2006

Teaching, Faith and Service: the Foundation of Freedom

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CONTENTS

Introduction
Rev. William Hund, C.S.C., Ph.D. 7
Margaret Monahan Hogan, Ph.D.

Section 1: Keynote Addresses
Rev. David Tyson, C.S.C. 17
Living the Mission Lecture
Fulfilling the Mission

The Honorable John T. Noonan, Jr. 23
The Garaventa Lecture
Transparency in Theology: The Necessary Condition for Catholic Teaching

Section 2: The Catholic University in America
Rev. James T. Connelly, C.S.C., Ph.D. 31
Defining a Catholic University in the U.S.A.: The University of Portland as a Case Study

Thomas P. Hogan, Ph.D. 41
Reflections on the Place of Research in Ex corde ecclesiae

Rev. William Dorwart, C.S.C. 49
Union of Hope

Eugene Torisky Jr. 57
Hearts and Bones: Culture, Dialogue, and Ex corde ecclesiae

Section 3: At Work in the World
Rev. William J. Byron, S.J. 69
Courage and Competence: Overlooked Virtues in the Search for Corporate Integrity

Jude A. Huntz 77
Rethinking Retributive Justice: Moving toward Restorative Justice

John O’Callaghan, Ph.D. 91
Sacred Monkeys and Seamless Garments: Catholics and Political Engagement
THE FOUNDATION OF FREEDOM

David C. Cochran, Ph.D.  
*Catholicism, Pluralism, and Democracy in America*

Steven P. Millies, Ph.D.  
*Beyond “Basket Weaving:” Christian Humanism and the Foundation of Freedom*

**Section 4: Philosophical Topics**

Laura Garcia, Ph.D.  
*Toward a Personalist Feminism*

Christopher Kaczor, Ph.D.  
*The Desire to Live and the Right to Life: A Response to David Boonin*

Christopher Toner, Ph.D.  
*Vitoria’s Integral Realism: Proportionality, Totality, and the Realism/Liberalism Dichotomy*

Sarah E. Martin  
*Toward a Definition of “Health” as Well-Functioning*

James Krueger, Ph.D.  
*The Practical Importance of Moral Teleology*

**Section 5: Catholic Thinkers**

Arthur J. Spring, Ph.D.  
*Freedom, Truth, and Service: The Contribution of Jean Vanier*

Michael Herron  
*“A Wild Dedication …” Thomas Merton and the Emerging Catholic Paradigm*

**Section 6: Interdisciplinary Work**

Shannon K. Mayer, Ph.D.  
*Intersections: Exploring Social Justice Issues in the Physical Sciences*

David H. Carey, Ph.D.  
*Pedagogy for Peace: The Pope’s 2005 World Day of Peace Message as a Teaching Tool*

Russell A. Butkus, Ph.D. and Steven A. Kolmes, Ph.D.  
*Global Climate Change and the Church in the Modern World: A Sign of the Times*
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theological Challenges Posed by Cohabitation and Divorce</td>
<td>253</td>
</tr>
<tr>
<td>Germ Line Gene Transfer: A Case Study for Engaging American Culture</td>
<td>267</td>
</tr>
<tr>
<td>Consuming Passions: Catholic Education and Consumer Culture</td>
<td>281</td>
</tr>
<tr>
<td>It's Time! The Pedagogy of Bridgebuilders as a Model of Social Justice</td>
<td>289</td>
</tr>
<tr>
<td>International Law and the Family: Process and Outcomes of the Doha International Conference for the Family</td>
<td>297</td>
</tr>
<tr>
<td>Freedom Is Not Enough: Catholics in America</td>
<td>313</td>
</tr>
<tr>
<td>Relics of the Risen Christ: The Theology of the Body in Service</td>
<td>321</td>
</tr>
<tr>
<td>To Those Who Love the Congregation of Holy Cross</td>
<td>329</td>
</tr>
</tbody>
</table>
INTRODUCTION

The papal document *Ex corde ecclesiae* rightly acknowledges that the Catholic university is “born from the heart of the Church” to serve the good of humanity (§1) and the good of the church (§31). Moreover the document speaks of a critical kind of service that marks, or ought to mark, a Catholic university — “service as the proclamation of truth without which freedom, justice and human dignity are extinguished.” The Catholic university as Catholic and as university occupies a particular position and operates from a particular perspective in fulfilling its tasks to serve the good of humanity and the good of the church so that truth is accomplished and proclaimed to serve justice, freedom and human dignity. Acknowledging the particularity of this position and of this perspective is not the articulation of a triumphal claim but rather the acknowledgement of a mission to be accomplished and to be celebrated.

The mission of the Catholic university serves multiple ends in the transformation of the lives of those who live within its mission — both students who spend several formative years within its culture and the faculty and staff whose careers and lives are intertwined within the life of the university. Among those ends are: (1) the pursuit of truth as the end of the intellectual life; (2) the teaching and practice of service as appropriate to citizens of both the City of God and the City of Man; and (3) the development of the life of prayer and the celebration of liturgy as the appropriate expression and acknowledgment of our relationship to God who creates, sustains, and calls us.

The University of Portland — *Oregon's Catholic University* — in its work as faithful to its mission as a Catholic university hosted two conferences in the spring of 2005 to address this multifaceted role. The first conference, under the title *Teaching, Faith, and Service: the Foundation of Freedom*, welcomed academicians to campus to directly pursue the first goal — the pursuit of the intellectual life as service to humanity and to the Church. The second conference, under the title *Living the Mission*, welcomed student affairs and campus ministry leaders to the campus in the direct pursuit of the second and third goals — the teaching of service and liturgy as formative.

This collection of some of the presentations from both conferences represents an attempt to share with the community of American Catholic universities the work of the conferences. The presentations are rich and varied in style, in authorship, and in topic. Some are deeply scholarly works and others have the appearance of sermons. Some are interdisciplinary and others are narrowly focused. Some are presentations by well-established and well-known experts and others are the first presentations of young scholars. All are responses to the call for papers directed to scholars as well as to graduate and undergraduate students to contribute to the growth of the work of the Catholic university.

The text begins and ends with papers from the *Living the Mission Conference*. The first paper, *Fulfilling the Mission*, is the work of Rev. David T. Tyson, C.S.C. Fr. Tyson, former president of the University of Portland and now provincial of the Indiana Province of Holy Cross,
describes the work of the university within the context of the Church, the charism of Holy
Cross, and the words of the founder of the Congregation of Holy Cross, Fr. Basil Moreau.
Fr. Tyson examines the challenges that are present to the Catholic university now and in the
future. He calls the Holy Cross colleges and universities to be bold in their interface with the
contemporary culture as they teach their students the truth and form them in justice. The
final paper, the Post Script, is the closing sermon of Rev. Hugh Cleary, C.S.C., superior general
for the Congregation of Holy Cross. It is entitled To Those Who Love the Congregation of Holy
Cross. Fr. Cleary's work is a reflection on the call to consecrated religious life — the call of
Jesus, “Come and follow me.” He reiterates that call as an invitation to serve with love and
zeal the mission of Holy Cross and the mission of the Church.

The remaining papers have been selected from the conference Teaching, Faith, and Service:
The Foundation of Freedom. The Honorable John T. Noonan, Jr. of the United States Court of
Appeals in the Ninth Circuit delivered the inaugural Garaventa Lecture as the keynote ad-
dress on the opening evening of the conference. In his lecture, Transparency in Theology,
Judge Noonan recounts the development of doctrine in the history of the Catholic Church as
it responded to new challenges. He claims that the Catholic Church should not deny the truth
of corrections when they are made or the advances in the understanding of doctrine when
they occur. Acknowledging the mystery of the church as divine and as human should provide
confidence in the pursuit of truth and humility in the face of error. He maintains that the
people of God committed to the culture of life depend on the culture of truth and the culture of
truth requires transparency in theology.

The papers in the second section focus on the task of the Catholic university in response to
the papal exhortation Ex corde ecclesiae. This work of John Paul II called the Catholic universi-
ties to a period of reflection on their mission and task. Whatever argument one may have
with the content of Ex corde ecclesiae, there can be no gainsaying its influence. The first paper
in this set is Defining a Catholic University in the U.S.A.: The University of Portland as a Case
Study by Rev. James T. Connelly, C.S.C. Fr. Connelly examines the norms in Ex corde ecclesiae
for qualifying as a Catholic university, and shows that these would not have applied univocally,
as exemplified in the history of the University of Portland. In the more than one hundred
years of the University of Portland from its founding, it has struggled to determine its identity
as a Catholic university and this struggle is evident in its articulation of its identity in the offi-
cial documents of the university. Thomas P. Hogan in Reflections on the Place of Research in Ex
corde ecclesiae delineates the prominent place accorded research in Ex corde and understand-
ing found therein of research as a particular form of service — service to humanity and to the
church in the advancement of truth — in the mission of the Catholic university. Hogan notes
that this understanding of research as service seems not at all the understanding of American
Catholic colleges and universities when they speak of service as mission. Rev. William D.
Dorwart, C.S.C. in Union of Hope describes the educational goals of the Congregation of Holy
Cross as twofold: the education of the heart as well as the mind. He describes the spirit of the
work conceived by both Moreau in the 19th Century and John Paul II in the 20th Century to foster the work of education in truth united as faith and understanding for each new generation. In Heart and Bones: A View of Culture, Dialogue, and Ex corde ecclesiae, Eugene V. Torisky Jr. worries that Ex corde’s application documents, Veritatis splendor and Fides et ratio, might present a problem for Catholic institutions of higher learning in their mission as Catholic and as catholic and in their engagement and dialogue as Culture with culture. Heart and bones – theology and philosophy – must work together for the fruitful dialogue that is capable of engaging and advancing culture and Culture.

The papers in the third section examine problematic issues in contemporary America. Among them are the corporate scandals of the business world, the death penalty, and participation in political life in a culture that aspires to be a culture of life. In Courage and Competence: Overlooked Virtues in the Search for Corporate Integrity, Rev. William Byron, S.J. calls for two Cs – courage and competence – as the necessary tools to direct the successful corporation. Fr. Byron claims that courage and competence among the directors of boards and between the boards and the CEOs are more important than government regulation – although such regulation is useful and necessary – to curb corporate greed. Jude Huntz, in Rethinking Retributive Justice: Moving toward Restorative Justice, proposes an examination of the development of thinking in the morality of capital punishment and suggests the reformulation of the issue as one of restorative justice. He looks to Catholic teaching as well as American literature to provide structure and flesh to restorative justice. In Sacred Monkeys and Seamless Garments, John O’Callaghan presents the careful distinctions in Catholic moral teaching — including the role of prudence, the distinction between acts that are evil in kind and those that cannot be so characterized, and the limits of toleration — that are necessary for those citizens who would engage in political life as Catholics. With these distinctions in place, the seamless garment can no longer be used as a cover for abhorrent acts but is to be understood as a cloth with threads that ought not be torn, lest the entire fabric be destroyed. In Catholicism, Pluralism and Democracy in America, David Carroll Cochran delineates the struggles of his undergraduate students, in the face of the challenges of moral relativism, individualism, and civil society, to understand the meaning of pluralism and democracy and the possible contributions of Catholicism’s claims — of moral truth to be discerned, of the dignity of the individual secured in the social nature of human beings, and of the role, richness, and power of intermediary associations within civil society — to the vision and flourishing of America. Steven P. Millies, in Beyond “Basket Weaving:* Christian Humanism and the Foundation of Freedom, builds on the political thought of Jacques Maritain, John Courtney Murray, Thomas Merton, and Charles Taylor. Millies challenges American Catholics to appreciate the civil liberty in the American secular order which allows them the freedom to practice their religion. This same freedom — to work, to pray, to speak as Catholics — permits them to be witnesses and to be agents of the Culture of Life in a way that is transformative of culture and in a way that respects the dignity of their fellow citizens to respond freely to the good news of the gospel. Millies encourages
Catholics to embrace the possibility of the sanctification of culture and to pursue Christian Humanism in a life of prayer and work.

