

# FELLOWSHIP OF CATHOLIC SCHOLARS

# NEWSLETTER

VOLUME 6, NUMBER 3

JUNE 1983

## Letter from Fr. William B. Smith

Recent issues of this Newsletter have incorporated many contributions from received Catholic teaching on war and peace. I would like here to recall two papal contributions for their depth and timeliness.

Writing an op-ed the *N.Y. Times*, Archbishop Manuel Obando y Bravo of Nicaragua recalled and reaffirmed a magnificent legacy of Pope John XXIII:

“Peace will be a meaningless word so long as it is not based on order, emanating from truth, established according to the norms of justice, sustained and filled by charity, and finally, carried out under the auspices of Liberty.”

In truth, this is a final legacy of Pope John XXIII – his last will and testament, as it were – for his definition of peace is the climactic summary of his final encyclical *Pacem In Terris*, n. 167 (AAS 55 (1963) p. 303).

In this integral definition of peace, Pope John XXIII brought to a personal conclusion what he began in his first encyclical, *On Truth, Unity and Peace* (1959) in which he argued that of all the evils which corrupt individuals, society, even whole nations, the root cause is:

“ignorance of truth or more correctly, not only ignorance of it, but even at times a contempt for and a rash betrayal of it. From this source, all kinds of errors spring, errors which like an evil disease penetrate into the deepest recesses of the soul and enter the blood stream of human society. They knock all values out of kilter and result in incalculable losses to the individual and the whole social structure.” (*Ad Petri Cathedram*, n. 4)

From beginning to end, Pope John was convinced that truth advances the cause of peace and that it is individuals motivated by truth, living justice, sustained by charity and acting under the auspices of liberty who can change society for the better.

C.S. Lewis advanced the same point in *Mere Christianity* – that simply drawing up good rules on paper for good social behavior will be mere moonshine unless we realize that nothing but the courage and unselfishness of individuals is what makes any system work properly. In essence, “without good men you cannot have a good society.”

I mention and underline this received understanding of peace and the importance of personal virtue simply to place it next to some present emphases that so stress social structures and particular political proposals that some readers might forget that a basic ethical crisis actually precedes all of our contemporary crises.

Our present Holy Father, Pope John Paul II, has stated it soberly and more than once; it is worth remembering and repeating:

“May I close with one last consideration. The production and the possession of armaments are a consequence of an ethical crisis that is disrupting society in all its political, social and economic dimensions. Peace, as I have already said several times, is the result of respect for ethical principles. True disarmament, that which will actually guarantee peace among peoples, will come about only with the resolution of this ethical crisis. To the extent that the efforts at arms reduction and then of total disarmament are not matched by parallel ethical renewal, they are doomed in advance to failure.”

P. John Paul II, To Special Session of  
United Nations (June 11, 1982) n. 12;  
also To Trilateral Commission (April 18, 1983).

## Items of Interest

● The National Right to Life Committee Inc. has made available a transcript of a press conference conducted earlier this year by "Catholics For a Free Choice" at the Russell Senate Office Building. The highlights of the conference were these judgments and statements.

### Highlights by Page —

- 3 denial of abortion funding "a clear issue of social justice"
- 5 "... those of us working on the abortion issue, are now in a position to push the Church to expand that debate so that the issue of abortion will be treated with the same kind of process, dissent, and dialogue that the issue of nuclear war has been."
- 5 "as . . . the Church returns to its mission of social justice, the Church will find it increasingly impossible to ally itself with absolutists in fundamental religions."
- 7 "We want to help people realize that dissent from their leaders in Catholicism is just as respectable on this issue as it is on other issues on which the popes and bishops have spoken, such as contraception . . ."
- 7 "... we know that the teachings which have issued from the official leaders on this subject have been issued from celibate males, who have no experience of women's lives, or experience of family life and children."
- 8 "... we want to help the Church be a true moral helper . . ."
- 10 CFFC has special role in educating 37% of House of Representatives which is Catholic regarding "their responsibility under a morally compassionate system of Catholic social justice that would require them, we feel, to make available to poor women those services that are currently available to those of us who are lucky enough to have enough money to buy an abortion."
- 10 describes program of "in-depth legislative briefing" for Catholic congressmen
- 11 describes "extensive campus recruitment program"
- 12 "There is no difference between Catholics and Protestants and Jewish women in their practices related to reproduction."
- 13 "... only God can excommunicate us."

17 current Catholic teaching on abortion "a relatively new opinion"

20 "... the history of (Catholic) teaching is really more on our side than on the side of the bishops."

(The full transcript is available at 419 7th Street, N.W., Suite 402, Washington, D.C. 20004)

● Cathal Daly, Catholic bishop in Belfast, commenting on Irish paramilitaries' justification of a "principled commitment to violence":

"There is no 'principled' way of murdering. There is no 'principled' form of sinning. This has nothing to do with politics. This is a question of morality. This is all about what is right and what is wrong by God's truth and God's law . . . You cannot create love by hate and murder. You cannot build justice by corrupt practices. You cannot make a united Ireland or a new Ireland by bullets and bombs, by getting children to fire petrol bombs or to throw stones or by shouting ugly words." (*NY Daily News*)

● Professor and Mrs. Thomas Loome of St. Catherine's College in St. Paul Minnesota operate a second-hand book business whose special purpose is to rescue and keep in circulation out of print Catholic authors and titles. Amphisbaena Rare Books publishes a catalogue 3-4 times each year which is available from 320 North Fourth Street, Stillwater, Minn., 55082.

● Mortimer Adler makes the following comment on Hans Kung's book *Does God Exist?*:

Here and there, Kung adopts the orthodox view of faith as a supernatural gift. If this view had completely controlled his thought, he would have written a totally different book or better still, no book at all on this subject.

Since he lacks the philosophical, and especially the metaphysical, acumen needed to cope with the fundamental errors of modern thought and since he has no contribution at all to make to philosophical thinking about God, Kung's reputation as a theologian, based on the positions he has taken in controversies about certain dogmas of the Roman Catholic Church, might have been preserved by his not having attempted to deal with the question of God's existence. From *Great Ideas Today*, (Chicago, Britannica Great Books, 1981, p. 200)

● Shortly before the arrival in Spain of Pope John Paul II, the nation's bishops issued a report

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that noted a serious decline in the practice of Catholicism there and in adherence to church teachings. According to the report, only one in three Spanish Catholics attends Mass regularly and the number of vocations to the priesthood has fallen sharply. The report held that priests who disobey their superiors and spread theologically unsound views and lead undisciplined private lives were responsible to a large extent for the current state of Spanish Catholicism. (See *Origins* November 18, 1982, p. 364)

### Fellowship News Items

#### 1. Nominations for Office in the Fellowship

All members – Associate and Regular – are invited to nominate three members for high office in the Fellowship. Elections for President, Vice-President, and Board membership will take place during the next few months. Our Board of Directors, guided by the results of these nominations, will draw up the slate which will then be submitted to a mail ballot of Regular members.

#### 2. Nominations for the Cardinal Wright Award

The Fellowship presents the Cardinal Wright Award each September to a Catholic Scholar who in the judgment of our Board has made a significant contribution to the Church's authentic teaching by his work as a University professor. In past years the Award has gone to Msgr. Kelly, Dr. William May, James Hitchcock and Fr. John Connery, S.J. The Awardee need *not* be a member of the Fellowship.

Members may send three recommendations in the order of their preference to Dr. Joseph P. Scottino, Gannon University, Erie, Pennsylvania 16541.

3. The Executive Board will meet in Chicago, September 17th (Saturday) with the Wright Award scheduled for the following day. Further details will come from Dr. Scottino.

4. The 1982 Proceedings, which have already been mailed to members, costs \$6.00 to publish and mail. Please send a check to Dr. Scottino. Please indicate on the check that it is for Proceedings.

## 19th Century Accademia

Florence D. Cohalan's *Popular History of the Archdiocese of New York*, (Yonkers, New York 10704, The U.S. Catholic Historical Society, 1983, 353 pp. \$20.00) has some spicy paragraphs.

"The golden opinions Archbishop Corrigan won from his superiors and closest associates were not shared by all the clergy. An emphatic dissent was registered by a small group, mainly his contemporaries in Rome, who were the survivors of those who had opposed Archbishop McCloskey's appointment to New York. They were important for the effect they had on the Corrigan administration, to which they were opposed from the beginning to the end, and because they were the first spokesmen here for ideas that were to surface again and spread widely after Vatican Council II. Known as the "Accademia" and about half a dozen strong, they formed a close-knit body regarded by itself and others as an elite corps. They had their origin in an attempt to form an officially approved voluntary society for clerics interested in discussing theology . . . . Several of them held Roman doctorates of which they were very conscious since non-medical doctorates of any kind were rare in this country. They were also conscious and proud that their views on a wide range of topics, both sacred and profane, differed greatly from those of most Catholics, and even in some instances from the formal teaching of the Church. In spite of their views, most of which they neither preached nor published, all of them persevered in the priesthood and most of them were in many ways successful pastors. None of them ever attained high rank.

