak. Apart from the economic order which is the book’s primary focus, Epstein acknowledges that “[o]ne

conspicuous illustration [of retroactive law] concerns the suppression of the statute of limitations, which may now be waived or suspended to allow for child abuse tort actions to be brought against overseers or supervisors of molesters, often in religious settings.” Epstein’s study is primarily descriptive. He offers no remedy for administrative overreach except to insist that laws should be clearly written to circumscribe discretion, although he recognizes that some administrative discretion is always necessary.

Attacks on private property seem belatedly to have awakened the academic sector to the damage that socialism has wrought not only in the economic order but in the cultural order as well. Epstein concludes his study with a pessimistic note. “Once upon a time I was confident that the forces of growth and property would maintain the upper hand. But watching the failure of political actors, and the drift of our economic system, I am no longer sure.” Richard Pipes in *Property and Freedom* (1999) came to a similar conclusion. After his survey of property rights in the twentieth century, Pipes concludes: “The winds have not been favorable to rights of ownership and all that accompanies them. . . . Even in democratic societies the concept of property has undergone substantial revision, transforming it from absolute dominion into something akin to conditional possession. . . . As a result, the rights of individuals have been and continue to be violated.” Pipes, writing at the turn of the century, was confident that the productive class would parry the thrust of entitlement legislation because out of self-interest it voted in general elections, whereas the dependent class did not vote with its full numerical strength. Of course times have changed. Pipes wrote before the effects of ACORN and the power of the public sector unions were fully deployed, and before electoral fraud became commonplace. A generation ago, the English jurist Lord Patrick Devlin noted that if the morals of the people collapse, the rule of law itself will crumble. The moral basis of the rule of law is something that seems to elude Epstein in his otherwise informative treatise. The same may be true of the academic world in general. The leftward leaning academy may be awakened to the socialist threat only when its retirement benefits and its liberty of speech are threatened.

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G. Elijah Dann. *God and the Public Square*. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2010.

*Reviewed by Robert Nicholas Bérard, Mount Saint Vincent University and President of the Canadian Chapter of the Fellowship of Catholic Scholars*

G. Elijah Dann, who might best be described as a disillusioned Evangelical, teaches philosophy and religious studies at Simon Fraser University in Vancouver, B.C. He is a contributor to the Huffington Post and coeditor of a series of confessional essays on *Leaving Fundamentalism* (2008). Dann offers a liberal and skeptical critique of the insistence by people of faith on their legitimacy as participants in the public square. Citing a journalist’s quotation of a protestor against same-sex marriage that his opposition was a “no-brainer,” he seeks to marginalize those whose political and social views are consistent with and undergirded by their religious beliefs. In arguing that a modern, diverse, and multicultural polity cannot accept arguments for social policy based solely on the religious claims of some of its citizens, Dann squares off boldly against a straw man that does not represent any serious advocate of the Christian position in the public square. His intention, he writes, “is to explain the obstacles that stand in the way of using religious values as prima facie dictates for public policy and legislation.”

The author challenges the claim of some Christian activists that Canada and the United States are “Christian nations.” Following a superficial lecture on the need for careful reasoning and the sloppy reasoning commonly found in propaganda, Dann attacks the notion that the founders of these nations were “Bible-believing” Christians—“the sort we typically see today on cable television”—and borrows from critics such as Richard Dawkins evidence that calls into question the specifically Christian (as opposed to broadly Deist) beliefs of the American Founders. He also claims that the existence of aboriginal peoples, whom Europeans encountered in North America, invalidates the argument that ours are Christian nations. One needn’t debate the justice of behavior of the European settlers toward native peoples to recognize that the political entities established in the United States and Canada were rooted in classical and Judaeo-Christian thought, and that the majority of aboriginal people embraced some form of the Christian faith. After a brief reference to St. Paul (Acts 17:24–25)

to confirm his claim that only individuals can be Christian, not countries, Dann concludes by arguing that, even if it could be shown that the North American nations were established by Bible Christians, it is not of any relevance today, in societies in which religious practice and belief is diverse and declining. Why, he asks, should contemporary North Americans be bound by the beliefs of those who were in power when their nations were established?

The author turns to examining four major social issues that often engage Christians in public debate: same-sex marriage, abortion, embryonic stem-cell research, and euthanasia. In his treatment of same-sex marriage, Dann begins by celebrating the “struggle [by homosexuals] to overcome a long, deep-seated prejudice” directed toward obtaining “the same legal and political rights as heterosexual[s].” In his view, this has occasioned mistaken claims that “homosexual activists” have been pursuing a “homosexual agenda” that will be detrimental to established social values, particularly those associated with marriage. He is critical of arguments about the universal characteristics of marriage, pointing out that, historically, our understanding of marriage has changed over time. He cites the fact that we no longer punish adulterers by death (at least in the West) as evidence of our changed conception of marriage, although this seems to say more about our changed views about punishment than about our outright approval of adultery. Similarly, he claims that ending prohibitions on interracial marriage or on artificial contraception were similar “major shakeups” in our understanding of marriage, similar to the widespread adoption of monogamous over polygamous marriages.