The papers in the fourth section examine more specific philosophical topics as they relate to issues in the contemporary culture. In *Toward a Personalist Feminism*, Laura Garcia explores the successive waves of feminism in modernity and develops a personalist feminism indebted to the writing of John Paul II. She suggests that this personalist feminism is capable of fostering a civilization of love and she sketches some of its rich practical implications. In *The Desire to Live and the Right to Life: A Response to David Boonin*, Christopher Kaczor examines the claim of David Boonin that the right to life is present only in those who are subjects of present, actual, dispositional or habitual desires. He finds Boonin's claim wanting and he presents objections to Boonin's and other similarly situated positions. In *Vitoria's Integral Realism: Proportionality, Totality, and the Realism/Liberalism Dichotomy*, Christopher Toner presents a middle position to the realism/liberalism dichotomy in contemporary political theory. This middle position, integral realism, is rooted in the work of Francisco de Vitoria's Aristotelian-Thomistic political theory. The development of this position would require nation states to understand themselves as wholes integrated within a larger whole — the international community. This application of the principle of totality to the political order limits the activities of nations and protects their sovereignty. Following the thesis of Samuel Huntington, Toner suggests civilization as the larger whole worthy of defense in the face of barbarism. In *Toward a Definition of “Health” as Well-Functioning*, Sarah Martin maintains that an adequate conception of human health as the physical capacity for the pursuit of fundamental human ends — physical, psychological, and spiritual — provides the appropriate heuristic to guide the medical profession in determining whether a particular procedure is therapy or enhancement. In *The Practical Importance of Moral Teleology*, James Krueger explores the challenge in contemporary ethics presented by the possibility of the claim that acting morally can lead to disaster. Krueger examines Korsgaard's attempt to rectify Kant and claims that the intelligibility of morality can be secured only in the presence of an adequate teleology. He maintains that Kant set his moral theory within the postulates of practical reason to provide just such a framework and, moreover, he claims that only in a worldview informed by faith is morality open to the transcendence and transformation that make its intelligibility possible.

While the thoughts of many Catholic leaders were considered in the conference, two papers — one on Jean Vanier and another on Thomas Merton — focused clearly on their lives as influence. In Section five Arthur Spring’s *Freedom, Truth and Service: the Contribution of Jean Vanier* recounts the journey of Vanier, his spiritual roots, and the way of the heart — the path that leads from love, the love of those with wounds and disabilities, to love, the gift of their unconditional love, to the greatest love, the mystery of God's love. In *“A Wild Dedication …” Thomas Merton and the Emerging Catholic Paradigm*, Michael Herron delineates the ideals that marked the shift from a classical culture to the contemporary culture and sees in the life and
work of Thomas Merton a living icon of the practical effects of that transition.

Section six has several papers that are interdisciplinary in character and pedagogical in nature. They exhibit the university at work in the intentional integration of disciplines. In *Intersections: Exploring Social Justice Issues in the Physical Sciences*, Shannon Mayer maintains that science is a human enterprise; that the issues that scientists study are more than technical issues; and that scientists bring special expertise as their unique and indispensable part of the discussion. Therefore, she claims, social justice issues are crucial in the dialogue of developing technology for the 21st Century. She exemplifies this work with several case studies that she has used in her upper division class in Thermal and Statistical Physics. In *Pedagogy for Peace*, David Carey examines the principles operative in Pope John Paul II’s 2005 World Day of Peace message. He suggests the principles present a set of concrete challenges to undergraduate students to transform the world in the application of the principles in their careers. Steven Kolmes and Russell Butkus step up to the challenge of the integration of science and theology in their paper *Global Climate Change and the Church in the Modern World: A Sign of the Times*. They marshal scientific evidence for global climate change and its likely impacts on the world, especially on the most vulnerable. They advance Catholic Social Teaching with the developed notion of human beings — understood ecologically — created in the image and likeness of God as related to the world as well as to other creatures and to God. From this perspective they call upon the Catholic universities to seek and speak the truth that is necessary for the flourishing of God’s work — creation. In *Theological Challenges Posed by Cohabitation and Divorce*, Matthew Baasten and Robert Duff explore data on the phenomena of the transition in the understanding of marriage from institutional marriage to companionate marriage to individualized marriage. In the presence of these transitions and their paradoxical results, they conclude that marriage as understood in the Catholic tradition (a) is countercultural, (b) needs to be realistic and tend to practical matters, and (c) exhibits particular strengths in its theological framework and its supportive community of believers. In *Germ Line Gene Transfer: A Case Study for Engaging American Culture*, John Brehany reviews the scientific development in the proposed protocol, summarizes the major positions in the current ethical debate, and offers an approach to a more constructive engagement and resolution to be found in John Paul II’s theology of the body understood to be operating as a discipline — a system of regular action. This latter insight is derived from the critical hermeneutics of Michael Foucault and his understanding of the function and power of disciplines to effect cultural change. In *Consuming Passions: Catholic Education and Consumer Culture*, Fred Herron challenges Catholic education to be countercultural in the contemporary materialist culture. He suggest that such education, situated in an ethics of critique, justice, and care, has the vitality and sufficiency to be a prophetic voice to the poor and to the conscience of the rich and powerful. In *It’s Time: The Pedagogy of Bridgebuilders as a Model of Social Justice*, Karen Eifler and Kevin Fuller present their work with Bridgebuilders, the Perspective Gents, and BAMP — an education program at the University of Portland. BAMP provides a practical model for develop-
oping student teachers, boys — the perspective gentlemen — and the university in an ongoing project that lives the central principles of Catholic Social Teaching, namely, respect for the intrinsic dignity of all human life and commitment to the common good. In *International Law and the Family: Processes and Outcomes of the Doha International Conference for the Family*, Richard Wilkins delineates the influence of international law, including the declarations and reports of international bodies, on national policy and describes the movement to deconstruct marriage and other natural social institutions through the power exercised by these national and international efforts. He maintains that there are natural social institutions such as marriage and to privilege them is not unjust discrimination, but rather the recognition of their role, as supported by a body of data, in the flourishing and the social progress of individuals and families. The same power that resides in international bodies such as the Doha Conference and its declarations can be utilized, if we have the courage, to support the family as the natural social institution foundational for culture.

Section seven contains two reflective pieces. The first is Ralph McInerny’s *Freedom Is Not Enough: Catholics in America*. McInerny recalls the classical distinction between freedom as effective freedom — ordering judgment and choice to ends that are good — and freedom as liberty — canonizing choice itself as good. And he indicates the errors consequent in the latter position. He maintains that ordered liberty, which is necessary for human flourishing, requires us to acknowledge and live the reality that God made human beings free and God made human beings for Himself. In *Relics of the Risen Christ: The Theology of the Body in Service*, Jonathan Price develops a theology of the body as corporate — a theme of Pauline theology — and suggests that the world is ordered in a scheme of want so that human beings need each other and are called to serve each other as the body of Christ serves human salvation.

Both conferences, thanks to the work of the University of Portland campus ministry team under the direction of Rev. Edwin Obermiller, C.S.C., immersed the more than three hundred participants in daily prayer and worship. Each conference began with the celebration of the Eucharist. The Eucharist was celebrated three times throughout each day of the conferences. Each Eucharistic celebration witnessed the concelebration of priest participants with the presider as well as lay participation as lectors, cantors, musicians, and Eucharistic ministers. The ordinary of the Archdiocese of Portland, Archbishop John Vlazny, brought each conference to a close with the solemn celebration of the liturgy of the Eucharistic. Many of the priest participants and many members of the Congregation of Holy Cross who serve the community of the University of Portland joined Archbishop Vlazny in this celebration. Other celebrants included the Rev. Hugh Cleary, C.S.C., the superior general of the Congregation of Holy Cross, Rev. David Tyson, C.S.C., provincial of the Indiana Province of the Congregation of Holy Cross, Rev. E. William Beauchamp, C.S.C. president of the University of Portland, Rev. Claude Pomerleau, C.S.C., superior of the Holy Cross community at the University of Portland, and Rev. William Byron, S.J., former president of the Catholic University of American and of the University of Scranton, and now a senior scholar at the Sellinger School of Business at
Loyola College in Maryland.

The editors are deeply indebted to Jamie Powell for her remarkable dedication to this project. Her insightful comments, her ongoing work with the editors and with the individual authors, her movement and control of the manuscripts, and her sustaining encouragement were invaluable. We are grateful also to Rachel Barry-Arquit and Sue Säfve for their dedication to the project and their painstaking care to bring it to completion.

— Rev. William Hund, C.S.C., Ph.D.
Margaret Monahan Hogan, Ph.D.
SECTION 1

Keynote Addresses
The theme for this gathering of colleagues from Holy Cross-affiliated colleges and universities is “Fulfilling the Mission.”

I have been asked to share with you my reflections on this theme from the perspective of a provincial superior. Of course, I should state at the outset that my perspective as provincial is one that is clearly colored by twenty three years as an administrator at both the University of Notre Dame and the University of Portland.

Fulfilling the mission. Fulfilling what mission? Whose mission? What is our mission as Holy Cross institutions, as Catholic colleges and universities that draw energy and strength from the soil in which Venerable Basil Moreau planted us? We must clearly understand our mission before we can ever hope to fulfill it. This is a wonderful and exciting opportunity for me to talk with you this evening about this urgent issue, and I’m grateful for it.

Allow me to begin by framing these reflections with my understanding of the mission of Holy Cross in higher education, an understanding that is rooted in three things:
— in the apostolic mandate of Jesus to evangelize the world;
— in the Holy Cross Constitution on Mission which calls us to “hasten the coming of the Kingdom;”
— and in the words of our founder, the Venerable Basil Moreau, regarding his intentions for his fledgling institute.

**First, the apostolic mandate**
The commission of Jesus to make disciples of all nations is a critical theme of the New Testament. Because of that, one could argue that if an institution is to describe itself as Catholic it must embrace the evangelical mission of the Church. In a culture that is aggressively secular, it would be essential that Catholic colleges and universities be bold in their interface with that culture in both mission and practice, so that the dialogue between faith and reason can continue to inform the search for the truth, a search that we believe is rooted in Him who is the Way, the Truth, and the Life.

**Second, Constitution II on mission**
The mission of the Church in Holy Cross colleges and universities is mediated by our own mission as a Congregation. Our founder’s vision, our constitutions, our lived experience and expertise, the cultural and sub-cultural settings in which we engage in higher education, and the traditional collaboration of Holy Cross with colleagues not formally among our membership, have all shaped what is today an understanding of our mission that will guide us as we forge a future in this early part of the 21st century. Constitution II on mission reminds us that
the evangelical mission of the Church is also that of Holy Cross. It directs us to take up the mission of the Church knowing full well that the message of the Gospel is often misunderstood and rejected. Constitution II reminds us that just as Holy Cross’s mission is the Lord’s mission, the strength for that mission is also the Lord’s. This second constitution also reminds us of our essential purpose as educators in the faith, and the mutuality of the ministry of education. It says, “Wherever we work we assist others not only to recognize and develop their own gifts but also to discover the deepest longing in their lives. And, as in every work of our mission, we find that we ourselves stand to learn much from those whom we are called to teach” (Constitution II).

Third, the vision of the founder
The Venerable Basil Moreau had less of a grand plan for a Holy Cross “system” than a vision for what an education in Holy Cross would mean to those who receive it. His goals reflected that vision, and the vision was simple: education in Holy Cross was primarily evangelical, which means that education in Holy Cross was about Christ. Of course, it was about knowledge, but knowledge framed in the Christian message. Moreau himself even says: “knowledge itself does not bring about positive values but values do influence knowledge and put it to good use” (Christian Education).

The development of Holy Cross education, in general, and Holy Cross higher education in the U.S., in particular, shows a remarkable flexibility in setting, in curriculum outside of the core, in access, and in clientele, among other things. For example, the wisdom of Edward Sorin, C.S.C, in changing the French model of a boarding school to one more specific to the cultural setting of backwoods Indiana may have well saved the Holy Cross education venture in the U.S. What has always remained consistent from the beginning is the centrality of the mission of Christ and of his disciples to teach all nations, and to do so in the context of a lived community of scholars. The now often-used quote of Father Moreau about the education of the heart as well as the mind is, indeed, the appropriate mantra for all of those who educate students in Holy Cross colleges and universities both in and out of the classroom.