"In the religious field, they questioned the inspiration and inerrancy of scripture. They limited the former to "a slight extent" and to being the same kind as Dante's. They doubted papal infallibility until 1870, and therefore they doubted the Immaculate Conception because it was defined by the Pope without the formal consent of a General Council. They were highly critical of religious communities and especially of the vows that religious take, so they rejoiced in the misfortunes that overtook those communities in United Italy. They disliked the Latin liturgy, vestments, and the way in which the sacrament of Penance was administered. They favored general absolution without any obligation for individual confession, and thought it absurd for a priest to be listening for five hours to the tomfooleries of servant girls."

## The Church of Christ and the Catholic Church

by Fr. James O'Connor

On June 24, 1973 the Sacred Congregation for the Doctrine of the Faith tried to undercut the allegation made by certain theologians that Vatican II abandoned the claim that the Catholic Church is the Church which Christ founded. *Mysterium Ecclesiae* was considered to be a restrictive reading of Conciliar texts which, supposedly, differentiated between the Church of Christ and the Catholic Church. Fr. O'Connor, a Dunwoodie dogmatic theologian, took up this allegation at the Fellowship's March convention. The following is an excerpt from that address.

It is this claimed lack of harmony between the Conciliar documents and the Declaration *Mysterium Ecclesiae* which I wish to address directly in this paper. With the publication of the final volumes, including the Index, of the *Acta Synodalia* of Vatican II, the tools for such a study are now at hand. My purpose, therefore, is not to give an overall ecclesiology, nor to show the coherence between the doctrine of the last Council with previous teaching. Nor is my purpose to engage in theological polemic. Rather, I should hope to determine the clear meaning of the sections of *Lumen Gentium* and *Unitatis Redintegratio* pertinent to the question at hand, using the *Acta* to establish, when possible, the precise intention of the wording found in the final Constitution and Decree.

Perhaps a preliminary word on the *Acta Synodalia* is pertinent. They comprise twenty-five volumes, containing all the Council's documents in all their various stages of development, as well as the written and oral expressions of all the participants of the Council in respect to all of the Council's work. Each of the final documents of the Council went through various drafts. These drafts or *schemata* were written by special commissions appointed for the purpose. When a commission had completed its work, the draft or schema was then presented to the Council fathers by one of the bishops responsible for its preparation. This presentation is technically called the *Relatio* and its purpose was to introduce the document, and to explain to the bishops its purpose and meaning as a whole, as well as the purpose and meaning of its parts. Therefore, the various presentations or *relationes* are the key to the correct interpretation of a given document.

Nevertheless, the *relatio* alone is not sufficient. The document once presented had to be accepted by the bishops as the working document for discussion. This done, each section of the document in question was then discussed by the bishops with a view to final approval. Frequently, suggestions would be made to emend wording or even various parts of the working document. These suggestions, called *modi*, were then taken by the commission responsible for drafting the document, and either incorporated or rejected. The document was then resubmitted to the bishops as a whole, together with an official explanation concerning the incorporation or rejection of the various *modi*. It is these explanations, together with the original or subsequent *relationes*, which must be used in determining the final intention of the text. Fortunately, the final documents are normally clear enough as to their meaning and intent. Recourse to the various *relationes* and responses to the *modi* or suggested emendations is not necessary for an adequate understanding of the text. In our case, however, since the wording of the final documents is subject to various interpretations, one must recur to the *relationes* and the official explanations concerning the emendations or corrections.

We may now look first at the Dogmatic Constitution On The Church, *Lumen Gentium*, and particularly at no. 8 (Chapter One) of that document, in which the disputed phrase "subsists in" is found.

The original draft or schema for the Constitution On The Church was submitted to the Council in 1962. This draft stated that the Roman Catholic Church and the Mystical Body of Christ were identical and that only the Roman Catholic Church could be called, *sola iure*, Church. As to whom belonged to this Church, the Relator Cardinal Franic admitted that membership, in an improper or analogous sense was a freely disputed question.

This draft was not acceptable to the bishops as a working document. It was considered too restrictive, too scholastic and lacking an ecumenical spirit. Nevertheless, even Bishop Christopher Butler, who spoke against the draft, could ask rhetorically: "Who of those (who wish this draft rejected) would deny that the Church in Communion with the vicar of Christ, the successor of Peter, is that Church which Christ founded?" (*Acta*, vol. I, pt. 4, p. 389.)

## The Church of Christ and the Catholic Church *(continued)*

A second schema or draft was submitted to the bishops in 1963. This draft was accepted for discussion as the working document, and, after emendations, became the *Dogmatic Constitution Lumen Gentium*. Number seven (Chapter One) of this working document read:

This holy Synod teaches and solemnly professes that there is only one Church of Jesus Christ — which the Savior after His Resurrection handed over to Peter and the Apostles and to their successors. — Therefore this Church — is the Catholic Church, governed by the Roman Pontiff and the bishops in communion with him. (*Acta*, vol. 2, pt. 1, pp. 219-220).

Notice that the Church of Christ and the Catholic Church are identified: "Therefore this Church — *is* the Catholic Church." Along with much else in the working draft, this sentence was to be changed in the emended draft. That draft was presented to the bishops at the 80th General Assembly of the Council on September 15, 1964. This emended draft was accompanied by a written *relatio* for each section or number of the document. What had been section or number seven in the working document had here become section or number eight, where it still remains in the final *Constitution Lumen Gentium*. It read (and reads, since it was not further emended):

This is the only (*unica*) Church of Christ which we profess in the Creed to be one, holy, catholic and apostolic, and which Our Savior after His Resurrection handed over to Peter to be shepherded — . This Church, established and ordained as a society in this world, subsists in the Catholic Church, governed by the successor of Peter and the Bishops in communion with him, although outside her bodily structure there are found many elements of sanctification and truth which, as gifts proper to the Church of Christ, impel toward Catholic unity.

Notice that, along with minor changes not pertinent to our theme, the "subsists in" has been substituted for "is". What, then, is the significance of this substitution and how is one to understand the entire section eight? The written *relatio* or explanation on the section reads as follows, as found in the *Acta*.

From the great number of observations and objections which were brought forth by the bishops in

respect to this paragraph (as it appeared in the working draft), it is evident that the intention and context of this section were not clear to all.

Now, the *intention* is to show that the Church, whose deep and hidden nature is described and which is perpetually united with Christ and His work, is concretely found here on earth in the Catholic Church. This visible Church reveals a mystery — not without shadows until it is brought to full light, just as the Lord Himself through His 'emptying out' came to glory. Thus there is to be avoided the impression that the description which the Council sets forth of the Church is merely idealistic and unreal.

Therefore, a clearer subdivision is set forth, in which the following points are successively treated:

a) The mystery of the Church is present in and manifested in a concrete society. The visible assembly and the spiritual element are *not two realities*, but one complex reality, embracing the divine and human, the means of salvation and the fruit of salvation. This is illustrated by an analogy with the Word Incarnate.

b) The Church is one only (*unica*), and here on earth is present in the Catholic Church, although outside of her there are found ecclesial elements. (*Acta* Vol. 3, pt. 1, p. 176)

I do not think the statement could be clearer. Number eight of *Lumen Gentium*, according to the official explanation, intends to teach that there is only one Church of Christ and that this Church is found concretely in the Catholic Church. Every Platonic-type of thinking is excluded. The concrete society and its spiritual element are not two realities, but rather one complex reality, the spiritual being both revealed and hidden by the concrete society, just as the humanity of Christ both revealed and hid the divinity of the Word.

The oral *Relatio* on the whole of chapter one of *Lumen Gentium* makes the same points succinctly:

The mystery of the Church is not an idealistic or unreal creation, but rather exists in the concrete Catholic society itself, under the leadership of the successor of Peter and the bishops in communion with him. There are not two churches, but only one — (*Acta*, vol. 3, pt. 1, p. 180).

## "Americanism"

by James Hitchcock

[This is an excerpt from his address to the Fellowship Convention in March]

The so-called Americanist heresy of the 1890's has generally been explained as a tempest in a teapot, based on a series of misunderstandings. As such it has also been taken as a classic example of the inability of the Roman mind to understand the American situation.

In fact, however, there was more substance to the entire episode than is usually recognized, although the term "heresy" is a misnomer. (In fact Leo XIII did not accuse the so-called Americanists of heresy.)

The issues in the episode are complex and tangled, and it is also difficult to separate personalities from issues. However, a few major themes can be identified.

On one level, the conflict was not really between Americans and Europeans but between Irish and German prelates, since the leading "Americanists," notably Archbishop John Ireland of St. Paul, had been born in Ireland. Archbishop Ireland in particular tended to identify German influence in American Catholicism as "foreign" and to oppose it bitterly. To extend the irony, some of the leading opponents of Americanism — such as Archbishop Michael A. Corrigan of New York — had been born in the United States.