Dann does, however, respond directly to claims, made both by philosophers and ethicists, as well as pro-family activists, that acceptance of same-sex marriage defies the historic and widely accepted definition of marriage; that it would put society on a “slippery slope” that could lead to acceptance of polygamy, bestiality, and incest; that it would weaken the institution of marriage; and that it denies the fundamental connection between marriage and conception. In contesting the first claim, Dann makes the not unreasonable response that definitions of all sorts of words and concepts have changed, but he likens a change in the definition of marriage to the change in such a slang term as “cool” or to changes in the legal definition of “persons.” Interestingly, these definitional changes were in line with widespread changes in

popular understanding of these terms. He ignores the stubborn refusal of a majority of North Americans to regard same-sex marriage as the same thing as traditional marriage, and relies instead upon the highly biased portrayal of homosexuals in television programs as evidence of popular acceptance of same-sex marriage.

Dann's response to the "slippery slope" argument engages his opponents on ground where they have not stood. He argues against the idea that we might object to a change in the definition of marriage with regard to including same-sex marriages because of "what might result in an undesirable secondary effect." Rather, he claims, "[t]here is no link of necessity that makes the allowance of one form of marriage a first step to the allowance of the other forms." This, however, is a point that no serious critic is making; the slippery slope is not about a "link of necessity" but rather about the unraveling of an organically evolved understanding of a core social institution and opening it to the possibility of further inclusion of alternative formulations. We don't know that acceptance of same-sex marriage will lead inevitably to polygamy, bestiality, and incest; we can know, however, that any redefinition of an institution as fundamental as marriage through an arbitrary imposition by a court or a temporary electoral majority makes further challenges more likely and more difficult to counter. The Supreme Court of Canada (a consistently inconsistent arbiter of its constitution) has recently ruled against the practice of polygamy, but its reasons for doing so provide no logical explanation of why marriage should continue to be defined in terms of number when it is no longer defined in terms of gender. Rather, the decision seems to be rooted in what the Court feared might be "an undesirable secondary effect." Interestingly, Canada continues to enforce consanguinity provisions in same-sex marriages for reasons which seem elusive.

Dann also dismisses the link between marriage and procreation by pointing out that some married couples fail to conceive, while others choose not to do so, and adds that an increasing number of children are conceived outside of marriage. This has always been the case, yet our society has retained its belief that traditional marriage provides, on balance, the best mechanism for the conception and rearing of children. Dann may wish to challenge that belief, but it will take a great deal more research (and better research) to convince a substantial majority of the population that he is correct.

In short, a society can define marriage (or any other social institution) in almost any way that it wishes. Dann is correct that in some cultures historically and currently polygamous marriage is part of that definition. Changing that definition has taken place in some societies, but the change has not been easy, quick, or without negative consequences. Opponents of same-sex marriage question the prudence of changing the definition of marriage, warn of its potential negative effects, and insist that any such change in such a fundamental institution not be imposed arbitrarily.

Dann's approach to abortion is in some ways surprising, insofar as he is prepared to accept the scientific evidence of the humanity and even the personhood of the child from the moment of conception. He argues, however, that we should afford the child a sliding scale of rights. He argues that we do this with other persons, limiting the right of young people to drink, drive, or vote until they have reached specific chronological age. It is, then, a logical extension of this principle that we can similarly restrict the right to life to children who have reached a certain age within the womb, who appear to be free of serious disabilities, and who pose no threat to the life or health of the mother. In any case, however, the rights of the woman "ultimately eclipse the rights of the zygote, and, even with more rights, the fetus." He is not clear, though, about what point the rights of the child reach a level of equality with those of the mother.

Dann also challenges a number of claims for Scriptural authority in the condemnation of abortion (as well as masturbation). He believes that Scripture is essentially silent on these issues; it is not clear how his arguments are relevant to the discussion of abortion in the public square, but, as a former fundamentalist Christian, he must deem it important to correct Biblical literalists on the errors of their ways.

After reviewing the moral arguments for and against embryonic stem-cell research, Dann contrasts the approaches of Canada, the U.K., and the United States, preferring the Canadian position of forbidding therapeutic cloning but allowing the harvesting for research of embryos created through in vitro fertilization but never implanted in a mother's uterus to the British position of allowing therapeutic cloning and the Bush-era policy of forbidding the use of newly created embryos for research. Even then, however, Dann raises questions about the morality of killing and harvesting cells from embryos simply because some scientists are able and would like to do so. Interestingly,

he barely acknowledges that such breakthroughs as have been realized in stem-cell research have been restricted to the use of adult stem cells.

Dann argues that we should not employ the term "killing oneself" when we discuss euthanasia as it tends to produce "visceral, emotional" responses. Rather, he suggests that we make clear distinctions among various forms of "killing oneself" including five varieties of euthanasia. The first he defines as "Withdrawal of Treatment." He understands that we have "a right to refuse medical treatment, and the right not to have treatment forced upon us," and that there is a responsibility on the part of health-care providers to make sure that such a decision is made in the light of adequate information about the implications of choosing to continue or abandon treatment. Catholics, for example, understand that they may refuse extraordinary measures aimed at prolonging life. Indeed, it isn't clear why a conscious, informed choice by a competent person to accept the medical consequences of withdrawal of treatment is even defined as a form of euthanasia. On the other hand, Dann is less clear about the withdrawal of treatment by medical professionals (on their own authority or that of families) when the patient has not consented or cannot consent to it, the situation that was brought dramatically to public attention by the Terri Schiavo case. Interestingly, he argues that the use of a feeding tube is to be understood as having a patient "artificially medicalized," and suggests medical professionals and caregivers should consider if in providing medical resources to those who have been deemed incurable would be denying those resources to "the patient with real hope for recovery."