Fulfilling the Mission
Whether or not we fulfill this mission of Holy Cross in higher education depends on the ability of our particular college or university to meet the challenges that confront it. As well, it will require deft leadership that can negotiate far more than the travails of managing a complex organization. In many respects, the fulfillment of the mission will require the boldness that is characteristic of distinctive and successful organizations.

Allow me to share with you what I think are five of the challenges we face in this early stage of the 21st Century.

Challenge #1: Hiring
Every Catholic institution must understand the essential nature of hiring for mission. Frankly, many colleges and universities have botched it, and some may not recover. The mission of
some of those schools has evolved into something other than that intended by their founders. The same is true for Holy Cross colleges and universities. When I hear a position at some school described as a “mission hire” it is a symptom, in my view, of what on the surface appears to be a benign activity, but that is, in reality, the beginnings of fatal disease.

If we have a clear understanding of the mission as the animus of the institution, and if we have a clear expectation that members of the college or university community must embrace the mission, then every hire should be a mission hire. Colleges and universities live in the world of concepts and ideas. If members of the academy relegate the centrality of the mission, which is the Gospel, to a concept that they understand, but may not embrace as the driving force of the institution, that institution over time will simply become what we can call “mission diffuse.” Then, that which makes the mission distinctive will be replaced by market-driven principles or the jargon of the values of the secular academy. There is plenty of evidence that when this takes place in Catholic colleges, survival becomes the end game. We are not immune from this danger in Holy Cross colleges and universities. In my view then, the hiring challenge will be the most daunting and urgent challenge that Holy Cross institutions of higher education will face in the next two decades. But it is a challenge that we can meet with care, patience, and unwavering attention.

**Challenge #2: Access**

Access to private higher education has been and continues to be an issue in the U.S. Rising costs and increased tuition have put private higher education out of reach for many in the lowest socioeconomic strata of our country. This is a challenge for Holy Cross colleges and universities. Financial aid will need to be a continued top fundraising priority of our institutions if we are to be faithful to our historical priority of having a preferential option for the poor. From our earliest days, Holy Cross has strived to make attendance at our colleges and universities a possibility for people of all walks of life. Father Moreau, himself, addressed this issue by exhorting our schools to show preference to the poor. The fiscal realities of operating colleges and universities today make it difficult for us to provide an opportunity to attend our institutions to as many as we might like. Nonetheless, if we are to fulfill our mission we must be tireless in our efforts to do so. Our mandate to do this is not rooted in the cultural value that diversity is an end in itself. Rather, we do so because the Gospel of Jesus Christ commands us to do it. Our mission requires that “we stand with the poor and the afflicted because only from there can we appeal as Jesus did for the conversion and deliverance of all” (Constitution II).

**Challenge #3: The common good and radical autonomy**

In the late 1960s, most Catholic colleges and universities made great efforts to increase the quality of the academic endeavor in order to gain footing, as well as credibility, with their secular counterparts. Most were successful in their attempts. Since that time we have seen the culture of the academy embrace the aggressive secular nature of the dominant culture. As a result, there are increasing flash points in colleges and universities, including those under Holy Cross auspices, regarding what can be described as the evolution of the concept of aca-
ademic freedom that holds as its primary value a radical individual autonomy. At Holy Cross institutions, this radical individual autonomy is juxtaposed against an institutional mission that is rooted in a faith tradition that sees its expression in communio, or the common good. It will be the challenge of leadership in our institutions, and in the Congregation, to mediate this juxtaposition. For example, one could ask a question: should radical autonomy ever give way to the common good? To ignore it will be to look foolish to the variety of publics that the institution serves. I am impressed by the attempt of Pope John Paul II to describe academic freedom in the context of the Gospel. He says, “The Church, accepting the legitimate autonomy of human culture and especially of the sciences, recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods, and within the confines of the truth and the common good” (Ex corde ecclesiae). Much as we would like it to, this issue will not go away. It is important that it be addressed by the governance, the institutional leadership, the faculty, and the rest of the college or university community, lest the proclamation of George Bernard Shaw becomes true that a Catholic University is a contradiction in terms.

Challenge #4: Integration of knowledge

Like many Catholic colleges and universities, Holy Cross institutions have historically been leaders in integrated and interdisciplinary curricula, especially relating the humanities to professional education. Holy Cross has done this since the time of our founder. More recently, all of our colleges and universities have undergone a review of the “core curriculum” as well as the implementation of means for assessing the success of the integrated or interdisciplinary aspects of the curriculum.

In addition to formal curricular considerations, as places of holistic education, Holy Cross colleges and universities have always exerted great and successful efforts at forging student life in a way that is programmed, intentional, and interventionist. It is here that the concept of communio is most lived in the college or university setting. It is here that the applied knowledge of living in, and having responsibility for, a community life is gained in the undergraduate experience. It is here that young people live with more senior members of the college or university to integrate all aspects of life. The concept of residentiality that has become a hallmark of student life on our campuses is, perhaps, the single most effective instrument of integration of knowledge that we have in Holy Cross colleges and universities. It draws together the ideas and concepts of the lab and classroom with the realities of college and university life for the young adult, and creates a community unlike any most of them will ever live in again — a community of faith, of work, of service, and of play. I know of no other colleges or universities that do this as well as those of Holy Cross. Others have given it up or see it as unnecessary, unless it is a good marketing tool for increased enrollment.

But Holy Cross colleges and universities do have future challenges in this area. For one, the so called Catholic character of the institution is too easily compartmentalized within the Division of Student Affairs. Student Affairs often serves as a safe haven when we find our-
selves unable to discuss the tough issues on a broader institutional level involving the academ-
ic division. I do not want to belabor the subject, but the *Vagina Monologue* debate is a case in
point. When the play is student-sponsored, it is seen as a blatant violation of mission. When it
has academic sponsorship, it becomes an issue of freedom (or is it license?). If nothing else,
this compartmentalization raises the urgency of a conversation about these matters in the con-
text of the Catholic college.

A second challenge in this area to Holy Cross colleges and universities is the integration of
the academic life into the residential aspects of the community. This has been an ongoing issue
for many vice presidents at all Holy Cross institutions. Given the unique character of this as-
pect of Holy Cross higher education, the challenge is one that needs to be addressed in a struc-
tured way. Integration of knowledge for students is elusive when we are faced with the
compartmentalizing of knowledge that has become part of the fabric of the American college
and university. I think that addressing this matter in a programmed, structured way in Holy
Cross colleges and universities would only enhance our distinctiveness.

**Challenge #5: Governance**

It has been almost forty years since the first Holy Cross colleges and universities changed
their methods of institutional governance. Since that time all of the Holy Cross-affiliated insti-
tutions have made some change in their governance depending on the times and circum-
stances of the particular college or university. The inspiration of the Second Vatican Council,
the decrease in religious professionally prepared, as well as the need for the professional ex-
pertise of lay men and women, coupled with the necessity of deeper and wider donor bases,
all played a role in the decision by provinces and the sisters’ congregations to examine the fulfill-
ment of the mission given the realities of their specific institutions. These new arrangements
have served us well. However, it is essential to understand that the fulfillment of the mission
of Holy Cross in our affiliated colleges and universities should not be delimited by these new
arrangements. Indeed, the fulfillment of the mission should be enhanced by these arrange-
ments. Financing higher education has become big business. The expertise of the corporate
sector in our colleges and universities has been a blessing.

On the other hand, the world of Sarbanes/Oxley should not replace a template of mission
with a template of a corporate governance process and structure. The Holy Cross community
must be vigilant to ensure that our colleges and universities remain mission-driven. All struc-
tures and processes should serve that end. While CSC colleges and universities must be highly
skilled at negotiating the multiple, complicated environments in which they operate, the ulti-
mate goal of fulfilling the mission should be particularly addressed on a regular basis by the
institutional leadership as well as by those in governance. Governance has one purpose, and
that is the enhancement of the institution so as to maximize the effectiveness of the mission.

**What does the future hold as we fulfill the mission?**

How will Holy Cross higher education continue to fulfill its mission in the 21st Century? The
numbers of professed Holy Cross religious in North America will continue to decrease dramati-
cally over the next ten years. I anticipate that there will be a commensurate decrease in pro-
fessed Holy Cross religious working in our affiliated colleges and universities. The structure of
Holy Cross as we have known it for at least fifty years will certainly be altered over the years
ahead to more effectively serve the mission of the Congregation.

But I am personally confident that we will, as we have in the past, meet the challenges that
face us in the future, always being faithful to our mission of teaching all nations in the name of
Jesus.

I am also confident that our success will be rooted in the fact that we will, as we have since
the beginning, work side by side with other men and women to fulfill the vision that Father
Moreau had way back in the mid-nineteenth century. Just as our institutions must be mission-
driven, we as Holy Cross educators must be driven to succeed in the fulfillment of that mission.

As a provincial, I think each day of a section of Constitution VIII, “The Cross, Our Hope,”
as my inspiration and motivation. “The footsteps of those men who called us to walk in
their company left deep prints, as of men carrying heavy burdens. But they did not trudge;
they strode. For they had the hope.” That is the legacy given to us as Holy Cross educators in
the faith. It is a burden to bear, especially when we want to trudge instead of stride. Those
who have gone before us claimed the cross as their hope. It is that same crucified hope that
gives us the courage to stride with vigor so as to pass on the legacy to those who will come after
us in Holy Cross higher education. I know that I speak on behalf of Father Cleary, our Superior
General, the General Council, and on behalf of every provincial and provincial council, in
thanking you for your life of commitment to the mission of Holy Cross in Catholic higher ed-
ucation. The work has shaped my life as a person and priest, it has grayed me, and it has
given me great joy and great hope. In my eyes, you are one lucky bunch!

I shall close with words of encouragement from the Venerable Basil Moreau himself.

*With the eyes of faith, consider the greatness*

*Of your mission and the wonderful amount of good You can accomplish.*

*And also consider the great reward promised*  
*To those who have taught the truth to others And have helped form them into justice:*  
*They will shine eternally in the skies Like the stars of the heavens.*  
*With the hope of this glory, we must generously Complete the Lord’s work.*

(from Christian Education)
TRANSPARENCY IN THEOLOGY
THE REQUIREMENT

BY THE HONORABLE JOHN T. NOONAN, JR.

Is the Church an army, an academy, a cafeteria? The songs we share with fellow Christian Americans suggest that it is an army: “Onward Christian Soldiers!” “The Battle Hymn of the Republic,” even our ecumenical hymn, “A Mighty Fortress Is Our God.” We can march to the martial music. We can move with the martial words. Even congenital pacifists like Erasmus could entitle a work of reforming piety *The Handbook of the Christian Soldier*. The courage, the devotion to duty, the sense of purpose possessed by the good soldier have been, and are, prized in the Church.

Yet, the Church is not a command system where the person at the top of the pyramid can issue an order compelling compliance by every subordinate. No command is lawful if it should require the subordinate to sin. No command is to be obeyed if it is contrary to what the conscience of the subordinate tells him or her to do. No teaching from the top imposes instant assent; the teaching must first be appropriated by the individual as part of Christian doctrine. The military metaphor risks putting too high a premium on obedience. It leads to the clergy doing what John Henry Newman in something close to despair compared “to fighting under the lash,” like the Persian soldiers of Xerxes.

Is the Church, then, an academy, in which scholars do research, propose hypotheses, announce brilliant new discoveries? Research, no doubt, is done by exegetes and historians. Exegetes discover new facts, for example, the fact that Luke 6:35, the New Testament text against usury, was mistranslated from the Greek in the Latin Vulgate used in Rome. Historians like Cardinal Bessarian and Lorenzo Valla discover new facts, for example, that the donation of Constantine to the Church was a forgery. New approaches are set out by philosophers such as phenomenology, unknown before Husserl. Theologians embrace the idea of the organic development of doctrine, an idea not well articulated before Newman. The inquisitive, relentlessly curious human mind goes to work on the lore that makes up the fabric of faith and finds some of the components flawed or false. This work is done by scholars and thinkers, as in an academy. But the Church is not an academy. It is an organism composed of living persons attached to the person of Jesus Christ. The substance of the organism’s life does not depend on scholars or scholarship. The academy can be an auxiliary; it is not the model.