Archbishop Ireland was the key figure in the movement, and his opposition to "foreign" elements had as its corollary a kind of booster spirit concerning America itself and all it stood for. In politics, for example, Ireland, who was (like most of the "liberal" bishops at the turn of the century) an ardent Republican, supported American expansion and identified the chief American civic virtues as almost synonymous with the Gospel. On one occasion he bitterly regretted the great influx of immigrants into the country in the nineteenth century, preferring instead the small but distinctively American Church which had existed in the days of Archbishop John Carroll.

The papal criticism of Americanism was contained in the 1899 *Testem Benevolentiae* of Leo XIII, which seems to have been triggered by the French translation of an American biography of Isaac Hecker, the founder of the Paulist Fathers. Hecker was a rather complex and enigmatic character, a mixture of mystical and pragmatically American strains. (He had been part of the

Transcendentalist movement and the Brook Farm experiment.) Hecker's view of Protestantism was of classical sixteenth-century Lutheranism and Calvinism, with their teachings about human depravity. Arguing that optimistic Americans would never be won over by such theologies, Hecker emphasized the "positive" aspects of Catholic spirituality and predicted that, if introduced to those qualities, Americans would flock to the Catholic Church.

Archbishop Ireland and the other leading Americanizers agreed with this assessment, sometimes taking it much farther than Hecker himself probably intended. As Leo XIII observed, there was indeed a tendency to deemphasize the contemplative and spiritual dimensions of Catholicism, on the part of some people, and a corresponding tendency to exalt the active life.

A key point in the Americanist program was the exaltation of the American system of separation of Church and state. Yet practically no one, even among their opponents, was urging union of church and state in America. The point of disagreement was over whether the American system was ideal, suitable for all other nations, or whether it was merely a pragmatic arrangement suitable for the United States. On the practical level, despite his exaltation of the doctrine of church-state separation, Archbishop Ireland constantly intrigued in politics and used secular political means to attain some of his ecclesiastical goals.

Although the American idea of freedom was also one of the leading planks in the Americanist platform, the so-called liberals in the hierarchy unabashedly used their power to shape the character of the infant Catholic University of America, driving from the faculty those professors whom they regarded as inimical to their own interests.

Overall, the Americanists seem to have been motivated, at least in part, by a sense of embarrassment about the immigrant character of the Church, and they wanted to win over Protestant critics by reforming the Church to meet the objections made against it. In a sense they allowed non-Catholic culture to shape their agenda, and they tended to ignore, or be openly hostile to, currents coming from within Catholicism itself, such as the Scholastic revival.

## The New Code of Canon Law and Marriage

by William E. May

The purpose of this brief overview of the new Code of Canon Law is to call attention to some of the more significant canons on marriage in the new Code and to compare them to canons in the 1917 Code. I shall do this by first providing the text of the relevant canons from the 1917 Code, then the text of the canons proposed in March 1975 in a document called *Schema Documenti Pontificii quo disciplina canonica de sacramentis recognoscitur* (prepared by the *Coetus* for revising the Code), along with some of the principal objections raised against these proposed norms, and finally the text of the new Code with my own observations. Attention will focus on canons dealing with the sacramentality of marriage, its essential elements and ends, the nature of matrimonial consent, and consummation.

The first two canons in the 1917 Code are most important because they deal with the sacramentality of marriage, its nature, essential ends, and properties:

**Canon 1012.** Christ our Lord elevated the very contract of marriage between baptized persons to the dignity of a sacrament. Therefore it is impossible for a valid contract of marriage between baptized persons to exist without being by that very fact a sacrament.

**Canon 1013.** The primary end of marriage is the procreation and education of children; its secondary end is mutual help and the allaying of concupiscence. The essential properties of marriage are unity and indissolubility, which acquire a peculiar firmness in Christian marriage by reason of its sacramental character.

Closely linked with these two canons was that concerning matrimonial consent, although it was located in a later section of the material in the Code dealing with marriage. According to this canon, No. 1081,

Marriage is effected by the consent of the parties lawfully expressed between persons who are capable according to law; and this consent no human power can supply. Matrimonial consent is an act of the will by which each party gives and accepts a perpetual and exclusive right over the body of the other for acts which are of themselves suitable for the generation of children.

The first norm on marriage in the 1975 *Schema* (norm 242) retained the very same wording as Canon 1012 of the earlier Code. Its second norm (norm 243) read as follows:

Marriage, which comes into existence by mutual consent as described in canons 295 and following, is an intimate partnership of the whole of life between a man and a woman, which by its very nature is ordered to the procreation and education of children. The essential properties of marriage are unity and indissolubility, which acquire a peculiar firmness in Christian marriage by reason of its sacramental character.

In the 1975 *Schema*, the canon on consent, again separated from the first two canons and located in another section of the material dealing with marriage, described marital consent as "that act of the will whereby a man and a woman by means of a mutual covenant constitute with one another a communion of conjugal life which is perpetual and exclusive and which by its very nature is ordered to the procreating and educating of children" (norm 295).

When the 1975 *Schema* was released, it received heavy criticism; in particular norms 242, 243, and 295 were criticized for failing to take sufficiently into account the teaching of Vatican II. A special task force of the *Canon Law Society of America* faulted these norms for calling marriage a contract, for claiming that the valid contract of marriage of baptized persons is of necessity a sacrament, and for overemphasizing the procreative/educative purpose of marriage. It is thus instructive to compare the language of the canons in the Code promulgated in 1983 corresponding the Canons 1012, 1013, and 1081 of the 1917 Code and to norms 242, 243, and 295 in the 1975 *Schema*. The pertinent canons are the following in the new Code:

**Canon 1055.** The matrimonial covenant between baptized persons, by which a man and woman constitute together a communion of the whole of life (*totius vitae consortium*) ordered by its natural character (*indole*) to the good of the spouses and to the procreation and education of children, has been raised by Christ the Lord to the dignity of a sacrament. Therefore it is impossible for a valid contract of marriage between baptized persons to exist without being by that very fact a sacrament.

**Canon 1056.** The essential properties of marriage are unity and indissolubility, which by reason of the sacrament acquires a particular firmness in Christian marriage.

**Canon 1057.** Marriage is effected by the consent of the parties lawfully expressed between persons who

## The New Code of Canon Law and Marriage *(continued)*

are capable according to law (*matrimonium facit partium consensus inter personas iure habiles legitime manifestatus*); and this consent no human power can supply (*qui nulla humana potestate suppleri valet*). Matrimonial consent is an act of the will whereby a man and a woman, through an irrevocable covenant, give themselves to each other and accept each other in order to constitute marriage (*consensus matrimonialis est actus voluntatis, quo vir et mulier foedere irrevocabili sese mutuo tradunt et accipiunt ad constituendum matrimonium*).

There are definitely some significant changes in the way canons 1055, 1056, and 1057 in the new Code are worded and whereby they differ from canons 1012, 1013, and 1081 of the 1917 Code and the 1975 *Schema*. The language surely evokes that of *Gaudium et Spes* in speaking of marriage, and it is very important to note that the canon on matrimonial consent is integrated into the preliminary canons dealing with the nature and meaning of marriage instead of being separated from these crucially important canons and placed later in the Code in the section devoted to conditions affecting consent. In Canon 1055 the term covenant (*foedus*) is used to describe the reality of marriage (the term we find in n. 48 of *Gaudium et Spes*). Yet it is noteworthy that the very same canon, in its second part (dealing with the sacramental nature of the marriage of baptized persons) insists on using the term contract (*contractus*). By choosing to use both *foedus* and *contractus* to designate the human reality of marriage both the Code Commission and Pope John Paul II, who carefully examined the text of the new Code prior to promulgating it, obviously intend to teach us that marriage is both a covenant and a contract. Instead of seeing covenant and contract as incompatible terms to signify marriage (as, I fear, some canonists and theologians seem to think), the Code Commission and the Pope see them as *complementary* terms enabling us to come to a fuller, richer understanding of the beautiful and complex reality of human marriage, a human reality that has been, by the grace of Christ, integrated into the economy of grace and made a sacrament of the new law.

It is most important to note that Canon 1055 insists on identifying a real, valid marriage of baptized persons with the sacrament of marriage. Many contemporary canonists and theologians oppose this identification (cf. for instance, Ladislav Orsy, "Faith, Sacrament, Contract, and Christian

Marriage: Disputed Questions," *Theological Studies* 43. n. 3, 1982, 379-399). The Church's teaching here, however, is longstanding and is rooted, I believe, in the realistic idea that *baptism* does something to a human person, i.e., makes a person, for weal or woe, a member of Christ's body the Church. Both the International Theological Commission, in its *Theses on Christian Marriage*, and Pope John Paul II in *Familiaris Consortio* insist, with the new Code, that the human reality of marriage, when this is brought into being by baptized persons, is indeed a sacrament of the new law. But note that it is only the human reality of marriage as this reality is understood by the Church that is a sacrament. And it is the *nature* of this reality that is described in canons 1055, 1056 and 1057 of the new Code. It must, accordingly, be this sort of human reality that a man and a woman *intend* when they give themselves to one another through the act of matrimonial consent if they are indeed to be spouses and, if baptized persons, sacramentally united as Christian spouses.