The most controversial forms of euthanasia, of course, are physician-assisted suicide and voluntary assisted suicide, in which medical professionals are asked either to provide lethal drugs to patients to allow them to end their own lives or directly to administer such drugs to patients who are unable to end their lives without active assistance. Dann understands that, for most Christians, the prohibition against taking one's own life is firm (although he bizarrely characterizes the acts of martyrs as equivalent to suicide), but again he argues quite reasonably that this belief cannot by itself be compelling in a secular society. Unfortunately, he again dismisses objections that these active forms of euthanasia weaken society's respect for life, could lead to pressure being applied to the vulnerable to end their lives, or make more acceptable the euthanizing of those who

are deemed incurable or undesirable. In a classroom debate we can, of course, argue that agreeing to voluntary assisted euthanasia in the case of an incurable, suffering, and physically helpless victim of ALS does not necessarily lead to family or social pressures on the poor and elderly to end their lives for the greater good of those who would be left behind. The making of public policy, however, is not a classroom debate; it must consider but cannot be limited to abstract arguments about moral principles.

Dann, thankfully, recognizes that “society itself wouldn’t be possible without cognitive stability” and understands that there are good reasons why societies (and individuals) are reluctant to abandon historically evolved institutions and long-held personal beliefs. At the same time, he includes a plea for open-mindedness, respect for evidence, “careful argumentation,” and “reason-giving.” There is no contradiction, however, no matter how persistently Dann tries to find one, between Christian belief and open-mindedness. Christians, like St. Anselm, embrace “belief seeking understanding,” consider and evaluate evidence which may call their very beliefs into question, and, over time, have re-evaluated their understanding of various beliefs on the basis of evidence. We believe that our faith gives us an enhanced insight into the nature of human behavior, human aspirations, and human weakness, yet we recognize that we take part in debate in the public square under the same rules as all other participants.

The book is not without useful points. Dann provides summaries of and distinctions among various positions on controversial social issues that are too often obscured or misinterpreted. He challenges easy assumptions made by those on both sides of those issues. Unfortunately, the book’s tone is generally that of a too-clever-by-half university lecturer addressing freshmen students. There is almost no recognition of the sophisticated and cautious reasoning that Christian scholars have brought to public debate. It is as if Dann equates a Christian presence in the public square to an ill-educated believer spouting half-understood Bible verses as compelling arguments, as if he has never been exposed to the critical scholarship of a Robert George or Mary Ann Glendon (or even the thoughtful essays in any issue of *First Things*). As such, in a world with too many books and too little time, readers can feel safe in leaving *God and the Public Square* on the shelf.

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Stephen D. Schwarz with Kiki Latimer. *Understanding Abortion: From Mixed Feelings to Rational Thought*. Lanham, MD: Lexington Books. 208 pp.

*Reviewed by James Harold, Professor of Philosophy, Franciscan University of Steubenville*

Some books require nothing from readers, insofar as they make no intellectual demands or because they do not somehow elicit from the reader any requirement or need to take a position and think for oneself. There are other texts which cite every conceivable position as if they are all equally true, oblivious to the fact that taken together all the positions cited are hopelessly contradictory and incoherent.

On the other side, there are texts that require much from the reader, both by making intellectual demands as well as by challenging the reader to accept some position by making a fair, serious, and persuasive argument to its truth. There are, however, very few books whose authors not only make a claim to truth, but also do so by honestly presenting conflicting positions *and* without revealing their own. Here—in contrast to many other mere compendiums of positions—there is no implication that both positions somehow cohere. Both positions make serious claims to truth, even while granting they are ultimately contradictory in nature. But these contradictions are accepted for the sake of having the reader think through the issues at stake. This is the approach Stephen Schwarz (with Kiki Latimer) takes in his brilliant and accessible book, *Understanding Abortion: From Mixed Feelings to Rational Thought*, weaving together the strongest arguments from both the pro-life and the pro-choice positions as sympathetically as possible. His idea is this: let the reader decide.

In contrast, the apologists for most other books on abortion sing to their own respective choirs. This is obviously far easier to do. Everyone knows that to address the other side seriously, one will suddenly have to become far more careful. One example of this is avoiding possible loaded and euphemistic terms, such as “baby,” “murder,” “fetus,” and “termination,” and instead look for other terms acceptable to both sides, such as Schwarz’s BIW (“being in womb”). This book not only sympathetically brings into the conversation both sides; it especially addresses those who are “on the fence,” and who want a serious and comprehensive presentation of the issue, again from both sides.

This approach seems somewhat simi-

lar to that of Plato’s Socrates, who never started an argument from his own position, preferring instead to play the role of the (intellectual) mid-wife to other peoples’ positions, seeing if their ideas—by philosophical analysis—can be born alive or dead, that is, true or false. The similarities of Schwarz to Socrates are that both approaches not only aim at avoiding illegitimate manipulation, but also that the arguments being investigated stand or fall exclusively by their own weight.