What, then, of finding a model in churches that have come from the mother Church and have proved to have vitality as well as inclusiveness? What, for example, of the Episcopal Church of the United States, which has no monarch as its head but is ruled by bishops and by periodic conferences with voting by representatives of the bishops, the clergy and the laity? Despite divisions as to beliefs and as to morals — divisions now particularly public and painful — the main body has held together, proclaiming the Gospel of Jesus Christ, praying
the liturgy, studying Scripture, and accommodating a range of conduct within boundaries changing with the experience of modern life. To some, it may appear that no more viable model for the Church can be maintained in the hostile environment where secularism is the established religion.

But the Church is not a cafeteria. The faithful are to be fed but their fare is to be wholesome, not whatever pleases their palate. A Church that accommodates too much tends to dis-integration and to indifference to its basic message. Broad inclusiveness becomes bland inconclusiveness. Not for individual Episcopalians, whose devotion may put many Catholics to shame, but for the institution. The genteel tradition, so tellingly mocked by Santayana, is what remains.

Not an army, not an academy, not a cafeteria, but a living and therefore developing organism, the Church is *sui generis*. It has a human head, a human organization, a human history and, as we believe, it is the Body of Christ, joined to him. We need to know and to acknowledge both its divine dimension and its humanity. The paradox, or rather, the mystery is as difficult and as challenging as the presentation of Jesus as God-man.

One way of doubting the divine dimension of the Church is to think it necessary to conceal the mistakes made in the past or to hide the changes going on in the present. Divinity needs no devices to hide human error or human progress in the apprehension of truth. The divinity of the Church sustains a body composed of people — you and me — who make mistakes and who make progress. There is no need to deny the truth of corrections when they are made, or of an advance when it occurs.

Let me give an example or two of the corrections that have been necessary and of attempts to hide them. When the evolution of the earth was becoming a scientific theory in the nineteenth century, some Catholic thinkers thought the theory undermined the biblical account of the creation of the world in six days. They proposed that the geological ages of the mountains were devised by God as a test of faith in Scripture; the geological ages were not actual but only apparent. Nonsense of this sort is scarcely conceivable today, but a reputable Catholic exegete like the French biblical scholar Vigouroux once felt compelled to utter it. *Divino afflante Spiritu* of Pius XII in 1943 put an end to Catholic fundamentalism in the study of Scripture.

Another example, from morals: only in 1965 did the Catholic Church condemn human slavery. Only in 1985 did a pope proclaim that it was intrinsically evil for one human being to own another. Prior to these authoritative condemnations, as human morals changed, a Catholic moralist like John Ford could teach that chattel slavery was wrong, but that the slavery approved by St. Paul was not chattel slavery — as though the buying and selling of human beings in the Roman Empire of the first century was anything different from the buying and selling of human beings in the United States prior to 1865. Like Vigouroux on the aged mountains, Ford found it impossible to admit the truth, in this case that the Church once accepted chattel slavery as a legitimate human institution, a useful human addition, as St. Thomas
Aquinas put it, to the institutions of nature.

I give you these classic examples of timidity before the truth, just as I have given you classic examples of Catholic scholars recognizing the truth in exegesis, history, philosophy and theology. The truth is what we live by. A culture of life cannot live without the truth. The Gospel according to John informs us, "The truth shall make you free."

We are going into a new millennium and are now led by a new pope. His predecessor acknowledged sins of people of the Church in the past. The Second Vatican Council condemned as sinful not only slavery but the coercion of rational minds, a not infrequent fault of those bent on stamping out dissent. As a cardinal at the head of the Congregation for the Doctrine of the Faith, the new pope acknowledged that a theologian who could not believe in a doctrine of the Church not infallibly proposed for belief had the obligation to follow his conscience and expound his doubt to the appropriate authorities. The right not to believe the noninfallible was explicitly acknowledged. And there are very few doctrines, especially in morals, that are demonstrably set out as infallible. What is most needed now is transparency in theology.

By transparency in theology I mean, first, that all practices of the Church should be public; none should be shrouded in secrecy. Second, disagreement with noninfallible teaching should not be censored or suppressed. Third, mistakes made by the magisterium should be admitted by the magisterium and meditated on by the theologians. Fourth, all sources of truth should be employed in reaching magisterial conclusions. Fifth, the development of doctrine should be accepted and acknowledged as a past fact and a future possibility.

Allow me to illustrate each of these propositions. As to the first, the public acknowledgment of practice, I have in mind the current rules of the Church by which the Church effects divorce. The rules are not completely secret. They are reported in journals and treatises specializing in canon law. But they are effectively removed from public consideration, partly due to a euphemism by which the process is called dissolution of a marriage, not divorce.

I speak here of divorce, not annulment, the process by which church courts determine that a valid marriage never existed. Everyone has heard of the Rota — the marriage tribunal — and of the marriage cases brought before it for annulment. How many have heard of actual divorces granted by every pope from Pius XI in 1924 to John Paul II in 2004? These divorces total in the thousands. The largest number of them have affected couples in the United States. The process, when it has gone to Rome, has been handled by the Congregation for the Doctrine of the Faith, whose prefect routinely submits a bundle of petitions to the pope for his nod of approval making the divorce effective in canon law.

A further word may be pertinent as to the vocabulary in which this process is canonically described. The term "divorce" is not used, while the marriage is "dissolved." This convention is maintained even though a decree of civil divorce is regularly among the papers forwarded by a diocese to Rome. The convention is maintained even though the treatise on marriage that launched the present practice was written by Pietro Gasparri, the father of the 1918 Code
of Canon Law, and Gasparri wrote of “full divorce — that is, as to the bond.”

Why isn’t the practice of divorce by the Church better known and more discussed? When
the regulations governing it were first issued in 1934, ten years after the first divorce had been
effected, the regulations were sent to the bishops of the world under secrecy. Bishops were
also advised not to let a case go forward that would cause scandal or that would cause wonder
(admiratio) among the faithful. To this day, due to the silence surrounding these cases, many
Catholics express admiratio when they hear of them. By the same token, many bishops do not
accept these divorce cases for diocesan consideration, a necessary step before they are sent to
Rome. In 1989, for example, the archdiocese of Los Angeles processed forty-three such cases;
the archdiocese of New York, none.

The theological roots of divorce within the Church go back to a passage in St. Paul’s First
Letter to the Corinthians. The development from 1 Corinthians has been great. The theologi-
cal justification of the present practice has not been developed. The practice may cause won-
der. Concealment causes even greater wonder. Once the practice is public, once it is transparent,
theologians will find its rationale and its bounds.

As to the second proposition, a theologian who holds a view contrary to current magisterial
formulation is in danger of his view not being published or, if published, met by discipline.
Such a regime will maintain magisterial positions in force long after anyone really believes
them. An example is the magisterial teaching in force until December 7, 1965 that a Catholic
state had the duty to suppress heresy. This particular doctrine had little sting because it had
been so qualified by prudential consideration that it had little application. It was an embar-
rassment, an ecumenical hindrance, and an obstacle to the Church’s being the champion of
human freedom. Its demise was regretted by few outside of its theological defenders who
thought change impossible. Yet Maritain was attacked and Murray was silenced for questioning
it. Looking back, one finds it hard to remember how fiercely this obsolete idea was defended.

The ending of this mistake makes a good case for allowing dissent to be expressed. But
there can be trouble in other cases. The trouble with the open expression of theological dis-
sent on a moral issue is that someone may act upon it. In this respect, dissent here is different
from dissent by a judge. No one can think that he is free to follow a judge’s dissent instead of
the law upheld by the court, and if anyone made that mistake and acted on it, the sanctions of
the law would soon overtake him. Morals, addressed to conscience and not backed by force,
can be swayed by dissenting argument, and dissent can lead to acts.

The force of this objection to openness is not trivial. Taken seriously into account, consid-
eration of it must qualify the freedom with which dissent is expressed. At a minimum, a
teacher of Catholic doctrine has the duty to set out the magisterial position and the reasons
and authorities supporting it. At a maximum, his dissent should not be a call for action but a
call for reconsideration. Public citation of the dissent will still carry the risk of confusion, a
risk that magisterial authority will deplore. But that risk needs to be weighed against the risk
of continuing an actual error in the magisterial position if criticism of it is obscured or muted.
In today's world, transparency appears to be the value with decisive weight.

Third, as to the magisterium admitting its mistakes, denial of mistakes may be made by those not at the top level simply because it is more comfortable to think that the leaders are right. What is operative is a kind of psychological defense. As a woman in a recent *New Yorker* cartoon confides to her friend, “I feel so much better, now that I’m back in denial.”

At a higher, self-critical level of authority, prudence rather than complacency controls. But should it? John Paul II admitted the sins of the people of the Church. Why not, then, admit the mistakes of the people of the Church? Are sins more reconcilable with the holiness of the Church than mistakes are with the inerrancy of the Church? That mistakes have been made is incontestable — on the moral acceptability of slaveholding; on the duty to coerce and even to kill heretics; on the unlawfulness of lending at a profit. It is often a mistake in itself not to acknowledge a past mistake. It does not destroy authority to do so. Modern parents admit mistakes without losing authority over their children. Courts admit error without ceasing to bind litigants. Scientists are constantly discarding old solutions. Only an outdated view of authority supposes authority to be undone by an admission of its human ability to make a mistake.

To know what those mistakes may have been, one does not start with an ideal or Platonic image of the Church and proceed deductively from that ideal, asking, How many mistakes would God allow His Church to make? Instead, one needs to plunge into the messy data of history.

The fourth proposition states that all sources of truth be tapped before a magisterial decision is reached. The teaching on religious liberty is a perfect example. The Protestant philosopher and theologian, John Locke, was as much an influence on the teaching finally promulgated by the Second Vatican Council in 1965 as the Catholic convert and philosopher Jacques Maritain. The example of constitutional government in the United States was as much an example as the conduct of any professedly Catholic country. The teaching on religious freedom was based on the behavior of Jesus and his apostles; it gained coherence and strength from scholarly reflections and governmental examples far from Palestine and far from medieval Bologna and Paris.

Finally, the acceptance of the development of doctrine must crown the transparent activity. If it is supposed that development can never occur, that everything has been said, why not commit scriptural verses or Thomistic texts to heart and repeat them by rote? In that way no one would stumble. “Will there be no progress in the Church of Christ?” Vincent of Lérins asks as he proposes as the rule of faith “what has been believed everywhere, ever, by everyone.” He answers himself, “There will be plainly and fully, for who is so envious of human beings and so exiled from God as to try to forbid it?”

To all five propositions, the objection may be advanced that they are very well for well-educated persons but fail to take into account the large number of believers who are not well-educated. Tell them that the Church has made mistakes! Tell them that the Church accepts
Tell them that common human experience can be a guide to moral truth! Tell them these truths, and a simple confidence in what their pastors tell them may disappear. In this way, the convictions of the less educated are advanced as a reason to deny transparency. The reason is there. It should not be discounted. But relying upon this reason is to rely on the ignorance attributed to these imagined believers. To perpetuate ignorance because the truth is hard to take is scarcely to accord respect to the saving power of truth.

Transparent in the terms just outlined, theology will thrive. It will be adopting a theme that has already carried the day in modern corporate government, in civil affairs, and in politics more generally. Transparency has become key because, in itself, it sets out no prescription for conduct. It simply demands that what you do or say be visible. If you are unwilling to make it visible, the presumption is that there is something wrong with what you are doing or saying. In corporate government we have seen the fall of chief executives who prized secrecy. In civic affairs we have seen the flourishing of the nonprofit organization whose name is Transparency International and whose mission is the monitoring of governments so that bribery will be deterred or detected. The concept of transparency has spread under the aegis of this remarkable group, as is illustrated in the politics of Communist China. When the politburo of this country confronted the massive unrest culminating in Tiananmen Square, Zhao Ziyang, according to what has been accepted as a reliable transcript of the meeting, told his comrades that what was needed was “transparency.”