According to canon 1055 this human reality requires the man and the woman to be open to sharing their lives together — the *consortium vitae* — and to be open to the gift of human life which they are to nourish and educate. It is, of course, tragically possible that a husband and wife might violate their marriage by refusing to share their lives with one another and by refusing to share their lives with children, but if this is what a man and a woman *intend* to do when they give themselves to one another in marriage (cf. canon 1057) then they make each other spouses, husband and wife, and they bring into being the beautiful human reality of marriage. This reality, moreover, as Canon 1056 insists, is by its nature monogamous and indissoluble, that is, it is the union of *one* man and *one* woman and is a union that perdures until death, no matter what the parties may wish.

The new canon on consent (no. 1057) is most interesting. It insists that marriage comes into being by the free and *irrevocable* consent of the spouses to *marriage*, i.e., the *consortium vitae* which, as Canon 1055, in keeping with the whole Catholic tradition, teaches is by its very nature ordered to the procreation and education of children. This canon, whose teaching echoes the thought of Leo XIII, Pius XI, Pius XII, Paul VI, *Gaudium et Spes*, and John Paul II on the centrality of human consent in establishing marriage and on the irrevocable character of this

## The New Code of Canon Law and Marriage *(continued)*

consent, recaptures more fully the *theological* tradition of the Church on the *object* of matrimonial consent, namely *marriage itself* and all that it entails (i.e., a sharing of life and an openness to procreating and educating children) than did the corresponding norm in the 1917 Code.

The unity, indissolubility, and irrevocability of marriage are clearly affirmed in the new Code. It is thus possible that it will be criticized by those who would like to reconsider polygamous unions and by those who opine that human persons are not capable of giving irrevocable consent to anything.

Another interesting canon is that dealing with the consummation of marriage. In the 1917 Code the relevant Canon, no. 1015, read as follows: "A valid marriage of baptized persons is called *ratum* if it has not yet been completed by consummation; *ratum et consummatum* if there has taken place between the parties the conjugal act to which the matrimonial contract is by nature ordained and by which husband and wife are made one flesh. After the celebration of marriage the consummation of marriage is presumed until the contrary is proved." In the new Code the relevant canon, no. 1061, reads as follows: "A valid marriage of baptized persons is called ratified (*ratum*) if it has not yet been completed by consummation; ratified and consummated (*ratum et consummatum*) if the parties have completed between themselves in a human fashion (*humano modo*) the conjugal act which is apt for the generation of children, to which marriage is by nature ordained, and by which husband and wife are made one flesh."

Some contemporary theologians and canonists have objected to the understanding of consummation presented here. They prefer to think that marriage must be consummated "psychically" in order to be a consummated marriage, and whether any marriage is ever psychically consummated could be most difficult to determine since consummation so understood does not depend on a specific human act/choice of the spouses. The new Code differs from the old Code by insisting that marriage is consummated by the marital act when this is carried out "in a human fashion." By this I interpret the Code to be teaching that marriage is consummated only by the marital act that is truly marital in the sense that it respects the goods of marriage, i.e., procreation and the *consortium vitae* or sharing of life. Thus contraceptive intercourse or a conjugal act (materially considered) that fails to respect the dignity of the spouse by violating his or her legitimate desires (cf. *Humanae Vitae*, n. 13) would not consummate marriage, and they would not do so because they would not participate in the marriage itself and would fail to make husband and wife "one flesh" in the rich biblical and theological sense of this expression.

Other canons on marriage in the new Code merit attention, in particular canon 1117. According to this canon if two Roman Catholics have by a formal act renounced their Catholic faith, they are no longer bound to the canonical form of marriage. But to enter into a discussion of this matter would take us too far afield.

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## Editorial Reflections on the U.S. Bishops Pastoral Letter on War and Peace

by Rev. Joseph T. Mangan, S.J., S.T.D.

In the finalized Pastoral Letter "On War and Peace" (May 2-3) the Bishops of the United States have expressed a commendably strong and resounding opposition to nuclear war. In itself this opposition should be welcomed by all thinking people, not only in the United States but throughout the world.

Some details, however, in the Pastoral which the Bishops acknowledge as clearly controversial will not meet with such universal approval. For this reason the specific moral authority and binding

force for Roman Catholics remains unresolved even in the minds of some Bishops.

It is true that in the "Precis" and throughout the body of the Pastoral, the Bishops give a key to try to help the reader understand and interpret correctly the moral value judgements affirmed. "... We realize," they say, "and we want readers of this letter to recognize, that not all statements in this letter have the same moral authority. At times we state universally binding moral principles as well as formal Church teaching; at other times we

make specific applications, observations and recommendations which allow for diversity of opinion on the part of those who assess the factual data of a situation differently than we do" (Precis, pp.i, ii). In another place they state: "We stress again that readers should be aware, as we have been, of the distinction between our statement of moral principles and official Church teaching and our application of these to concrete issues" (Precis, p. ix).

During the two-day meeting in Chicago the Committee responsible for writing the various drafts of the Pastoral reiterated again and again that the Pastoral must be understood to involve contingent judgements which allow for responsible judgments contrary to the ones expressed by the Bishops.

There is no ambiguity about the certain truths of Catholic doctrine. Following the leadership of Vatican Council II, the Bishops maintain that "... all activities which deliberately conflict with the all-embracing principles of universal natural law, which is permanently binding, are criminal, as are all orders commanding such action" (Vd. *Third Draft of the Pastoral*, pp. 32, 33; Vatican Council II, *Constitution on the Church in the Modern World*, n. 79).

Some of these specific truths are the following: 1) Governments have the right and duty to protect their people from unjust aggression. 2) The international killing of innocent civilians or non-combatants is always wrong. 3) Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is morally wrong.

One critical discussion among the Bishops occurred over an amendment that, at first, was approved in spite of the Committee's vote of non-support. That amendment read: "Nevertheless, there must be no misunderstanding of our opposition on moral grounds to any use of nuclear weapons." At the suggestion of the Committee the Bishops reconsidered that amendment and rejected it as inconsistent with the necessary ambiguity characteristic of the Pastoral.

Let me now illustrate how the necessary ambiguity of the Pastoral may be applied to a specific example. One of the Pastoral's strong statements is against the first use of nuclear weapons. It asserts:

"We do not perceive any situation in which the deliberate initiation of nuclear warfare, on however restricted a scale, can be morally justified." This statement allows for some other responsible persons (e.g. the West Germany Catholic Bishops; the United States Government; Catholic faithful of the United States) to perceive a situation in which they responsibly do judge the deliberate initiation of nuclear warfare to be morally justified.

In the light of the foregoing explanation and of the "contingent judgements" and "necessary ambiguity" of the Pastoral, it would hardly be possible to rule out the following stances:

1) While striving for bilateral mutually verifiable disarmament, a nation may test, stockpile, and threaten-to-use, nuclear weapons for morally lawful use, if that is necessary for preparedness and/or as a deterrent against a likely aggressor nation. It seems that it is necessary.

2) First and/or retaliatory use of nuclear warfare in a defensive war is morally permissible when that is judged to be the only effective means of resisting an unjust aggressor nation, as long as the principles of discrimination and proportionality are observed.

3) In a defensive war it is possible and morally permissible for a nation to use nuclear warfare against an unjust aggressor to destroy a military target in or near a large metropolitan community with anticipated vast destruction of human lives, if the attack is discriminate and proportionate.

In my judgment, one substantive flaw in the Pastoral is the omission of any attempt to explain at length what the possible good effects could be of the use of nuclear warfare. To make a responsible judgment under the principle of proportionality one should know the possible good effects as well as the possible evil effects.

The Pastoral Letter is long and complicated. To discern the richness of its pastoral concern and the depths of its argumentation will take serious study. It will not be easy in every section clearly to separate certain teaching from well-reasoned opinion. The Bishops do not claim this Pastoral as the last word, but as "a first step" toward the eventual halting of the nuclear arms race and toward bilateral disarmament. May this all-important purpose be fully realized.

## Cardinal Ratzinger and the Sources of Faith

[On January 16, 1983 the prefect of the Sacred Congregation for the Doctrine of the Faith spoke to a Paris symposium on the general subject "Handing on the Faith Today". The following are selected paragraphs. The full text is available from translator Fr. Michael Wrenn, Archdiocesan Catechetical Institute, Dunwoodie Seminary, Yonkers, New York 10704. It was originally published in *La Documentation Catholique* March 6, 1983.]

### From Part I: Crisis in Catechetics

"... In a highly technical world, which is a creation of *man himself*, it is not the Creator who is encountered, first of all. Instead man is always encountering only himself. His overriding concern for productivity, the gauge of his certainties, is one of measurements and calculation. Consequently, the question of salvation is not raised in terms of God, who doesn't even figure anywhere in the question, rather it is raised in terms of man's accomplishments as he strives to become his own master builder and designer of his own destiny ..."