Schwarz’s motivation for this approach seems clear: in a polarized (pro-life/pro-choice) environment, there are tremendous advantages for letting the arguments speak for themselves and for forcing committed readers to think through a position for themselves. Here there is a confrontation of positions instead of two debaters constantly arguing past each other, never confronting each other’s position and objections. Granted that while Schwarz’s own position is hidden, neither the arguments themselves nor the readers have any opportunity to hide. No answers—in the form of the author’s own positions—are given and the readers have to decide for themselves, as both positions are asserted as strongly as possible.

Although the position of Schwarz is hidden, that does not mean that his interest in truth is correspondingly absent. In fact his approach is the polar opposite to some genial relativism, where all positions are considered true (except typically those that actually make a claim to truth). Presenting both sides is at the service of truth—of helping the readers to think through the problems to arrive at the truth of the matter—and Schwarz feels free to make his case for both positions as strongly as possible. The result is anything but pabulum as the gloves are taken off for both sides. This befits the existential seriousness of the situation, with lives—both mother and BIW—at stake. Schwarz trusts readers to decide.

Naturally, such a strategy of presentation works only if Schwarz is really honest in presenting the contrasting and ultimately contradictory positions as strongly and fairly as possible. To withhold supporting evidence, to construct straw-man arguments for positions one does not like, to introduce a note of irony or sarcasm for only one side will defeat this purpose and undermine the project. And since the book has twenty chapters, it was interesting to see how he was able consistently to weave through the issues, respecting both positions equally. Perhaps we can give here just one example of the basic honesty and even-handedness of his approach. He

states, “Since legalization, more women have died from abortion than before.” But then he adds, “Abortion is safer for the individual woman but because there has been a huge increase in the number of abortions, there have actually been more deaths by abortion than before legalization.” (172).

Every approach has a downside. The downside of this approach is the presenting of some positions and arguments as if they were serious points to be made instead of the red herrings that they really are. For example, the reasons given for the “Defense of Birth” as a “line” demarcating when human life begins are as follows: “1. At birth the child becomes fully independent of his mother. 2. He can be seen and touched. 3. He becomes a member of society. 4. Age is marked from one’s day of birth” (112). The fourth “reason” hardly meets the laugh test. The first reason treats as an absolute the obvious relative meaning of the word “independent.” The second reason is rendered false with the advent of fetoscopy. As to the third reason, Schwarz himself states, “Surely anyone whom we can see, and perform surgery on, is a member of our society.” (113).

While such reasons are hardly serious, there are other far more interesting and serious pro-choice arguments made elsewhere in the text. For example, Schwarz quotes T. M. Kamm (*Creation and Abortion*), who constructs an interesting analogy to a pregnancy from a rape. He states,

Assume that someone deliberately intrudes on your [the woman’s] body and as a side effect acquires your genetic material. The material happens to fall into a test tube and develops into a fetus growing in a laboratory. He (this someone) then calls you up and tells you that the fetus will die unless you put it into your body for nine months, all the while enduring the burdens, changes, and risks of pregnancy and labor. In this case you have no obligation to support this fetus that someone else created. You are not causally responsible for creating this fetus or for its needing your aid. In addition, I believe, its genetic connection to you would not make it impermissible for you to let the fetus die. Even a genetically related fetus does not have an inherent right to your bodily support simply because it needs it, nor do you have a duty to provide it. (151-52)

In this argument he is able to circumvent one pro-life objection to the famous pro-abortion violinist argument going

back to Judith Jarvis Thomson, who claims that the mother has no duty to sustain the BIW. One possible weakness with her analogy between the violinist and the BIW is that it is not just some stranger (that is, the violinist) that the woman is supporting, it is her own. The fact that the BIW is her own could create a particularly strong obligation to care for it, a being that has been entrusted to her, making an abortion far worse than refusing to sustain a stranger. This objection is circumvented by Kamm, whose own analogy deals with whether the woman has an obligation to a being possessing her own genetic material but conceived outside her womb and without her consent. We are not suggesting this argument has no answer; it is, rather, one whose answer is surely not so obvious.

The downside of the structure of Schwarz’s book, however, is easily counterbalanced by the upside of having the arguments speak for themselves, forcing readers to think for themselves. There are as well the other advantages, such as the side-by-side comparison of positions that are interestingly juxtaposed by the author, where the differing emphasis and interpretations are given by the differing points of view. For example, besides the obvious emphasis on the child with the pro-life position versus the mother with the pro-choice, there is also the difference between the “pro-life continuum view” versus the “pro-choice achievement view” (186), as well as the “pro-life being view” versus the pro-choice achievement view (189). There is also the upside of viewing the abortion question from a certain panoramic perspective, not only when the pro-life and pro-choice arguments are contrasted, but also where inside these perspectives, the various subdivisions of the pro-life and pro-choice positions are themselves categorized. For example, it is helpful to understand the pro-choice position by noting the two general poles in which its arguments can be placed, namely, the “quality of life” and the “not-a-person” poles.