If the leadership of a modern tyranny could consider transparency as its solution, so much more should our Church, that is neither a tyranny nor a political organism, but the people of God committed to the culture of life. The culture of life depends on the culture of truth. The culture of truth depends on transparency.
SECTION 2

THE CATHOLIC UNIVERSITY IN AMERICA
On August 15, 1990, Pope John Paul II issued the apostolic letter *Ex corde ecclesiae* on Catholic universities and initiated a decade of sometimes anguished discussion and negotiation on the degree to which the letter and the norms for its application would apply to Catholic institutions of higher education in the United States. At the heart of the issue is the question, “What makes a university Catholic?”

In the United States — and perhaps elsewhere in the world as well — Catholic institutions of higher education since the foundation of the first one, Georgetown College, by Bishop John Carroll in 1789, have come into being as schools to serve the educational needs of the Catholic community rather than to fulfill some plan as to what makes such an institution Catholic. To be sure, models of education developed in Europe were imported into the United States and a philosophy of Catholic education was developed as time went on. But in their beginnings, most institutions that called themselves “Catholic” in the United States did so because they were founded by Catholics for Catholics and for anyone else who might want to take advantage of what they had to offer.

James T. Burtchaell, in his 1998 study, *The Dying of the Light: The Disengagement of Colleges and Universities from their Christian Churches*, has argued that there is a discernible trend in the United States for church related institutions of higher education to drift away from a “serious, valued, or functioning relationship with their Christian sponsors of the past.”¹ Burtchaell uses case studies to make his point and for Catholic institutions he describes the process of drift in the recent histories of Boston College, The College of New Rochelle and St. Mary’s College of California. In the case of Catholic schools, he has argued elsewhere that this trend has been particularly evident since the close of the Second Vatican Council in 1965.²

In trying to examine the trend toward secularization among American Catholic colleges and universities that Burtchaell claims is operative, it should be helpful to understand how particular colleges and universities have dealt with their Catholic identity in the course of their history. The University of Portland, known as Columbia University until 1935, has usually, but not always, identified itself as a Catholic institution since its founding in 1901. Since the question of the University’s Catholic identity was either taken for granted or never raised for much of its history, statements in the annual catalog or bulletin constitute much of the documentary evidence as to how the institution understood itself to be Catholic.

The University was founded in 1901 by Archbishop Alexander Christie of Oregon City, Oregon. Christie had arrived in his new see in June 1899 to find that there was no institution under Catholic auspices in Portland, Oregon's largest city, for boys who wished to continue
their education beyond parochial school. He resolved to remedy the situation and in the sum-
mer of 1901 he acquired a building and twenty-eight acres that had belonged to a defunct
Methodist school on the north side of the city. The initial faculty was cobbled together from
an “exiled missionary from China, three seminarians, and an attending physician” plus a lay-
man who had graduated from the University of Notre Dame and two diocesan priests. The
president was Rev. Edward P. Murphy, the pastor of St. Patrick’s Parish in Portland and a for-
er member of the Congregation of Holy Cross, who had served as president of St. Edward’s
College in Austin, Texas, in 1894-1895. Fifty-two boys showed up on opening day, September
5, 1901. By December, there were almost twice that number in attendance.3

Archbishop Christie’s resources in both money and personnel were quite limited and with-
in three months, by November of 1901, he was negotiating with the Congregation of Holy
Cross to take over the school. By December of 1901 an agreement had been reached and the
first contingent of four Holy Cross religious arrived in Portland in May 1902 to prepare for the
following academic year. The Congregation of Holy Cross owned and operated the University
from 1902 until 1967, when the assets and direction of the institution were confided to a
Board of Regents under a deed and trust arrangement, which specified that the institution
was to maintain its Catholic character or revert to the Congregation.4

The Foundational Years, 1901-1929
While everyone knew that Columbia University had been founded by the local Roman
Catholic archbishop and was staffed mostly by Holy Cross priests and Brothers, the earliest
catalogs seldom used the word “Catholic.” The opening statement in the first catalog informed
the reader that Archbishop Christie, the founder, had made of Columbia “a generous gift to a
community of educators whose success in the management of Catholic boarding schools is al-
together unrivaled ....”5 This statement was unchanged for the first six years. However, in the
1907-1908 catalog, the word “Catholic” was dropped and the statement was changed to read,
“The institution is conducted by the Congregation of Holy Cross, a religious body of men de-
voted to the higher education and Christian training of young men.”6 Catalogs for the early
years also repeated verbatim a notice that “graded courses in Christian Doctrine are presented
for all Catholic students and for others who desire to take such instruction.”7 The catalog for
1910-1911 was the first to list a Prefect of Religion, the forerunner of today’s campus ministry.8

Under “Rules of Discipline,” the first catalog had declared that, “Students of all religious de-
nominations are received, and they are all required to attend divine service in the University
Chapel at stated times.”9 “Divine service” was not identified as Catholic, but there is no evi-
dence that the service was of any other kind. The 1907-1908 catalog also changed the wording
of this prescription slightly to say that although students of all denominations were received,
“the University is nevertheless a strictly Catholic institution.”10 Apparently, Columbia was be-
ginning to attract some students of other denominations because the catalog of 1914-1915
amended the preamble to the section on “Discipline” to read, “The institution is strictly
Roman Catholic but admits students of other denominations and respects their conscientious

32

THE FOUNDATION OF FREEDOM
beliefs,” and went on to note that Columbia’s “underlying principle ... is the combination of secular training with positive religious instruction in a constant religious atmosphere.” The 1914-1915 catalog also dropped the rule on compulsory attendance at chapel, but the catalog of 1922-1923 restored it “for the sake of good order.”

After the First World War, Columbia underwent a transformation from a middle and secondary school into a junior college in 1921 and a four-year college in 1927. In 1922, the citizens of Oregon approved a ballot initiative sponsored by Masons and the Ku Klux Klan, The Oregon Compulsory Education Act, which declared that after September 1, 1926, every child in the state between the ages of eight and sixteen would be obliged to attend a public school. An appeal ultimately decided by the United States Supreme Court in 1925 declared the law unconstitutional, thus saving Catholic primary and secondary education in Oregon. In a decade when there was much anti-Catholic bias and Klan activity in Oregon, the catalogs continued to state bluntly that Columbia was a Catholic school and that the great majority of the students were Catholics.

The Middle Years, 1930-1955

During the years of the Great Depression and into the mid-1950s, many non-Catholic students, seeking college degrees to improve their employment opportunities, enrolled at the school, which until 1948 was the only university in the city of Portland. In 1935, the school changed its name to The University of Portland in order to identify more closely with the city of Portland and Oregon. By the fall term of 1933, non-Catholics constituted one-third of the student body. In the fall of 1939, they were about forty percent. In 1941, the president reported that the students were “a few more non-Catholic than Catholic.” The years immediately after World War II brought an influx of students taking advantage of the G.I. Bill. In the autumn of 1951, the enrollment statistics showed forty-six percent of the students as non-Catholic. The self-descriptive language of the University’s bulletins in these years reflected the changes in the student body.

The statement that the University was “a strictly Catholic institution,” first introduced in the catalog of 1914-1915, was completely revised for the 1933-1934 Bulletin. A statement on the “Origin and Purpose” of the University declared that Archbishop Christie had founded the institution as an “establishment of ... higher learning under the direction of Catholic authority for the young men of Oregon and principally to satisfy the needs of the city of Portland.”

This somewhat neutral statement of purpose was mitigated by the section on “The Department of Religion” wherein the reader was informed that Columbia was, “a Catholic institution whose primary purpose is the inculcating of Catholic ideals, thought and practice during the period that the student is acquiring that secular knowledge which will prepare him to take his proper place in the world.” However, non-Catholic students were assured that they were required to attend “neither the religious exercises nor the classes in Religion prescribed for the Catholic students.” This exemption was printed in bold in the Bulletin of 1935-1936.

The University Bulletin published in the spring of 1941 revised the statements of origin and
purpose, replacing the word "Catholic" with "Christian." In 1949, this statement was entitled "History and Purpose" and was revised to note that Archbishop Christie, the founder, had given the University to the Congregation of Holy Cross, "a Catholic religious society of men dedicated to the work of Christian education." The 1950-1951 edition of the Bulletin introduced a statement on "Religious Life" under the general heading of "Student Welfare and Activity," which dealt with a variety of matters, e.g. discipline, health, guidance, etc. This was the same statement quoted above that had appeared under "The Department of Religion" in the 1933-1934 Bulletin and it asserted that the University was "a Catholic institution." The revision added that it prepared students for participation in their home parish and in "the broader activities of the Church" after graduation. This latter statement was revised in February 1952 to reflect the fact that the University of Portland, while still "a Catholic institution," was a pluralist institution with many students who were not Catholics.

During these years, as enrollment grew but the percentage of Catholic students declined, the University of Portland was struggling to say in just what way it was a Catholic institution. In effect, there were two tracks at the University, one for Catholics, who were required in the early years to attend chapel and at all times to take religion courses, and another for non-Catholics, who had never been required to take the religion courses and after 1933 were not required to attend chapel. The University was Catholic in that it offered but did not require of all its students the study of theology and that it was under the direction of a Catholic religious community. There were also many Holy Cross priests and Brothers on the faculty and many lay Catholic faculty members who constituted a Catholic presence on the campus. This model of what it meant to be a Catholic university would be severely tested in the next quarter-century.

The Ecumenical University, 1955-1978

A significant era for the University began in 1955 when Rev. Howard Kenna, C.S.C., was appointed president of the institution. Kenna brought with him from Holy Cross College in Washington, D.C., his assistant, Rev. Paul Waldschmidt, C.S.C. Between them, they would preside over the University for the next twenty-three years. The University had undergone a severe financial crisis in the years 1950-1955 and its survival was uncertain when the Kenna-Waldschmidt team took over. Under their leadership it would cease to be owned by the Congregation of Holy Cross and it would come close to dropping its identity as a Catholic university.

Kenna inaugurated an ambitious building program with the help of government loans and a few benefactors and Waldschmidt continued it when he became president in 1962 after Kenna was elected provincial superior of the Holy Cross Congregation's Indiana Province. The new buildings vastly improved the school's facilities, but they also resulted in a large debt that would lead to a financial crisis in 1967-1971.

The University was struggling financially by the end of the 1960s and fearing that it could not survive in the Pacific Northwest as a Catholic institution because of the relatively small Catholic population in that region, Waldschmidt proposed to create an ecumenical university on the Canadian model. The University of Portland would become a degree granting body
with which various church-related colleges, Catholic and Protestant, would be affiliated. Had Waldschmidt been able to persuade other schools in the region to affiliate with the University of Portland, such an arrangement might have come to pass. As it turned out, there were no takers, and Waldschmidt left the presidency in 1978 to become auxiliary bishop of Portland with his plan unrealized.

The move toward the ecumenical university can be traced in the statements in the University’s Bulletin in which it describes itself. An earlier statement on “History and Purpose” describing the University of Portland as “a Catholic institution” was replaced in 1966 with a statement on “Aims and Objectives” that described the school as an “independent, Catholic, cosmopolitan, coeducational, campus-centered institution.” In the explanation that followed for each of these characteristics, the University was said to be “Catholic” in terms of the opportunities that it provided for Catholic students.

The September 1971 edition of the Bulletin dropped the word “Catholic” from this list of characteristics altogether, but added a paragraph under “Independent” that said that a “special characteristic” of the University was that it recognized “the study of theology as a valid academic discipline and as an integral part of the body of knowledge which the fully educated person should possess.” The word “Catholic” never appeared in this paragraph. In a section on the “Special Objectives of the Undergraduate Curriculum” it was stated, “In sum, to develop within a Judaeo-Christian context, a full knowledge of man as man in all his relationships to himself, to his society, and to God.” This edition of the Bulletin purged any reference to the University of Portland as a Catholic institution or having a Catholic connection other than the note that many students came from Catholic families. The statement on “Aims and Objectives” was unchanged until 1977 when the phrase “Roman Catholic in tradition” was added to the list of characteristics, although it was not explained.