"... The current tendency to subordinate truth to praxis in the context of neo-Marxist and positivist philosophies carves out a way for itself in theology ... Events contributed to providing a considerably more concentrated scope for anthropology: the priority of method over content means that anthropology predominates over theology, in such a way, that theology has to find a place for itself in a radical anthropocentrism. The decline of anthropology produces, in its turn, new centers of gravity: the reign of sociology or even the primacy of experience as a new criterion for an understanding of traditional faith.

"... The fact that some no longer have the courage to present the Faith as an organic whole, in its own right, but only as partial anthropological glimmers, stems, in the final analysis, from a certain distrust of an bias toward the entire faith system. It is explained by a crisis of the Faith — more exactly — of the Faith common to the Church of every age. It follows from this that catechesis generally omits dogma and the attempt is even made to reconstruct the Faith by starting directly with the Bible. But dogma is nothing else, by definition, than the interpretation of Scripture but this interpretation, derived from the Faith over the centuries, no longer seems capable of agreeing with the understanding of texts to which the historical-critical methods, in the meantime, had

been leading. Consequently there co-exist two forms of apparently irreconcilable interpretations: the historical-critical and dogmatic interpretations. But this latter interpretation, according to the viewpoint currently in vogue, could only be considered as being a pre-scientific stage in the new interpretation. Also it appeared difficult to recognize it as having its own special place. When scientific certitude is considered as the only valid, indeed, possible, form of certitude, the certitude of dogma had to appear either as a now by-passed stage of an archaic idea or as the will to power of surviving institutions. It must then be evaluated according to the standards of scientific exegesis and can, in the strict sense, assist the claims of the historical-critical method: it can no longer pretend to be the court of last resort in this particular regard ..."

"... A German mother one day told me that her son, who attended an elementary school, was in the process of being introduced to Christology by way of the so-called Source regarding the "logia (sayings) of the Savior." As for the seven sacraments, the articles of the Creed, not a word has been breathed about them. The anecdote means the following: with the criteria of the earliest literary stratum as the most certain historical witness, the real Bible disappears for the sake and benefit of a reconstructed Bible, and for the benefit of a Bible such as it would have to be in their view. It is the same with Jesus. The "Jesus" of the Gospels is considered as a Christ considerably recast by dogma, behind which it would be important to return to the Jesus of the logia or of yet another alleged source in order to rediscover the authentic Jesus. This authentic Jesus says and does nothing more than what pleases us. He spares us, for example, the cross as expiatory sacrifice — the cross is reduced to the level of a scandalous accident, before which it is not becoming to pause too long.

"The Resurrection also becomes an experience of the disciples according to which Jesus, or at least, His "reality" continues. One no longer needs to dwell on the events, but rather on the consciousness which the disciples and the community had about them. The certitude of faith is replaced by confidence in the historical-critical hypothesis. Now this procedure seems to me to be especially irritating. Caution regarding the historical-critical hypothesis, in a number of catechetical writings, assuredly is a step in the right direction towards

## Cardinal Ratzinger and the Sources of Faith

the certitude of faith . . .

“ . . . There arose a type of theological empiricism, in which the experience of the group, of the community, or of the “experts” became the final source, the last word . . .

“ . . . An examination of the question of the connections between dogmatic and historical-critical exegesis is one which ought to be given top priority. The question is also that of establishing the connections between the living fabric of tradition, on the one hand, and the rational methods of re-establishing the past, on the other hand . . .

“ . . . It is clear that faith without experience can come down to being mere verbiage or jargon consisting of hollow formulas. On the other side of this coin, it is also all too evident that reducing the faith to experience can only deprive it of its core . . .”

### II. How to Overcome the Crisis

“ . . . The faithful must resist theories which whittle away the Faith in the name of the authority of pure reason.

“ . . . Faith then is not merely a face-to-face encounter with God and Christ, it is also this contact, which opens one up to a communion with those to whom God Himself was communicated. This communion, we can add, is the gift of the Spirit who lays down for us a bridge to the Father and the Son. Faith is then not merely an “I” and a “You”; it is also a “we.” In this “we” dwells the “memorial” which enables us to rediscover what we had forgotten: “God and the one whom He sent.”

“To put it another way, there is no faith without the Church. Henri Cardinal de Lubac has shown that the “I” of the confession of Christian Faith is not the isolated “I” the individual, but the collective “I” of the Church. When I say: “I believe,” this means that I am going beyond the limits of my subjectivity, in order to identify myself with the “I” of the Church and at the same time I am identifying myself with knowledge surpassing all the bounds of time . . .”

“ . . . The Bible, like every work of art and indeed even more than every work of art, says much more than we can now understand about it, literally results from the fact that it expresses a Revelation reflected but not exhausted by words. This also explains that when Revelation has been perceived and once again becomes living, there results an even deeper union with the word, than

when it is analyzed as a text. The “instinctive attraction” that the saints had for the Bible, their sufferings sharing in those of the Word, helped them to understand more deeply what the learned from the Age of the Enlightenment couldn’t have been able to do. This is an altogether logical outcome.

“ . . . Elements vitally indispensable to the Church: the Apostles’ Creed, the sacraments, the Ten Commandments, the Our Father. These four classic and principal components of catechesis have, over the centuries, served as a device and resumé for catechetical teaching. They have also given access both to the Bible and to the life of the Church. We have just said that they correspond to dimension of Christian existence. This is what the Roman Catechism affirms, when it says that in it are found what the Christian is to believe (Creed-symbol), hope for (Our Father), and do (Ten Commandments), as well as in what sector of life it is to be accomplished (sacraments and Church) . . .

“There is a widespread tendency today to avoid difficulty when the message of the Faith places us in the presence of material things by sticking to a symbolic interpretation of them: this begins with creation, continues with the virgin birth of Jesus and His Resurrection, and ends with the Real Presence of Christ in the consecrated bread and wine, with our own resurrection and with the Lord’s Second Coming. It is not a matter of theological discussion of slight importance when individual resurrection is situated at death and thereby denies not only the soul, but even the reality of salvation for the body. This is why a definitive and decisive renewal of faith in creation constitutes both a necessary and preliminary condition for the credibility and deeper understanding of Christology as well as eschatology . . .

“ . . . (The Church establishes the context within which Scripture is to be interpreted and is the only *locus, place, site* for acknowledging the writings of the Bible as holy Scripture and their declarations as meaningful and true. Translator’s note.) There will, however, always be a certain tension between new issues raised by history and the continuity of the faith. But, at the same time, it is clearly apparent to us that traditional Faith is not the real enemy, but rather the guarantor of a fidelity to the Bible, which, however, may be consistent with historical methodologies.”

## Publications of Interest

● Michael J. Wrenn (ed.), *Pope John Paul II and the Family*, (Chicago, Franciscan Herald Press 1983, 286 pp. \$15.00)

This is a valuable catechetical commentary on *Familiaris Consortio* with discussion questions and the complete text of this important papal document. The foreword is written by Cardinal Cooke and Fr. Wrenn's preface established the context for its message in the Roman Synod of 1980.

### Ignatius Press

Fr. Joseph Fessio, S.J. continues to make the Ignatius Press into a major publisher of Christian classics including those written by Bouyer, De Lubac, Von Balthasar, Sheen, John Paul II etc.

James V. Schall, S.J. *Distinctiveness of Christianity* 298 pp. \$9.95

This is a collection of essays and reflections on historical and contemporary Christianity. Fr. Schall examines the distinct traditions, oppositions, doctrines, institutions and spiritualities of Christianity. Because of the great challenge that Christianity faces in the modern world, the author shows that it is urgent for Christians to understand the uniqueness and fertility of what is different and distinct about Christianity.

### Alba House

*The Christian Faith in the Doctrinal Documents of the Catholic Church* edited by J. Neuner, S.J. and J. Dupuis, S.J. 740 pp. \$13.95.

This is an important collection of the Church's doctrinal documents from the earliest days to the latest statement of John Paul II. First published in 1938 in Germany, the present editors have revised the contents, up-dated the translations and added excerpts from recent Roman documents. The themes covered include Revelation, Tradition and Scripture, Christology and Ecclesiology, the Social Teaching, Eucharist and the Sacraments. Excellent indexes and tables enhance the books value for teachers and students.

Hector Munoz, O.P. *Will You Hear My Confession?* 162 pp. \$6.95.

Parish priests will find this book particularly valuable. The theological and liturgical norms are lucidly stated and 57 areas for personal examination of conscience. Study groups and adult Catholics will profit from Fr. Munoz' contribution to their spiritual development.

Joan L. Pedraz S.J., *I Wish I Could Believe*, 201 pp. \$7.95.

This book is intended to provide a rational exposition of the basis for our faith in God and Jesus Christ. Six chapters cover the reasons adduced against God's Existence, God as Person, the Christ of History and Faith, and the subjective conditions of belief in God. Fr. Pedras' book is a translation from Spanish by Salvator Attanasio.