Plato’s Socrates is one parallel with the approach of this book. Another is C. S. Lewis’s *The Screwtape Letters*, where the reader is constantly invited to make the corresponding “corrections” and adjustments to the viewpoint presented by Screwtape. Similarly, in this book the reader is not left alone in a comfortable cocoon of an abstracted observer. On the contrary, to enter into it is to be thrown into the middle of the mess of this controversy. But—similar to Lewis’s approach—

readers are given the tools by which they can think through the problem of abortion and come to their own conclusions, taking truth seriously.

✍️

Jonathan Haidt. *The Righteous Mind: Why Good People Are Divided by Politics and Religion*

Reviewed by Val J. Peter

Years ago, as a young student in Rome, I was taken by Pascal’s counterpoint to Aristotle’s “Reason as King”: the heart has reasons that reason doesn’t know. I also sat in class intrigued with Bernard J. F. Lonergan’s insistence that there are “feelings” (moral intuitions) responsive to ontic values.

This wisdom was brought to mind when reading a fascinating new book (*The Righteous Mind*) by Jonathan Haidt, professor of psychology at the University of Virginia and self-described atheist pluralist. As a young researcher, especially in Brazil and India, he studied the moral systems of more primitive cultures than ours, and what he found shocked him. In almost all cultures he studied, some feelings are moral intuitions of the heart and a major source of one’s moral compass, which is then fleshed out by reason.

His research points to the fact that almost all cultures depend on six intuitive ideas/feelings for a grounding of moral norms: care (when harm and suffering abound), fairness (getting your just due), liberty (variously defined), and three other feeling items that hold us all together—loyalty, authority, and sanctity. These six cultural, moral norms are found, his research shows, in almost all societies except for a small group of statistical outliers. What are these? These are Western, educated, industrialized, rich, and democratic societies. He intentionally calls them weird.

These societies, he says (remember he is a liberal himself), are populated with Western liberals (both political and religious) who have learned to discount the last three feelings: loyalty, authority, and sanctity. These three, however, are strongly embraced by less liberal segments of these societies.

The liberals believe so thoroughly in individualism, he says, that it blinds them too often to loyalty, authority, and sanctity. They overemphasize care to the detriment of these community-building feelings. Professor Haidt says: “[W]e have

found that social conservatives have the widest set of moral concerns, valuing all six foundations equally,” while “liberals in their zeal to help victims push for change that weakens groups, traditions, institutions and moral capital.” He is convinced that our emotions are primary in sequence and reasoning is secondary in most cultures in this regard. His evolutionary view is: we are 90 percent apes and 10 percent bees.

What kind of research has Professor Haidt been doing to back up this claim? He and his colleagues have developed a website called yourmorals.org, where readers are asked to respond to certain moral dilemmas. When your dog dies, is it OK to eat him? Is it OK to have sex with a dead chicken? Your sister? What about using an old American flag to clean the floor? By 2011, more than 100,000 people had responded. Their responses were surprising

to the researchers.

For example, students interviewed at the University of Pennsylvania in Philadelphia regarded their emotional responses as unworthy and awful and used reason instead—the weird culture. It is OK to eat your dog if no one is harmed, and you can use a flag as a cleaning rag because no one is harmed. Working class people who were interviewed at McDonald’s in west Philadelphia, by contrast, actually relied on their emotional responses. “These things are just plain wrong. Don’t you know that?”

Haidt asserts that the university students have been socialized to disregard emotional responses of loyalty, authority, and sanctity (community values). Instead of six values, they see only three values. Haidt comments: liberals have only one eye, not two. He says: people in weird cultures, such as students he interviewed at

Penn, are outliers, different from the vast majority of humanity. The culture they live in has influenced them to disregard emotional responses to community issues. It makes them blind in this regard, and not just blind, but angry as well. Haidt calls this the moral myopia of the liberals. Needless to say, his fellow liberals are very unhappy with him, especially when he writes: liberals “in their zeal to help victims, push for change that weakens groups, traditions, institutions and moral capital.”

Just maybe these are six God-given values hidden in our feelings, our hearts. R. R. Reno in *First Things* comments: “Liberalism is blind in one eye—yet it insists on the superiority of its vision and its supreme right to rule. It cannot see half the things a governing philosophy must see, and claims that those who see both halves are thereby unqualified to govern.”

## BOOKS RECEIVED

If you would like to receive one of these books to review for the Quarterly, please email Alice Osberger—[osberger.1@nd.edu](mailto:osberger.1@nd.edu)

*Battle-Scarred: Justice Can Be Elusive*, John F. Kippley. LaVergne, TN (2011), 250pp. paper

*Abandonment to Divine Providence: With Letters of Father de Caussade on the Practice of Self-Abandonment*. Father Jean-Pierre de Caussade, S.J. San Francisco: Ignatius Press, (2011), 453 pp., paper.

*Reading the Cosmos: Nature, Science, and Wisdom*, edited by Giuseppe Butera. (2011). Washington, D. Distributed by the Catholic University of America Press for the American Maritain Association, paperback, 259 pp.

*Preach the Word: Homilies on the Sundays and Feasts of the Extraordinary Form of the Roman Rite*. Kenneth Baker, S. J. Staten Island, NY: Alba House, St. Paul’s, (2010), paperback, 210 pp.

*An Introduction to Foundational Logic*. D. Q. McNerny, Elmhurst Township, PA: The Priestly Fraternity of St. Peter, (2012), hardcover, 420 pp.