In the early 1970s, the University’s campus ministry was described in ecumenical terms with a proviso that Catholic students could attend Mass daily and on Sundays. In 1976, a phrase was added to the effect that “a special chapel is provided for students of other religious affiliations.” The Theology Department dropped the words “Catholic Theology” from the department’s statement of objectives in the 1970 Bulletin but three courses in theology were now to be required of all students, Catholic and non-Catholic: Introduction to Theology for first-year students; Judaeo-Christian Culture for second-year students; and a third course to be chosen from the electives offered. The proposed ecumenical university, while dropping “Catholic” from its identity, made the study of theology an obligation for all.

Oregon’s Catholic University, 1978-2003

Paul Waldschmidt was succeeded as president in 1978 by Brother Raphael Wilson, C.S.C., and the attempt to create an ecumenical university came to an abrupt end. The new president stated at his inauguration, “At a Catholic university, Catholicism must be perceptively present and effectively operative. This includes sound ecumenical activities consistent with making the university really Catholic, in the true meaning of the word.”
The word “Catholic” began to work its way back into the University’s Bulletin. The summer 1980 edition of the Bulletin revised the statement on “Aims and Objectives” so that it now began, “The University of Portland is a Catholic, co-educational institution ….” Theology would still be required of all students, and the task of the college theology program was said to be “the academic study of the sources, teachings, values and tradition of Christianity, in Catholic and ecumenical perspective.”36 The 1982 Bulletin expanded this opening statement to say that the University was “a Catholic university open to students of all races, nationalities and religions … (following) the Judaeo-Christian tradition.”37

Several other events in the 1980s underscored the change in the University of Portland’s identity that was under way. In an address to the faculty in January 1980, President Wilson noted that “private witness is not what defines a Catholic university. By definition a Catholic university must be a corporate moral person committed totally to the mission of the church ….” He went on to announce that faculty contracts would henceforth be more specific in this regard. “Faculty,” he said, “need to be more fully aware of the nature of the expectations of their institution. There is an obligation imposed with the recognition of the Catholic nature of the University of Portland …. This essentially means that in doctrinal matters, the official teaching of the Roman Catholic Church prevails.”38 At least one member of the faculty resigned in protest.

A second event that underscored the University’s reclaiming of its Catholic character was the construction in 1987 of the Chapel of Christ the Teacher at the south end of the academic quadrangle on campus. The building of a university church had long been a project of several Holy Cross religious who had begun to raise money for a Chapel Fund that was not under the control of the University administration. The Waldschmidt administration had opposed building a Catholic church on the campus, but Wilson supported the project and engaged a well known Portland architect, Pietro Belluschi, to design the building. Wilson’s successor, Rev. Thomas Oddo, C.S.C., saw the project to completion. In these same years, classes were cancelled on Good Friday to allow faculty, staff and students to attend religious services.

When a new president, Rev. David Tyson, C.S.C., was inaugurated in 1990, following Oddo’s tragic death in an auto accident, he was in a position to not only assert but also to aggressively market the University of Portland as a Catholic university. The edition of the Bulletin that appeared in the summer of 1990 carried a “Mission Statement” for the first time. It began with the words, “The University of Portland is an independently governed Catholic university ….”39 The new president informed the faculty that his goal was to make the University of Portland “the premier Catholic teaching university in the West.” The following year, the motto, “Oregon’s Catholic University,” began to appear on the University’s literature and promotional material. Despite the strong reassertion of the institution’s Catholic connection, fifty-one percent of the student body were not Catholics in the fall of 2003.40

Although it backed away from identifying itself as a Catholic university in the late 1960s and for most of the 1970s in hopes of broadening its base and insuring its survival, the Uni-
versity of Portland reverted to an ever more overt identification of itself as Catholic in the 1980s and 1990s. The irony of this change of direction is that the University's leadership in the last two decades of the twentieth century sought to develop its potential by doing precisely what the leadership in the previous two decades had come to believe would put its survival in jeopardy, asserting and advertising its Catholic identity. In so doing, they sought to find a niche in the Pacific Northwest market for the University of Portland.

The Quandary

According to *Ex corde ecclesiae*, "every Catholic University, as Catholic, must have the following essential characteristics: 1) a Christian inspiration not only of individuals but of the university community as such; 2) a continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute its own research; 3) fidelity to the Christian message as it comes to us through the Church; 4) an institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life."

In light of its fluctuating commitment to a Catholic identity over the past forty years, one might ask whether or not the University of Portland is a Catholic university? At present and since 1990, the University's mission statement identifies it as a Catholic university. The president, the vice presidents and four of six deans at present are Catholics. Although information on the religious affiliation of faculty members is not available, forty-nine percent of the students in the fall of 2003 identified themselves as Catholics. The study of theology is required of all students and there is a faculty of theology. Pastoral ministry by Catholic clergy and laity is provided for the University community. In light of the definition of a Catholic university in *Ex corde ecclesiae*, the average observer would probably perceive the University of Portland at the beginning of the twenty-first century as a Catholic institution.

However, the canonical "norms" laid down in *Ex corde ecclesiae* impose other requirements on institutions of higher learning that wish to identify themselves as Catholic. While the University of Portland was established in 1901 by the Archbishop of Oregon City, it subsequently became the property of a religious congregation and then, in 1967, of a Board of Regents consisting of several religious of the Congregation of Holy Cross and a larger number of lay members. The university's mission statement declares that it is "an independently governed Catholic university" while the norms of *Ex corde ecclesiae* envision a measure of control by the "local ecclesiastical authority." The norms call for a formal link with the national Episcopal conference, but the University of Portland, like most American Catholic colleges and universities, has no such formal link. The norms insist that the majority of the teaching faculty should be Catholics, and while this may be true at the University of Portland, a profession of adherence to the Catholic Church is not required for employment and the religious persuasion of faculty members is not on record. In light of the canonical norms for a Catholic university in *Ex corde ecclesiae*, one might ask whether the University of Portland is a Catholic university.
Nevertheless, the University has struggled over the years with the question of a Catholic identity, taking it for granted for many years, hiding it in the 1960s and 1970s, and advertising it in recent years. George Bernard Shaw once quipped that a Catholic university is a contradiction in terms. Therein lies the present quandary of the University of Portland and other "Catholic" colleges and universities in the United States: too Catholic to be a university by Shaw's reckoning; too independent as a university to be Catholic by *Ex corde's* norms.

4. Ibid., 2-5, 216.
10. *Catalogue* 1907-1908, Rule #8, 10.
14. Covert, 64-65, 73.
17. Michael Early, C.S.C., to Thomas Steiner, C.S.C., November 6, 1939, Papers of the Provincial Administration of Thomas Steiner, Indiana Province Archives, Notre Dame, Indiana.
21. Ibid., 21.
27. Connelly, 88-93.
31. Ibid., 5.
REFLECTIONS ON THE PLACE OF RESEARCH


*Ex corde ecclesiae,* Part II, General Norms, Article 1, § 3.

Ibid., Article 1, § 2.

Ibid., Article 4, § 4.

(An earlier version of this paper appeared in “American Catholic Studies,” Vol. 12, No. 1 (Spring 2005) pp. 29-41.)
I want to reflect on the place of research — even the term research — in *Ex corde ecclesiae*, more formally known as the *Apostolic Constitution of the Supreme Pontiff John Paul II on Catholic Universities*. It was issued August 15, 1990, just about fifteen years ago. *Ex corde* was in preparation, going through various drafts, being the subject of conferences and consultations, and so on, for over five years, that is, beginning in about 1985\(^1\). However, I will treat it as the work of John Paul II, much as one would treat a President’s State of the Union address as his own, despite the fact that much of it was crafted by other people.

Before launching directly into the subject, allow me to provide two points of context, first about the particular perspective I bring to the topic and, second, about some aspects of the topic that I will sidestep.

**My Perspective**

First, regarding my background and the perspective I bring to the task. Nearly all of what I have read about *Ex corde* has been written by theologians (including canonists), clerics, and church historians.\(^2\) I am none of these. I am a quantitative researcher, both by personal practice and by experience as an administrator. My own research is empirical and tends toward the quantitative aspects of psychology and education. I collect and analyze data, then publish the results. My teaching follows the same path: statistics, research methods, and psychological measurement. I have also served as a research administrator, being Director of Research at a university for ten years, for two years Chair of the Research Coordinators Conference of the Association of Jesuit Colleges and Universities, and President of two different state research organizations. Before being involved in these types of academic affairs, I worked in research and development in private industry. This, then, is the particular perspective I bring to the reading of *Ex corde*.

**Sidestepping Two Issues**

I wish to sidestep two issues: the mandatum and the nature of the American Catholic University. Since *Ex corde’s* appearance in 1990, no aspect of it has received more attention than the mandatum, a requirement that Catholic teachers of theology receive approval by the local ecclesiastical authority (usually the bishop). Search *Ex corde ecclesiae* on the Internet and you get: mandatum. Search mandatum, you get: *Ex corde ecclesiae*. The mandatum is mentioned in a single sentence in *Ex corde*, in Part II, Article 4, §3, rather near the end of the document: “In particular, Catholic theologians, aware that they fulfill a mandate received from the Church, are to be faithful to the Magisterium of the Church as the authentic interpreter of Sacred
Scripture and Sacred Tradition." The mandatum has also been the focus of attention in the hotly contested Application of Ex corde ecclesiae for the United States, approved by the National Conference of Catholic Bishops in 1999 and receiving recognitio by the Holy See in 2000, with an effective date of May 3, 2001. (The Application limits the mandatum to (a) Catholic full-time teachers of (b) selected theological subjects.) It seems a bit surprising that Ex corde served as the lightning rod on this issue because the offending sentence, cited above, merely repeated Canon 812 from the 1983 Code of Canon Law: "Those who teach theological subjects in any institute of higher studies must have a mandate [mandatum habeant opportet] from the competent ecclesiastical authority." As fascinating as this topic of the mandatum is, it is largely irrelevant for my purposes. Therefore, I will ignore it.

The second issue, the nature of the American Catholic University, is not irrelevant. Since the publication of the revised Code of Canon Law in 1983, specifically canons 807-814 on Catholic Universities and Other Institutes of Higher Studies, some canonists have questioned whether these canons apply to American Catholic universities, given their differences from European Catholic universities. By extension, insofar as Ex corde depends on canon law, as it explicitly claims to do, one might say that Ex corde does not apply to American Catholic universities. Indeed, some authors have so stated. What position shall I take on this issue? I will ignore the question. I will proceed on the assumption — granting that it is an assumption — that Ex corde does apply to American Catholic universities. Or, perhaps more precisely, that regardless of whether or not it applies in some juridical sense, it just might have something useful to say. I want, then, to examine Ex corde for what it seems to say to me, not as a theological treatise but as the thoughts of one of the most eminent personages of our time. I do not wish to deny its theological status, just to put that status aside for a moment.

The Place of Research in Ex corde — A Quantitative Analysis
In reading Ex corde what strikes me more than anything else is the prominent place it accords to research, using precisely that term. In its mere sixteen single spaced pages — it is a relatively brief document — it uses the term “research” forty-one times, approximately four times per page. The first concept that ordinarily comes to mind when we think of a university is “teaching." It is interesting to compare Ex corde's references to teaching and to research as the document describes a university’s functions. The point is made repeatedly that a Catholic university is first and foremost a university. Thus, in describing a university's function, the document is describing the basic function of a Catholic university. One hears humming in the background a bit of Aristotelian-Thomsitic metaphysics about “essences," in this case, specifically, the essence of a university.

Here is the numerical comparison of “research” and “teaching” in Ex corde, excluding counts in the references. Excuse my quantitative disposition here, but this is how I do things.

- Research appears 41 times.
- Teaching appears 21 times.
- Research and teaching appear 21 times in conjunction.
In 17 of these 21 instances, research appears first.

In only 4 instances does teaching appear first.

Research appears by itself, without any mention of teaching, 20 times.