*Justice and War in the Nuclear Age* — a publication of the American Catholic Committee. This series of papers grew out of a conference in 1982 in Washington, D.C. Robert Reilly, Fr. James Schall, Thomas Payne, Angelo Codevella, Bishop John J. O'Connor, and Philip Lawler (the editor) not only discussed the issues of justice and morality but the intellectual, political, and military aspect of modern conflicts between nations. Copies are available from the University Press of America or the Catholic Committee at 226 Massachusetts Avenue, N.E., Washington, D.C. 20002. Hard cover \$15.95 Paper \$5.95.

### Franciscan Herald Press

Joseph Pieper and Heinrich Raskop, *What Catholics Believe: A Primer of the Catholic Faith*, 110 pp. no price.

This *Primer*, a runaway best seller in Germany during the Nazi rule, is a concise and accurate exposition of the truths of revelation, based on an interpretation of the Apostles Creed. The chapters deal with Christian faith and life, the virtues, scripture and the history of the Church. Jan van Heurck is the translator.

● Joseph A. Varacalli, *Toward the Establishment of Liberal Catholicism in America* (Washington, D.C., University Press of America 1983 pp. 310.)

Originally a doctoral thesis at Rutgers University, this updated and revised work analyzes and evaluates the Bi-Centennial "Call to Action" efforts of the U.S. bishops as a program and a movement. This book's four parts deal respectively with the origins of the activity, its history, pre-suppositions and expected results. Appendix A lists the 182 proposals emanating from the Call to Action Assembly.

## Publications of Interest

● Theology Notes From Richard A. McCormick, S.J., "1973-1983: Value Impacts of a Decade" in *Hospital Progress*, December 1982, pp. 38-41.

"Sterilization is the most frequent form of birth control in the United States. I see no contemporary developments that are going to change this. The official teaching of the Catholic Church on direct sterilization is well known: It is absolutely morally wrong. Equally well known is the widespread negative response, in theological and other circles, to this absolute formulation of the Church's concerns. The Catholic hospital is caught squarely in the middle of this debate. It is dedicated to the overall good of its patients, and there are times when this overall good seems to require sterilization. Official pressure to prevent this is increasingly intense.

"This problem has gone far beyond moral theological discourse (where the arguments are overwhelmingly on one side of the question). It is an ecclesiological problem and therefore one likely to recur in other areas of concern.

"The nub of this problem is how experience and moral analysis relate to authoritative (official) pronouncement. One view is that a teaching is correct because it is official, regardless of the persuasiveness of the reasons that can be marshaled for it. A different view is that it is precisely experience and analysis that must test official formulations.

"These deeply buried differences have practical repercussions. For example, bishops of the first view see their task as telling the people what is right; bishops of the second see their task as discovering what is right. Bishops of the first view see moral truth exclusively in terms of authoritative formulation of it; bishops of the second are more aware of doctrinal development and the changing nature of our concrete personhood. Bishops of the first view see the magisterium in terms of certainty and clarity; bishops of the second are more likely to hesitate, question, doubt. Bishops of the first view see dissent and even openness as disloyalty; those of the second see them as the necessary condition for moral and doctrinal advance.

"Here is a difference, even a clash of two views, on some basic topics: the meaning of Church (juridical versus communitarian-sacramental); of human persons (static versus evolving); of moral knowing (hierarchical versus shared); of authority (position versus service); and of teaching (being told versus assimilating).

In recent years the first emphasis has received

support in high places, and it is to be expected that this will affect Catholic health care facilities and, even more generally, ethical reflection in the Catholic community.

[Editors Note:

(1) Fr. McCormick frequently laments the "uncharitableness" of those who criticize dissenting theology with any vigor; but he does not hesitate to suggest here that bishops who accept the teaching of the Holy See (i.e., the received teaching of the Church) on sterilization do not understand what doctrinal development is, have bad authoritarian attitudes, do not believe the bishops' role is to serve . . . Would this apply also to Pope John Paul II?

(2) M. declares that the intrinsic arguments against the received teaching are far better than those for it. Now the most creative moral theorists in the English speaking Church (those, e.g. who have the greatest influence on the secular moral thinkers of our time) for the example, G.E.M. Anscombe of Cambridge, John Finnis of Oxford, Germain Grisez of this country, are solidly on the side of a form of moral thinking that defends papal teaching in this area, and they explicitly defend the papal teaching on sterilization. If we add moralists of other languages (such as Karol Wojtyla) the case for the standard Catholic teaching (which was considered irreformable teaching before the recent dissent, and is still considered so by nondissenting theologians), is even stronger.

(3) True, a very large number of Catholics now resort to sterilization. But the whole secular world is pressuring them toward solutions that the Church has constantly called and still does call mortally sinful solutions. Today's Catholics receive their most vigorous moral teaching from dissenters. The Church has regularly taught that direct sterilization is always wrong. It has not merely taught there is something undesirable about it.]

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Margaret White, M.D. "Protestant View on Contraception", *Heartbeat* Spring 1983, pp. 18-20

Many Protestants, though totally deceived by the overpopulation myth, are very shocked by these examples of deliberate attack on the family. They are also upset by the family planners' involvement in sex education. In Britain this is much the same as in the United States. Children are taught that sexual intercourse from puberty is normal; that heterosexual activity and homosexual activity are equally good, and that the only sin is not to use efficient contraception.

## Book Reviews

Edward Schillebeeckx, O.P. *Ministry: Leadership in the Community of Jesus Christ* (New York: Crossroad Press, 1981)

Edward Schillebeeckx, whose Christological studies have placed him in the forefront of theological controversy during the past five years, has published the results of his long standing inquiry into the sacrament of orders. Nothing in it is new; the view of the priesthood which it advocates is one which has appeared in several articles by him during the past dozen years: their gist is available in English, whether in *Theological Studies* or in the *Concilium* series. The same view underlies the revisionist theology of Hans Kueng and of such other nominally Catholic theologians as Bernard Cooke, Edward Kilmartin and most recently Joseph Martos. To this extent Schillebeeckx's book is useful: it provides a convenient access to those themes underlying the devaluation of the Catholic sacramental system which has, since the Council, been the program of the *Concilium* editors sympathetic to Kueng and which has since the late 1960s enlisted the support of the leadership of the *Catholic Theological Society of America*, the *Catholic Biblical Association* and the *Canon Law Society*, as well as of those liberation movements which discover in the sacramental realism of Roman Catholicism the one intractable obstacle to their utopianism.

Schillebeeckx's argument rests upon a postulate which could not be simpler: The Church (understood in the nominalist sense of any local assembly of Christians) has an unconditioned right to the Eucharist. This juridical a priori presupposes the subordination of the Eucharist to the Church. The Church that has a "right" to the Eucharist must possess the full power to implement that right — i.e., the power to set up its own Eucharistic ministry without hindrance from any ecclesial authority extrinsic to the local congregation. Transformed in the process is the Eucharist itself. As no one supposes that the One Sacrifice of the Cross is something over which the Church can claim "rights," it follows that the Eucharist is no longer to be identified with Christ's sacrifice. Hence the Mass, in spite of Trent, is not the sacrifice of the Cross, and needs no sacrificial priesthood whose priesthood is really different from that of the laity (in spite of *Lumen Gentium*) and no apostolic succession to a sacrificial office in *Persona Christi*.

All this lacks novelty. Schillebeeckx's nominalist ecclesiology is fundamental to the Re-

formation, in which the local community, founded on faith alone, has no necessary relation to any historical institution. Roman Catholicism requires a sacrificial priesthood because its cause is the Eucharist. But Schillebeeckx will have it backwards: the Church causes the Eucharist: ministry is henceforth no more than an aspect of one's pre-existing leadership role in the community.

Schillebeeckx has arranged his book in six chapters. The first presents a prejudicial exegesis of the New Testament material which the author understands to underwrite his *sola fide* ecclesiology; the second presents a comparably critical appreciation of the historical evidence which Schillebeeckx has garnered in support of his claim that the Tridentine doctrine of the priesthood is a creation of the Church's second millennium. The third chapter offers an academic redemption from this Fall by recourse to the same revisionist historical criticism which concocted it in the first place. The fourth chapter provides an equivalent treatment of contemporary liturgical practice, suggesting that the decline in priestly vocations and the movement for the ordination of women together confirm the legitimacy of this sort of theology, and the final chapter, separated from the fourth by a very brief hermeneutical section, discusses the advantageous implications of this Neo-protestantism for the future of the Catholic Church.

Schillebeeckx has not attempted, in such a brief study, to present a *summa* on the sacrament of orders. Given the range of matter touched upon, a book of this brevity cannot hope to deal with it in depth, but it is not too much to ask that it deal with it evenhandedly. The priesthood is a subject of increasingly painful controversy today. This book will add heat to that controversy without bringing much light to the disputants, for it is no more than another instance of advocacy scholarship in which fundamental questions are ignored or begged without notice to the reader in order that the author's viewpoint may prevail. Prevail it does; no serious consideration is given to the countervailing scriptural and historical evidence amassed during the course of the current controversy by such scholars as Peter Blaser, Louis Bouyer, Joseph Crehan, Henri Crouzel, Alex Gerkef, Jerome Quinn, Joseph Ratzinger and Heinrich Schiller, to mention only a few of the better known names. Consequently, anyone in search of the actual state of theological discussion on the Catholic priesthood will seek it here in vain; any teacher using

this book as the basis of a course or seminar on the priesthood will seriously deceive his students.