*The Legacy of Avery Cardinal Dulles, S. J.: His Words and his Witness*. Anne-Marie Kirmse, O. P. and Michael M. Canaris, Editors. New York: Fordham University Press, (2011), hardcover, 133 pp.

*From Big Bang to Big Mystery: Human Origins in the Light of Creation and Evolution*. Brendan Purcell. Hyde Park, NY: New City Press (2012), paperback, 365pp.

*Muslims Ask, Christians Answer*. Christian W. Troll, S.J. Translated from the German by David Marshall. Hyde Park, NY: New City Press (2012), paperback, 146 pp.

*The Wound and the Blessing: Economics, Relationships and Happiness*. Luigino Bruni. Hyde Park, NY: New City Press (2012), paperback, 123 pp.

*The City of God Books 1-10*. Saint Augustine. Hyde Park, NY: New City Press (2012), paperback, 348 pp.

*Gateway to Heaven: Marian Doctrine and Devotion, Image and Typology in the Patristic and medieval Periods, Volume 1-Doctrine and Devotion*. Brian K. Reynolds. Hyde Park, NY: New City Press (2012), paperback, 415 pp.

*Xavier’s Legacies: Catholicism in Modern Japanese Culture*. Kevin M. Doak, editor. Canada: UBC Press (2012), paperback, 217 pp.

## NOTICE

### SPEAKERS FUND

The Board of Directors of the Fellowship of Catholic Scholars has established a special fund to support the travel and lodging expenses of the speakers at our annual conventions. I am happy to report that we now have about \$20,000 in this fund, but the expenses each year are considerable, and so we need to continue to build it up. We have received a number of generous contributions from board members themselves as well as from other donors. We are deeply grateful for these donations. If you would like to make a donation or suggest someone whom we could approach, please contact me at: [koterski@fordham.edu](mailto:koterski@fordham.edu).

Rev. Joseph. W. Koterski, S.J.  
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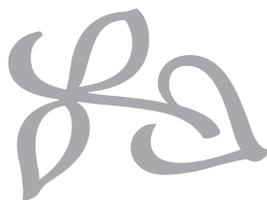
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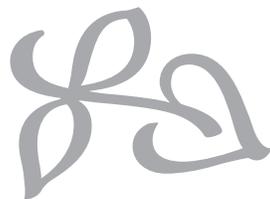
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## AN INVITATION TO MEMBERS OF THE FELLOWSHIP

Beginning in 2013, we will observe the fiftieth anniversary of the promulgation of the sixteen documents produced by the Second Vatican Council. One of the contributions that our organization can make would be to offer scholarly studies of various kinds on these documents. I would invite you to consider preparing a submission for the *Quarterly*. One might, for instance, want to write about the significance of one or another of these documents, especially in light of the reception they have received in the past half century. Or perhaps one might want to treat some important problem or issue, such as the proper understanding of the text or some issue of proper translation or implementation. Please consider undertaking the study of these important matters and sharing the fruits of your scholarship with the members of our association. Listed below are the sixteen documents from the Council and their dates of appearance.

Fr. Joseph Koterski SJ  
President, Fellowship of Catholic Scholars

1. *Sacrosanctum concilium*, Constitution on the Sacred Liturgy, 1963.
2. *Inter Mirifica*, Decree On the Means of Social Communication, 1963.
3. *Lumen Gentium*, Dogmatic Constitution On the Church, 1964.
4. *Orientalium Ecclesiarum*, Decree On the Catholic Churches of the Eastern Rite, 1964.
5. *Unitatis Redintegratio*, Decree on Ecumenism, 1964.
6. *Christus Dominus*, Decree Concerning the Pastoral Office of Bishops In the Church, 1965.
7. *Perfectae Caritatis*, Decree On Renewal of Religious Life, 1965.
8. *Optatam Totius*, Decree On Priestly Training, 1965.
9. *Gravissimum Educationis*, Declaration On Christian Education, 1965.
10. *Nostra Aetate*, Declaration On the Relation Of the Church to Non-Christian Religions, 1965.
11. *Dei Verbum*, Dogmatic Constitution On Divine Revelation, 1965.
12. *Apostolicam Actuositatem*, Decree On the Apostolate of the Laity, 1965.
13. *Dignitatis Humanae*, Declaration On Religious Freedom, 1965.
14. *Ad Gentes*, Decree On the Mission Activity of the Church, 1965.
15. *Presbyterorum Ordinis*, Decree On the Ministry and Life of Priests, 1965.
16. *Gaudium et Spes*, Pastoral Constitution On the Church In the Modern World, 1965.



# The Transformation of Theology in Margaret Farley's *Just Love*

by J. Brian Benestad  
Professor of Theology  
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On March 30, 2012 the Congregation of the Doctrine of the Faith (CDF) issued a critical notification on Sister Margaret Farley's *Just Love: A Framework for Christian Sexual Ethics* (Continuum, 2006). It attracted the attention not only of Christian moral theologians, but also of the secular media and of others interested in the question of Christian sexual ethics. The CDF noted that Farley endorses positions at odds with Catholic teaching, namely, the moral acceptability of masturbation, homosexual acts, homosexual unions, the dissolubility of marriage, divorce, and remarriage. She also implicitly rejects the authority of the Church's Magisterium in matters of sexual morals and makes no mention of any role that natural law should play in the realm of sexual ethics. The way Farley arrives at her unorthodox opinions especially attracted my attention because of the radical implications it has for the discipline of theology.