Teaching never appears by itself.

The results are remarkable, even stunning. (I wish I had this breakdown when I was establishing an Office of Research Services at my home institution in 1985, invading, as some thought, the teaching mission of that Jesuit institution.)

Perhaps the simplest expression of the place of research in *Ex corde* comes in the section on the Nature and Objectives of a Catholic University (I, A, 1, §15), where the document says clearly “The Catholic University, therefore, is a place of research ...”

**Some Themes**

With forty-one references to “research,” we might ask if any distinctions appear. Are there any themes? Any contextual differences? I think there are. Specifically, there appear to be four relatively distinct themes. The document does not explicitly identify these four points and I don’t know if these were intended but I think they are embedded within the document.

The first theme relates to the question: Why do research? The answer is simple and it is repeated throughout *Ex corde*. The answer is: Because it is good for you and me. Like exercise, friendship, and red wine (my examples, not the Pontiff’s), research is good. Research satisfies a basic human need. *Ex corde* references Augustine and Aquinas on this point (in footnote 2). Of course, attainment of the truth is the ultimate destination, but research is the interstate route to it. I say it is good for “you and me.” Actually, *Ex corde* says it is good for humanity and for the Church (e.g., it refers to contributing to the “treasury of human knowledge” and “human progress”) but these terms are just abstractions for “you and me.” I won’t quibble over the exact wording.

*Ex corde* has an important subtext to this call for research. It expresses utter confidence that, in the long run, faith and reason (read scientific research) are complementary. There will be no conflict between them. The Church and her teaching have nothing to fear from research.

The second theme relates to the spheres of research. One might expect a document from the Pontiff to emphasize theological research. Actually, it does not. *Ex corde* continually emphasizes research in all of the disciplines, often adding the specification “with the methods proper to each academic discipline” (I, A, §15). It notes that “Freedom in research and teaching is recognized and respected according to the principles and methods of each individual discipline” (II, Art. 2, §5). Thus, *Ex corde* invites research from all segments of the academic universe, always providing that ethical norms are observed.

In the third theme I lump together two strands which might easily be presented separately: theological research and special topics. Although *Ex corde* emphasizes research in all the disciplines, it does reserve a few — and very few — comments for theological research. Specifically, it simply encourages theological research, while asking that theologians “respect the authority of the Bishops” (I, A, §29). Of course, there is also the mandatum (II, Art. 4, §3). On
the other hand, *Ex corde* says (and I love this) “Bishops should encourage the creative work of theologians” (I, A, §29). Within the main paragraph about theology, *Ex corde* refers to research three times. (More on this point later.)

Regarding special issues, *Ex corde* recommends to the Catholic university that it “[Include] among its research activities ... study of serious contemporary problems in areas such as ...” (I, B, §32). Specifically mentioned are the following:

- Dignity of human life
- Promotion of justice for all
- Quality of personal and family life
- Protection of nature
- Search for peace and political stability
- More just sharing in the world’s resources
- A new economic and political order

*Ex corde* does not provide a definitive list of the issues; it simply refers to topics “such as.” Nor does it expand on the meaning of any of these issues. Altogether, as with the treatment of theological research, reference to these special issues is a rather minor affair in the context of the total document. It is also interesting that *Ex corde* refers to carrying out research on these topics but it does not refer to teaching about them.

In the two following sections (I, B, §33 and §34), the document also mentions examining the predominant values and norms of modern society, the promotion of social justice, the development of emerging nations, and (here’s one for the development office) “searching for ways to make university education accessible to all those who are able to benefit from it, especially the poor or members of minority groups” (I, B, §34). These topics are not specifically identified as targets of research.

The fourth and last theme I see in *Ex corde* is the most intriguing: Research as service. This, it seems to me, is a relatively novel concept and one which has interesting implications. The word “service” prompts visions of soup kitchens and committee work. However, according to *Ex corde*, both the individual researcher and the university as the locus of research are providing a service. Referring to the university’s pursuit of truth, *Ex corde* says “This is its way of serving” and it refers to “this kind of disinterested service” (§4). The entire second section (B) of Part I, carrying the label “The Mission of Service of a Catholic University,” begins by referring, not to working in a soup kitchen, but to “a continuous quest for truth through its research.” The subsection (B1) on “Service to Church and Society” begins, not by referring to working on committees or working for United Way, but thusly: “Through teaching and research, a Catholic University offers an indispensable contribution to the Church” (I, B, §31). And further, “Catholic universities join other private and public institutions in serving the public interest through higher education and research” (I, B, §37). Referring specifically to theologians, *Ex corde* says “They serve the Church through research” (I, A, §29).

Here is an interesting sidelight on this theme of research as service. Every university with
which I am familiar uses three criteria for evaluating faculty: teaching, research, and service, often listed in that priority order. This is the holy trinity of promotion and tenure. Although there is some fuzziness around the edges of the distinctions among these three realms, they are, in the final analysis, seen as reasonably distinguishable. Teaching usually means classroom performance. Research usually means the visible outputs of scholarly and creative work. Service usually means practical work for the university, the community, or the profession. *Ex corde*’s conception of research as service certainly throws a monkey wrench into this scheme of things. According to *Ex corde*, research is service, in fact, the kind of service most appropriate to a university and its faculty.

**Assessment**

How would we assess Catholic universities’ status today regarding the research mission emphasized by *Ex corde*? We can approach the question from two perspectives.

The first perspective comes from examining the public credentials or records of these universities. Standard sources include the rankings of “research-doctorate programs in the United States” by the National Research Council and the ratings of “best graduate schools” by *U.S. News and World Report*. According to these and similar sources, the research record of Catholic universities as a whole is weak. This is hardly a novel observation. The situation was lamented by John Tracy Ellis fifty years ago, by Jencks and Reisman thirty years ago, and by Fr. Hesburgh ten years ago. Only occasionally does a Catholic university appear among the top twenty-five or so research universities in any field and never among the top ten in any field that I have examined. We can argue about the validity or relevance of some of these ratings, but they do provide very public, widely recognized criteria. On this first count, then, Catholic universities in the United States do not measure up very well to *Ex corde*’s emphasis on research.

The second perspective is provided by examination of self-proclaimed “mission statements,” which are currently very popular not only at Catholic universities but among all universities and, indeed, among business entities. It is not unusual, for example, to see a mission statement hanging on the wall in your favorite fast-food restaurant. What do we find in the mission statements from Catholic universities? Many Catholic universities have mission committees or offices. What do they attend to? What “mission” means today in many Catholic universities can be summed up in three words: liturgies, retreats, and volunteering. No mention of research. Some statements do extend themselves to the teaching function. Case in point: The University of Portland, whose self-proclaimed mission is Teaching, Faith, and Service, not coincidentally the subtitle of this conference. No mention of research. My own institution, a Jesuit university, has a Mission and Identity Committee on its Board of Trustees. I have examined the committee’s minutes for the past four meetings. Summary: liturgies, retreats, volunteering. No mention of research as part of mission. The website for Catholics United for the Faith lists the responses of a number of Catholic universities to *Ex corde*. The institutions are ones that have made a particular
point about their allegiance to the church. The themes in these mission statements are: liturgies, retreats, volunteering. No mention of research as part of what Ex corde called for.

On the whole, I conclude that, even when American Catholic universities have attempted to respond positively to Ex corde, it appears that they have largely ignored the call to research that is such a core theme in the document. There seems to be a blind spot in the reading of the document.

**Three Concluding Thoughts**

Let me conclude with three brief thoughts. First, while I have emphasized the place of research in Ex corde, a place I find quite remarkable, I do not mean to imply that this is the most important theme in the document. I leave that determination to others more suited by training to address that question.

Second, I said earlier that I would sidestep the issue of the nature of the American Catholic university. Well, not entirely. Having established the preeminent place accorded to research in Ex corde, let me raise the issue about the nature of the American Catholic university in this context: To what extent do we want a university to be a research center? It is, at least in part, the question raised by McInerny\textsuperscript{12} and Miscamble.\textsuperscript{13} Both authors warn about the danger of aping the Harvard-Berkeley model of a university, a clearly research-dominated model. Rather, both authors call for developing a distinctive model for what a great Catholic university should be. Furthermore, it might be noted that within the context of American secular education, increasing criticism has been directed at the preoccupation with research at the expense of the teaching function, especially undergraduate teaching at our premier research universities. Not at a theoretical level, but at a practical level, there is some enmity between high-class research and high-class teaching of large numbers of undergraduate students. I will not pursue this issue here, but I simply raise the question. It is, however, worth noting that, whereas the record of Catholic universities in the research realm is less than stellar, their record among the more teaching-oriented institutions is almost astonishingly strong. For example, again using a U. S. News & World Report survey, in the category of “master’s institutions,” approximately one-third of the top fifty institutions are Catholic; in the highly competitive Northeast and West regions, over half of the top-ranked institutions are Catholic.\textsuperscript{14} Thus, referring to the base rates mentioned earlier, Catholic institutions are over-represented by two to three times in these categories. These are quite remarkable results.

Third, here is perhaps the most remarkable feature of the Apostolic Constitution on Catholic Universities: Nowhere does it mention the overriding importance of having superior athletic teams (Ad Majorem Dei Gloriam!). I did not need my word counter to determine that the words athletics, sports, football, soccer, and basketball never appear in Ex corde.

**References**


REFLECTIONS ON THE PLACE OF RESEARCH


The various translations of Ex corde use somewhat different terms and yield somewhat different counts, although the results are similar to those given here for the English version. The Spanish version tends to use “invesigacion” which occurs 39 times. The German version tends to use “Forschung” which occurs 43 times. The Italian version tends to use “ricerca” which occurs 60 times.

To evaluate the relative status of Catholic institutions in various categories, we need a base rate, that is, the percentage of Catholic institutions among all institutions of higher education. Getting this percentage is a bit trickier than might be expected. Various sources give the number of Catholic colleges in the United States as anywhere from somewhat less than 200 (e.g., the Association of Catholic Colleges and Universities [http://www.accunet.org/search/all_catholiccolleges.asp] to 224 (e.g., http://www.cardinalnewmansociety.org/u_s_catholic_colleges.htm) to somewhat higher numbers. The total number of colleges, according to the 2000 Carnegie classification scheme (www.carnegiefoundation.org/classification/cihe2000/tables.htm) is 3,941 for a total; 2,272 if associate’s (only) colleges are excluded; and 1,472 if both associate’s and specialized institutions are excluded. Thus, the base rate for Catholic colleges varies from 5% to 15%, depending on which figures are used for definitions; the 15% figure is probably the most useful for practical purposes. For example, among the “top 50 colleges in category X” we would expect to find about 7 or 8 Catholic colleges.


11 http://www.cuf.org/march03excordetoday.htm


A group of adventurers set out on a safari heading into the vast African landscape. Local citizens had been hired to serve as porters to carry provisions for the long trek. After having covered some distance in a few short days, one of the workers made an appeal: “We need to stop for a break.” He explained: “we are not too tired and the burden is not too heavy. But we have all come a very long way, in a short time. We must pause now and allow our souls to catch up.”

Ex corde ecclesiae
In August 1990, Pope John Paul II published *Ex corde ecclesiae*. In the document he raised questions about the role of faith, religion and the Church in the modern Catholic university. In the years since the document was promulgated, much has been written reflecting various points of view. Some educators and experts, have declared their positions and occasionally even drawn lines. A sound response, however, will engage both the Church and the Academy in the kind of fertile dialogue that seeks to foster more understanding than division. A solid relationship, from the “heart of the Church” serving to educate and inspire will do more for humankind and the pursuit of truth than either reasonable argument or rigid appeal.

Over the centuries the communion between the Church and the Academy has borne fruit. In a relatively short period of history, great strides in education have been made. Scholars, the faithful and, indeed, the world have benefited along the way. Now, at a time when individual interest spars with the common good, when possessions appear more valuable than life, secularism prospers, and the “win-lose” creed crescendos, the mission of this union of Church and Academy is as vital as ever. In helping young men and women discover a noble purpose and find their place in the world, both the Academy and the Church have important lessons to teach. As colleagues in education devoted to the discovery of truth, both have lessons to learn.