At bottom, Schillebeeckx's theory of the priesthood makes points which are those upon which the Reformation was conceived. Those which he scores against the ancient Catholic doctrine are already inherent in Luther's radical rejection of the sacrifice of the Mass. He contests the historical realism of the Church's sacramental mediation of her Lord and the basis for his doing so is the historical pessimism which marks Reformation theology, the mentality which cannot attribute to any discrete historical event the actual mediation of the risen Christ. This is to say, as the Reform has long maintained, that His presence in the Church is *sola fide*. Taken seriously, no sacrament survives this maxim, and the secularization of the historical Church is inevitable. Nothing in it is any longer sacred.

Reams have been written in recent years of how the Church in the centuries before our own has failed to appreciate the relativity of its own history. And it should not be denied that between the 13th and 17th century theologians were not sufficiently sensitive to the dynamic quality of the Church's temporal dimension. Much of this may have been due to an inadequately converted Greek classicism, as Lonergan has maintained; more of it, since the Reformation, was defensive because the new historical science has been developed and used as a weapon against the medieval Church: not simply against its manifest anachronisms, but against its very existence, its sacramental worship. The ancient Augustinian analysis of history as the intersection of the City of God and the City of Man, as the temporal dimension of a fallen world, had first been rationalized by Luther's theology of extrinsic grace and Calvin's theology of predestination, then secularized by the Enlightenment to become von Ranke's project of making history little more than chronology uninformed by any transcendence, empty of any significance other than what the autonomous reason or will might in retrospect impose upon it. History became nothing more than the fashionable academic interpretation of a carefully selected past, an interpretation entirely extrinsic to the Catholic worship, imposed upon it in the name of a dominant secularism. To accept the domination of historical interpretation by the secular ideology as the modernists did, is not, as one too often hears, a function of the *aggiornamento* begun at Vatican II but a conversion by revisionist theologians to a false experience of history. This is false worship wherein the

Lord of history is supplanted by an idol holding academic credentials and a secular method of historical criticism. This methodolatry poses false and unmanageable problems for the Catholic theologians who indulge in it. Their best known problem is determining the relation of the "Jesus of history" to the "Christ of faith" once they have related "Jesus" as an historical event and find his significance more in the experience of his followers than in revealed transcendence. What a secular historicism has divided, exegesis may not unite, hence the profusion of Christologies and ecclesiologies "from below". Schillebeeckx's Christology and ecclesiology accepts these methodological implications and pursues them into the theology of the priesthood described above.

Contrariwise the *a priori* for authentic Catholic theology is not the historical critical method or historical consciousness, but concrete participation in the Church's history, a participation which is worship, and historical because it is sacramental. This participation is free, personal, existential. Only by means of it is a truly historical Catholic consciousness given and received. Christian history is not a secular category; it is a God-given grace, by which the believer's authentic reality is at once received and lived. The reception of this life is primarily ecclesial and only secondarily individual, Christ's Covenant with His Body, the Church. Catholic theology, therefore, is only the intellectual aspect of this gift, a rational *quaerens* into its mystery. This theology cannot be dissociated from the sacramental worship which is its foundation and sustaining force. Catholic theology, because it is a provisional intellectualization of one's individual *quaerens*, cannot judge the Church's worship. It is instead continually under the Church's judgment, that is, if it is to remain theology, and not a merely private and idiosyncratic theorizing. To insinuate a method of historical criticism as the supra-ecclesial criterion of what the Church and its worship may be, as Schillebeeckx does, is to elevate a non-historical abstraction in triumph over that Revelation which is ever immanent and creative in the Church's worship. When this usurpation is complete, Catholic theology has been abandoned, and the autonomous mind proceeds with its familiar work of disintegrating revealed reality in the name of intelligence.

Facts of Christian history which resist such nullification, e.g., the letters of Clement and of Ignatius of Antioch, the 'absolute' ordinations of Origen, Paulinus of Nola, and Jerome, the early

liturgies, the early tradition of priestly celibacy, and of course the solemn conciliar definitions, are dealt with by Schillebeeckx in an ironic style almost sarcastically. Ignatius long a problem for Schillebeeckx, is now decided to have been dated far too early; Clement's statement that the bishop's office as a Divine Institution is without theological relevance, and the term Hippolytus used to designate the priest's action over the gifts at the Eucharist (*proherein*) is now to be translated as "preside over." Chalcedon's disciplinary decrees prohibiting absolute ordinations now become dogmatic invalidations of such orders; early priestly celibacy is dismissed as a relic of a pagan fear of the feminine, and the Tridentine definitions are disqualified by their historical conditioning. This is not the place to develop the detailed reply which these and similar allegations would merit, had they not been refuted copiously by contemporary scholarship — the scholarship which Schillebeeckx simply ignores. Such ignorance is irresponsibility; in a scholar of Schillebeeckx's standing it can hardly be something he does accidentally.

In conclusion, *Ministry* is symptomatic of an alienation which seems chronically natural for certain Christians. The temptation to a false historical consciousness, to a radical despair of salvation in history, is the weak side of their faith in the Lord of history. In our fallenness anxiety or doubt sometimes reaches the level of their consciousness. The fear of and aversion for affirming the historical realities Christ and the Church affirm, the fear of and aversion for the risks involved in making these affirmations triumph over faith and fidelity. Quite oppositely, true historical consciousness for the Christian is lived out, expressed, and sustained by the sacramental symbols of the Church's historicity.

The alienation of the Christian consciousness in contemporary Catholicism is of epidemic proportions. Post-Vatican II theological literature bestrewn with works comparable to the one reviewed here, each marked by that insistence upon a non-historical Christian existence which by one of the more ironic twists of history is now described as true historical consciousness. For their authors, as for Schillebeeckx, the Church is misguided, fallen from its primal non-historicity, whenever and wherever it affirms its dependence upon the presence — actual, revelational, redemptive, salvific, in a word, creative — of the Lord of history in the historical worship whose structure is radically Eucharistic, radically sacrificial. For such people, the sacramental realism of Roman Catholicism amounts to an intolerable presumption, one

responsible for all the ills (see Bishop deSmet's catalog: clericalism, juridicalism, triumphalism) which marked the pre-conciliar Church, as well as for the failure, relatively speaking, of the *aggiornamento* which was to have ushered in widespread liturgical, canonical and ecumenical renewals. From this now common, if not dominant point of view, in Catholic academic circles, sacramental realism amounts to an idolatry, and only its abolition will meet the needs of the contemporary Church.

On the other hand, to those Catholics who have studied (not so much the spirit as) the texts of Vatican II, and especially that most basic of them, the dogmatic constitution *Lumen Gentium*, theologians such as Schillebeeckx are enmired in an Electra complex whose anguish drives them to deformation of their consciousness, which can rest content with nothing less than the destruction of the *Ecclesia Mater Catholica*. There is no neutral ground upon which this mentality may be engaged in dialogue; one can only share it, or reject it utterly. It has begun to be so pervasive in Catholic intellectual circles and middle management that its rejection must now be explicit if it is to be real. Failure to see it for what it is and to confront it will be accounted as complicity and potential agreement. The unconcern for the sacramental realism by which Catholicism lives has so influenced Church leadership that American priests are now usurping the political responsibilities of the Catholic laity, even as they become increasingly careless of the evident priestly responsibility for the upholding of the sacramentality of marriage in their conferences, sermons, and diocesan tribunals. Schillebeeckx's *Ministry* presents the theological justification for this inversion: according to his theology, the Bishop's sacramental and Eucharistic responsibility is a derivative of his prior socio-political leadership role. Truly, however, Catholic history teaches that any concept of Church authority based upon other reality than the Eucharistic worship of the Church must fall back upon false criteria, and become despotic. Schillebeeckx's theology of the priesthood is neither "satisfying" nor "courageous and provocative". It represents instead the disinterment of the political Augustinianism which the Fathers at Vatican II were at some pains to bury. In the notion that these bones shall live there is latent a radical misunderstanding of Resurrection.

Fr. Donald J. Keefe, S.J.

(A more complete review of this subject with documentation is available from this Newsletter)

George A. Kelly, *The New Biblical Theorists: Raymond E. Brown and Beyond*, (Ann Arbor, Michigan, Servant Publications 224 pp. \$12.95)

This book has, in addition to a foreword by French theologian Fr. Rene Laurentin, eight chapters variously entitled as follows: New Biblical Theories and the Catholic Church; New Biblical Theories and the Critics; What Is Scientifically Controllable Biblical Evidence?; Historical Criticism and the Infancy Narratives; The Foundation of the Church: Priesthood and Episcopacy; Theological Pluralism: Ancient and Modern; Biblical Scholarship and Theological Controversy; A Pastor's Critique of the Critics.