Farley thinks that people should not look to Scripture or Tradition for guidance on same-sex relationships because she finds nothing definitive on the issue in these two sources. "Standing before the biblical witness as a whole," Farley concludes, "there exists no solid ground for an absolute prohibition or a comprehensive unquestionable blessing for same-sex relationships and actions today, not in the Hebrew Bible or the Christian Scriptures" (276-77). She uses the same kind of language to describe the supposed inconclusiveness of the guidance offered by Christian Tradition on this issue. Yet Farley doesn't mention what the Magisterium does in fact say about same-sex relations. As for the indissolubility of marriage, Farley says, "[B]iblical scholars have shown effectively the exegetical difficulties of using New Testament texts to settle the question of an absolute requirement of indissolubility in marriage" (308). In addition, neither the Roman Catholic tradition nor Church authority, she argues, has ever found a convincing way to defend indissolubility (308-9).

Although Farley does encourage people to look

to Scripture for wisdom regarding sexual morality, she urges them not to submit their will to the "biblical witness," but rather to open their mind and heart to see if it "rings true" to our deepest capacity for truth and goodness." She also says that the biblical rules for maintaining justice in sexual relationships "appear culture-bound" (185). These two judgments imply that Scripture is not an authoritative guide after all. Farley's perspective on the tradition of the Church is that "cultural shifts and new perspectives on the past" can invalidate longstanding teachings. With other feminists, she looks for the "usable past" in the living tradition of the Church (187). Her conclusion: "That there is room for development of Christian beliefs and moral codes regarding sexuality is generally acknowledged by theologians and ethicists today" (187). Otherwise stated, Farley's experience tells her that the consensus of an unspecified number of contemporary theologians regarding the necessity of making changes in Church teaching on sexual morality is an authoritative theological source. She interprets the "theological consensus" as a growing force to which the Church should show deference.

Not finding authoritative and reliable guidance in Scripture, Tradition, or the Magisterium, Farley turns to the secular disciplines and to contemporary experience. She recommends cross-cultural studies because they "foster tolerance of diversity in sexual behaviors" (62). She expects these studies to become an irresistible force in society if enough ethicists get on board. Farley explains, "Insofar as knowledge of cross cultural differences threatens all strong claims to universality for sexual norms, perhaps all that ethicists can do is to describe attitudes and practices as they appear in diverse cultures, acknowledge their validity within the content of each culture (or even subculture), critique them internally but judge them as a whole to be of equal ethical merit" (62).

What are we to make of such a methodology? Urging ethicists to accept all sexual attitudes and practices as equal is to abandon philosophical inquiry regarding the best way to evaluate sexual mores. Bowing down before whatever becomes powerful in the culture

is a form of historicism. By historicism I understand what Pope John Paul II said in *Fides et ratio*, n. 87: “The fundamental claim of historicism . . . is that the truth of a philosophy is determined on the basis of its appropriateness to a certain period and certain historical purpose. At least implicitly, therefore, the enduring validity of a truth is denied. What was true in one period, historicists claim, may not be true in another.”

Farley is not always consistent in her recommendation to respect cross-cultural differences. Happily, she judges polygamy or polygyny as harmful to women in all times and places. Curiously, she deplors talk of one-flesh unity and complementarity in marriage, despite the obvious ways in which such complementarity clearly promotes equality between the spouses even while respecting male-female differences. Cultures embracing these things would be judged deficient by Farley, even though she recommended treating all attitudes and practices to be of “equal ethical merit.”

Farley, to be sure, is not without having a reason of her own for limiting her tolerance of accepted ways of looking at sexual ethics. Her most important theological resource is contemporary experience. While stressing that interpreting some experience “can yield falsehood and illusion,” she still maintains that a person’s experience “may challenge other sources [including, apparently, the Bible, Tradition and the Magisterium] and the interpretation of other sources” because “moral truth must make ‘sense.’ When a deeply held conviction such as the equality of women and men, grounded in our experience, appears to be contradicted by information from other sources, it must be tested against them. But if it continues to persuade us, continues to hold ‘true’ so that to deny it would do violence to our moral sensibilities, our affective capacity to respond to the good, and our very capacity for knowing, then it must function also as a measure against which the other sources are tested” (196).

This principle of reasoning would, of course, apply in the matter of masturbation, same-sex relations, divorce, and remarriage. If these practices ring true and hold true for one seeking the truth, then it doesn’t matter to her what Scripture, Tradition, and the Magisterium say.