*The New Biblical Theorists* is a timely publication, providing an analysis of the methodology, theories and questionings of those who have been enjoying the limelight in Catholic Biblical research. It provides these scholars with an opportunity for dialogue, since the author presents the reservations of those who have expertise in other disciplines, giving the opening to explain positions and answer criticisms. The new work offers a positive appreciation of what has been done in the study of the Sacred Books.

The publication can be termed "timely" because, while the media have provided such exposure of the scripturists' learned views — perhaps, embarrassing them sometimes — there has been little opportunity given to those who need to question what the media have, obviously, regarded as sensational. This reviewer found treated in this work many of the questions that have been posed. One of these questions is how the scripturists can seemingly set aside the centuries-long understanding and interpretation of Sacred Scripture held by the community which produced these books, preserved them through periods of attack and presents them today as a precious heritage; the scripturists seem to be treating the Scriptures as just any other documents of antiquity, and subjecting them solely to the methods of scientific historical and literary research. Another question concerns the scripturists' contention that they have discovered pluriformity of credal expression, a matter that has received much airing in the context of ecumenical discussion, where people are openly subjected to the process of attitude change towards all language, resulting, unsatisfactorily for this reviewer, in so stripping meaning from words that ambiguous language is used, allowing to various interpretations equal acceptance. Still another question surfaces about how the Holy Spirit can

allow the teaching expressed by the Fathers of the Councils, including those of the Second Vatican, little by little to disappear and be replaced by at least uncertainty on such issues, as inerrancy, which seem to be re-interpreted by contemporary scripturists. Perhaps naively, this reviewer considers that only one teaching can be right, ever, for those for whom the Councils speak authoritatively, and even for those whose scientific views and research are conditioned by the fallibility of human judgments, which so often change.

These are just some of the questions to which Msgr. Kelly provides an answer, substantiating his claims by an analysis which is thorough, calling for calm consideration of the consequences in which the new theorists would involve us, so suggesting that the assumptions and premises, upon which they rest, need to be re-assessed.

This reviewer has no doubt that all concerned, the scripturists and those in authority in the Church, particularly, those concerned with the formation of clerics, religious, teachers and catechists, will listen carefully to what Mgr. Kelly shows conclusively is at stake, namely, God's revelation. It is this reviewer's opinion that the pastoral clergy will be heartened by Mgr. Kelly's work and that their morale will be restored and supported. They have every reason to be grateful to him, as have the scripturists themselves, who must always re-examine their methodology, when their work is so trenchantly challenged by so well-known and able a scholar.

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Fr. Paul Toinet, *Theological Cautions: A Doctrinal Analysis of the Church in France and Elsewhere* translation from the French and introduction by Fr. Michael Wrenn (Chicago, Franciscan Herald Press 1982 165 pp. \$10.00)

This book has two parts; one entitled "The Protestantization of the Church," concerned with recent lax doctrinal postures, the decline of the priesthood, alienation from Rome, and the weakening of the bishops' office, etc.; the second with internal and external Church dialogue based on the Church's truth, one which transcends political labels.

The first section explores the conflicting ecclesiologies presently at work in the Church and

the political power of academics and press to "bend" the exactness of dogmatic truth. Fr. Toinet takes up the problem of neo-Gallicanism and the uncomfortable situation in which bishops now find themselves. His conclusion is that there never can be a good "protestantization" of the Church, that the only reform possible is a Catholic reform. In his exhortation to universal but peaceful dialogue, Fr. Toinet stresses the prophetic role of the Pope and forswears conciliation to the detriment of Catholicism.

Fr. Wrenn summarizes the author's thesis: "[He] seeks to analyze and understand a number of key issues with which the Roman Catholic Church in France and elsewhere has had to grapple during this post-conciliar period." That is exactly what he does. And what he says applies beyond France.

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*In the Name of Peace.* Collective Statements of the United State Bishops on War and Peace, 1918-1980. Washington, D.C.: N.C.C.B./U.S.C.C., 1983.

While this little book is presented as a collection of official statement of the American hierarchy on questions of war and peace, by far the longest item — and perhaps the most significant one in it is an article by Fr. J. Brian Hehir, which serves as an appendix. Fr. Hehir is Director of the Department of International Justice and Peace. He has been a chief staff officer in the shaping of recent statements of the American bishops in the social order, at a time when the radical changes noted by Dr. J. Brian Benedstad and Fr. Avery Dulles have been made in the whole philosophy of preparing pastoral statements (c.f. *F.C.S. Newsletter*, December 1982, pp. 26-27).

In this brief note I would like to call attention to only one facet of Fr. Hehir's interesting essay: the question of theological dissent. On p. 101 Hehir notes simply that "pluralism is both a fact and a desired characteristic in Catholic moral theology today." He does not point out that authentic Church documents distinguish various kinds of pluralism, and count a certain kind of dissent as highly undesirable. (Cf., e.g., Pope Paul VI, *Adhortatio Apostolica*, "Paterna cum Benevolentia," Sect. IV, first 3 paragraphs [Dec. 3, 1974]; Sacred Congregation for Christian Education, *The Theological Education of Future Priests*, No. 66 and 123 [Feb. 22, 1976]; see also Pope John Paul II, *Encyclical Letter* "Redemptor Hominis," n. 19 [March 4, 1979]).

The distinction between laudable and unacceptable forms of pluralism is a most important one. Some scholars clarify the distinction between them by the use of the phrases "complementary pluralism" and "contradictory pluralism." (See: Thomas Dubay, "The State of Moral Theology: A Critical Appraisal," *Theological Studies* 35 (1974), pp. 482-506).

Some American moral theologians have been leaders in what may be called "contradictory pluralism." That is, they hold that it is proper for theologians to contradict insistent teachings of the pope and bishops (even when they are reaffirming the constant and very firm received teachings of the Church.) Father Charles Curran would appear to be a leader in such "contradictory pluralism," and in his non-nuanced praises of pluralism, Fr. Hehir adduces only Fr. Curran as a witness to the meaning of pluralism.

Surely one would find it difficult to suppose that Pope John Paul II is an enthusiastic supporter of the kind of pluralism that contradicts so much of his firm teaching on the importance of moral absolutes in matters of family ethics, life ethics, war ethics. (For example, Fr. Hehir notes Fr. Curran's rather adventuresome position that one may, for suitable reasons, at times take directly the life of an innocent person; and he seems to be suggesting that that position ought not be counted entirely unacceptable. But if *that* position is to be counted a plausible one, we have mortally wounded the principle of discrimination.) One who reads carefully John Paul II's *Familiaris Consortio* (see, e.g., No. 31) would hardly judge that the Holy Father finds the sort of pluralism Fr. Curran represents to be acceptable.

Theologians should read carefully what Father Hehir writes on pp. 109 ff. Here he states with considerable accuracy the fundamental principles of the revisionary moral theory of Fr. Richard McCormick. Hehir insists that McCormick's teaching is "revisionary, not revolutionary." By that he seems to mean that McCormick's position is a moderate one, to which all should be open. To many Catholic scholars, however, McCormick's position seems rather a very radical view. Changes in principle are always far-reaching. And to teach that it is permissible to act *directly* against the most basic human values for a good enough reason is to suggest that the moral absolutes that have been especially characteristic of Catholic moral teaching all through the centuries must be rejected. It would no longer be appropriate to hold that one must *never* slay the innocent, engage in homosexual activity, sterilize, remarry after a valid and con-

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summed sacramental marriage while one's spouse is yet alive. One must be very innocent to suppose that theologians using the revisionary principles of Fr. McCormick have not already drawn these and many more disturbing conclusions.

Many scholars and pastoral leaders are convinced that there is a significant relationship between the growing rejection of moral absolutes among revisionary theologians and religious educators on one hand, and the painful growth of "selective Catholicism" on the other. If *most* Catholics today reject Catholic teachings in sexual ethics, and in other area of morals and doctrine, as Father Greeley tells us they do, is this unrelated to the fact than an influential sect of scholars remains largely uncriticized by pastoral leaders when they

## Msgr. John C. Knott R.I.P.

Msgr. Knott, Director of the Family Life Bureau - NCWC during the Birth Control Controversy of the 1960's died in West Hartford, Conn. March 25, 1983. A war-time Navy Chaplain he was one of the founding fathers of the vigorous Cana Movement from 1946 onward. A valiant defender on the faith, he was also one of Hartford's most distinguished priests. Pray for him.

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suggest everywhere that authentic teachings of the Church may be casually dismissed as merely positions of "conservatives"?

Certainly the American bishops are not going to approve propositions blatantly asserting a position of dissent; and no such propositions appear in the 1983 Pastoral on peace. But when leading dissenters are utilized as chief advisors, dissent can be injected into a document in more occult ways: in things not said, in subtle ambiguities, in forms of argument, in interpretaions of "proportion." One reads the things that have appeared in various drafts in this Pastoral, and wonders at the path of things to come.

Fr. Ronald Lawler, OFM., Cap.