Relying on secular disciplines, contemporary experience and social movements, and some rather arbitrarily selected Christian teachings, Farley proposes the concept of “just love” as a framework within which to do Christian sexual ethics. She says that just love “aims to affirm truthfully the concrete reality of the beloved”

(200). While this first explanation is vague, Farley attempts in chapter 6 to explain in some detail what she means by just love. Affirming the concrete reality of persons means to accept that they are inspirited or embodied, relational, and autonomous. Because of the autonomy and relationality of persons they must be treated as ends in themselves and never as mere means. Because they have the capacity to love, persons are worthy of respect. The qualities of autonomy and relationality “provide the *content* for most of the basic norms for right loving and the basic moral norms for sexual ethics” (214). The norms that she derives from the two qualities are as follows: do no unjust harm, free consent, mutuality, equality, commitment, fruitfulness, and social justice. These norms are not all self-explanatory, and Farley’s explanations are not crystal clear. I will focus on a few of her explanations that help to understand her basic orientation.

Farley argues that masturbation is not harmful on the basis of contemporary sources, such as the Kinsey studies on sexuality. So, she reasons, women would do no harm to their marriage partners if they masturbate. “It is surely the case that many women . . . have found great good in self-pleasuring – perhaps especially in the discovery of their own possibilities for pleasure – something many had not experienced with husbands and lovers. In this way it could be said that masturbation actually serves relationships rather than hindering them” (236). Acceptance of mutuality overcomes “traditional interpretations of heterosexual sex [that] are steeped in images of the male as active and the female passive” (221). Rather, she says, “whether heterosexual or gay, . . . each partner [is] active, each one receptive” (221).

By fruitfulness, she doesn’t primarily mean the procreation of children, but openness to others. “The new life within the relationship of those who share it may move beyond itself in countless ways: nourishing other relationships; providing goods, services and beauty for others; informing the fruitful work lives of the partners in relation; helping to raise other people’s children; and so on” (228). Social justice requires that civil society and the Christian community give a positive evaluation of homosexual activities and relationships, even if women choose to become lesbians for political reasons (295). Opposition to gay sex and gay marriage, Farley argues, does not come from reasoned judgment, but “its power as a social force is the power of an unreasoned taboo, lodged in and reinforcing the kind of unreflective repulsion that must be addressed if we are to move forward socially and politically on these issues” (292).

Even though commitment is a norm, it doesn't mean that divorce and remarriage are morally wrong. Farley argues that accepting the indissolubility of marriage with no possibility of divorce is too much to ask of people today. Our ability to sustain marriage commitments "seems so compromised" (304). So, she proposes three grounds for the moral acceptability of divorces. "A commitment no longer binds when (1) it becomes *impossible* to keep; (2) it no longer fulfills any of the *purposes* it was meant to serve; (3) another obligation comes into conflict with the first obligation, and the second is judged to *override* the first" (305). For example, a marriage commitment may become impossible to keep if "a new love arises, and it becomes too late to 'turn back' (regardless of what one should have done about refusing this path in the first instance)" (306). Farley's position implicitly says that Christian teaching expects too much of spouses when it asks them to love each other as Christ loved the Church. She would be right if God did not give us the grace to imitate Jesus Christ.

Farley's lowering of the standards for Christian marriage seems related to her criticism of Pope John Paul II's theology of the body. She objects to talk of one-flesh union, two in one flesh, "the ultimate gift" of spouses to one another, the "nuptial" or spousal meaning of the body, and the complementarity of man and woman in marriage. Farley explains that "any concept of fusion between persons risks ignoring the realities of individual persons, and rests too often on symbols of purity/defilement . . . that can no longer be sustained. Moreover, appeals to ontological union fail to acknowledge the limits of human freedom" (309). She doesn't believe that it is possible for one person to give himself or herself totally to another, "except perhaps in forms of slavery. . . . Moreover, if this language is to be taken literally, it suggests a form of self-sacrifice that never has been good, especially for women" (266). Farley is really saying, wittingly or unwittingly, that it is dangerous and impossible for spouses to love each other as Christ loved the Church. If the total gift of oneself to one's

spouse is undesirable and impossible, it follows that lifelong marriage is asking too much of human being. Farley is especially negative on gender complementarity because she thinks that it promotes a division of roles between men and women and because she believes it "undergirds the final barrier against acceptance of same-sex relations" (279). She may be right about the latter.

Finally, Farley gives moral approval to every configuration of the family that "works" and every configuration of gender: male, female, transgendered ("gender identity is at odds with their biological sex), and intersexed (ambiguous gender at birth) persons. She is all for blurring the lines between genders so that women will be less likely to be oppressed by men. Farley briefly takes up the subject of pornography that, according to Church teaching, demeans the human person and makes healthy sexual relations more difficult. While mentioning the serious harm that people discern in pornography, she nevertheless concludes, "Not all use of pornography is harmful to individuals, no doubt" (239). While believing that "hooking up" is probably not good for teenagers, she hesitates to make a definite pronouncement on the practice until "longer term empirical studies of the consequences are done" and before making a "careful consideration of the total situation in which Western teenagers find themselves today" (234).

Farley's book is not just a proposal for a new sexual ethic, but a striking departure from Catholic theology, which necessarily takes its bearings by Scripture, Tradition, the Magisterium, and natural law. Farley relies primarily on secular disciplines, the consensus of certain contemporary theologians, and contemporary experience rather than the traditional sources of Catholic theology. She and not a few other theologians are calling for a revolution in the way theology is done. A close reading of Farley's book reveals a theological framework that transforms theology into antiphilosophical historicism, leading inevitably to the moral positions that she espouses. In brief, Farley's book is not Catholic theology in any recognizable sense of the word. ✕

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