In *Ex corde ecclesiae*, as John Paul II highlighted the current challenge facing the Church’s higher education institutions, that is, “to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition,” he called for creativity and fidelity. He encouraged us to rediscover common ground and purpose in service of the common good. Creative, faithful recollection fostering reunion for the sake of the institution’s mission invites educators to pause and reflect on where we have been together and how we may have grown apart; it provokes serious soul-searching.

Holy Cross Heritage
Although Catholic higher education today is not defined by a particular creed or religious regimen, we do rely upon an inheritance, and we call upon the vision and faith of our forebears. It would be unwise for us to take their investment — our patrimony — for granted or to make assumptions about our understanding of it. To do so may find us manipulating the story and
disrupting the sacred rhythm that is the lifeblood of our labor, thus putting the heart and soul of the work at risk.

Father Basil Anthony Moreau, the Founder of the Congregation of Holy Cross, was a religious and an educator who dedicated his life and the resources of the community he founded to the education of youth. In 1849, while reflecting on the Congregation's mission, he made an appeal for a concerted effort echoed later in *Ex corde ecclesiae*: "It is of the utmost importance that all those who have been entrusted with the admirable task of educating youth should unite in a spirit of zeal and devotedness."⁴

Again, as in the Holy Father's contemporary apostolic constitution, with the students' success, their character formation, and the common good in mind, Father Moreau wrote over a century-and-a-half ago:

> [W]e wish to accept science without prejudice, and in a manner adapted to the needs of our times. We do not want our students to be ignorant of anything they should know. To this end, we shall shrink from no sacrifice .... We shall always place education side by side with instruction; the mind will not be cultivated at the expense of the heart. While we prepare useful citizens for society, we shall likewise do our utmost to prepare citizens for heaven.⁵

In the 19th Century Father Moreau's zeal for the mission, his concern for the student, and his philosophy of education were all shaped by his experience of the world, his academic background, and his religious formation. For him, education for success and education for personal virtue and service were inextricably linked. In the same way, as the Third Millennium dawned, John Paul II was concerned for and committed to the wellbeing of today's youth. The harsh realities his generation had known, as well as the circumstances and discipline of his own life, moved John Paul II to encourage, instruct and reverence the young. Amid the demands and distractions of the modern world, both of these leaders held as paramount the care, protection, and education of young minds and hearts.

**Planning for Catholic Education**

When the Congregation began to build schools in the 19th Century, Holy Cross priests, brothers and sisters formed much of the labor pool. Many members of the administration, faculty and staff were professed religious. The work, the commitment, and the success of these men and women became the Congregation's story, drafted in a way of life (vows, prayer, community, etc) inspired by the Gospel. Historically, fidelity to a lifestyle, a spiritual rhythm, and communion shaped the character and defined the mission of Holy Cross institutions. Institutional policy and priorities were determined by men and women who professed the vows of poverty, celibacy and obedience, and who gathered each day for the *Prayer of the Church*. Today we find lay leaders (married and single), professionals and non-Catholics supporting operations and helping to set a course for the future. While dedication in faith and commitment to education remain common denominators, no longer do religious habits and obedience provide the operational core or determine the daily routine for Holy Cross institutions.
The baton has been passed and we find that new and various forces now set the tone and give direction to the institution. Over the course of the last few decades the education community has been baptized in multiple compelling realities — academic diversity and excellence, corporate governance, institutional autonomy, competitive marketing, etc. — which have become the mainstay of the higher education apostolate.

As theories and practices in education continue to evolve, however, Father Moreau’s heirs still stand on the same foundation. Whether an individual serving in a Holy Cross institution is a professed religious, a non-Christian or a non-believer, each educator, administrator, and partner is dedicated to the “admirable task” of educating young men and women.

Members of the Congregation of Holy Cross, along with the men and women serving in the Congregation’s institutions, have an opportunity to engage in an ongoing reflection and dialogue that leads to greater cooperation, deeper understanding, and continuing discovery. Serious about the relationship between the Church and the Academy, we play an important role in shaping the future of Catholic higher education. We labor at the intersection where colleagues are eager to speak the truth all long to hear, while we assist others to recognize and develop their own gifts and discover the deepest longing in their lives.

In order for us to continue drafting a story true to the blueprint, structures and systems of prayerful reflection must be put in place that will form a union which fosters an inspired way of life. Creative, faithful stewardship will find us looking for ways to integrate Holy Cross heritage and the Church’s mission into the spiritual rhythm, routine and habitude of the educational community. If, at this moment in history, we adopt a lifestyle which engages a prayerful, reflective routine and exercises a common discipline, the commitment and the success of dedicated men and women will continue to draft an inspired story which educates young minds and hearts.

**Structures — “The Rule”**

Attempts have been made in recent years to reconnect with historical roots and to underscore Holy Cross heritage. The establishment of periodic founders’ day celebrations, academic institutes and special seminars has been helpful. But the long-term impact of these initiatives on the work will be limited because they are peripheral to the machinery which now powers most Holy Cross institutions. More can be done.

Whether building a budget, a curriculum or a program within an institution, educators often commit themselves to various stages of planning, implementation and evaluation. The same explicit, systemic, ongoing (in)formative process may be employed when seeking to integrate character — Holy Cross and Catholic — into the operating structures of a Holy Cross college or university. Regular, systematic reflection, education, and assessment will stimulate creativity, facilitate communication and generate tangible results. The process, the tools, and the expertise are readily available. The privileged task remains to put them together in a way that begins, “to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical …”
Reflection

Various groups have an important stake in the institution, its mission and its wellbeing. Their particular and collective consideration of the past, present and future is important. Three bodies related to the Holy Cross higher education apostolate must build a sound, prayerful relationship which fosters fertile dialogue and serves to educate and inspire. They are:

■ **Holy Cross Community** (local/provincial) and its investment in the ongoing examination of its identity, lifestyle, mission and presence within the institution;

■ **The Catholic Institution** (faculty, administration, board, etc) and its ongoing reflection upon “Catholic,” “Holy Cross,” unity, mission, etc;

■ **The Catholic Diocese** and its ongoing consideration of and commitment to Catholic higher education in the local diocese.

At the center of their concerted effort and dialogue are:

■ Congregation of Holy Cross documents (*Constitutions, Chapter documents, etc.*)

■ Sacred Scriptures

■ Church documents (*Ex corde ecclesiae, etc.*)

Education

The process of ongoing reflection supports the efforts of all of those who are dedicated to the institution and its mission. Beginning with the members of the Board, everyone engaged in our shared work and concerned with its success is eager to discover what they have become a part of: the school, its traditions, its ongoing mission and its character. Regardless of an individual’s religious background or affiliation, their presence (more than a job) reflects their commitment to the education of young men and women, mind and heart. Relying and building upon the reflective routine and ongoing dialogue, this educative component becomes a process of integration and engagement at every level responding to the signs of the times while remaining faithful to the Founder’s design and the mission of the Church.

This discipline and ongoing process of education throughout the various levels of the Holy Cross institution involves three basic elements:

■ Corporate memory and identity (institution’s mission statement, history, etc.)

■ Structures and context (Academy, Church, Congregation of Holy Cross, etc.)

■ Contemporary challenges (ecumenism, academic freedom, secularism, etc.)

Assessment

Based upon its heritage, mission statement, and commitment to the common good, the Holy Cross college or university community engages an ongoing process of assessment and review. Eager to inspire growth, cultivate leadership and to help students “become people outstanding in learning, ready to shoulder society’s heavier burdens . . .,” educators periodically review the performance and success of graduates. This regular assessment enables members of the educational community to evaluate their own efforts, revise academic pro-
gramming and fine-tune operations.

Often the most radical discoveries come well into adulthood once an individual has walked the path of adult experience and responsibility and can better question established assumptions and ambitions.¹⁰ By participating in some regular review, graduates will appreciate that growth is a lifelong venture. Thus, from matriculation through commencement, citizens are well prepared for a lifetime of learning, discovery and service.

This periodic assessment of the educational community’s work and its impact on citizens and society considers the performance of graduates and their contribution to the world. The assessment is predicated on the graduates’ experience and their:

- Commitment to institution’s mission (values, mission statement, etc.)
- Success measured in relationship to the institution’s character (ideals, goals, etc.)
- Contribution to society, community, world and humanity

**Intersection**

Father Moreau was a spiritually-disciplined educator who rallied others around “the work” (education) and “The Rule” (vows/religious life). In the aftermath of the French Revolution, he dreamed of establishing a religious family, modeled on the Holy Family, whose members would be united and thus strengthened in work and in spirit. He said, “We must never lose sight of the fact that strength of numbers, joined with unity of aim and action, is the greatest of all strengths and is limited only by the bounds of the possible.”¹¹

For him “The Rule” was crucial to the group’s success. He wrote, “Unless you wish to see everything crumble and fall into ruin, the Rules and Constitutions must establish between you … the same interdependence as that which exists between the branches of a tree and its trunk, between the rays of the sun and its fire, between brooks and their source.”¹²

Prayer resided at the heart of “The Rule” because the work belonged to God. Whether addressing an individual or the group, Father Moreau consistently emphasized the centrality of prayer. He reminded his followers:

- Let us continue to pray, for it is only on this condition that God will grant the graces which the modern world needs so sorely.¹³

- Learn that prayer and union with God were the source from which laborers in the service of the gospel … drew their most heroic plans and the strength to carry them out.¹⁴

- Without [prayer and penance] we shall lose ourselves even while striving to save others, or at the very least we shall deaden the spirit of God among us. We shall never attain our end … and we shall retard the progress of the Congregation …¹⁵

Today, whether religious or lay, we serve within the Holy Cross institution as “educators in the faith,”¹⁶ building upon the foundation established by the Founder. Living in a world every bit as complicated and conflicted as that of Father Moreau in the 19th Century or that of Pope John Paul II in the 20th Century, today we find that there is much work to do. Like those two spiritual educators, we are also in a position to prayerfully read the signs of the times, and to
act on behalf of God’s children.

A recent UCLA study revealed that young men and women today are spiritually curious and hungry. Although committed to the ongoing pursuit of learning, teaching and truth, modern scholars have been reluctant to respond to students’ spiritual longing. As Holy Cross educators, we serve at the intersection where spiritual discipline (“The Rule”) and professional duties (scholarship) meet, in order to educate young minds and hearts. We labor at the contemplative center where we are “to shine in the world with the twofold brilliance of virtue and knowledge; not for the sake of procuring the esteem of man but in order to reveal God’s glory with greater success.”

Contemporary realities and spiritualities will not find all of those who are committed to Catholic higher education embracing the Roman Catholic tradition. But only “The Rule” (disciplined, prayerful posture) will establish the interdependence that keeps us true to our character and call. To relax this routine is to erode the foundation and “see everything crumble and fall into ruin.”

Given the make-up of the Congregation of Holy Cross today, as well as the nature and structure of the modern Catholic university, “The Rule” to be written in 2005 for those now engaged in the work will look different than the one fashioned by the Founder in the 19th Century. However, in order for educators committed to Catholic higher education to be successful and remain faithful to the divine source of their vocation, the underlying principles remain the same: a disciplined, prayerful (comm)union of men and women (modeled after the Holy Family) dedicated to the work of the Church. Explicit, systematic, prayerful reflection, ongoing education/integration, and regular assessment will unify, identify, and inspire educators who prepare citizens for society and heaven.

Conclusion
In 1837 Father Moreau articulated: “The future is entirely in the hands of the generation beginning today ...” He lived to educate young men and women that they might become good “citizens.” In the modern era Pope John Paul II served to encourage the young, and he highlighted the role of the Catholic university because it concerns itself with “the very future of humanity.” In different, difficult moments in history faith in God, confidence in the institution, and hope for the future inspired these two men. That inspiration along with a rigorous spiritual discipline defined their vision as educators and shaped their way of life. Today, as we look to the future, we also dedicate ourselves to the work of educating others. We inherit our ancestors’ vision and share their mission. While the spiritual regimen we employ in the 21st Century will likely look different than either of theirs, it will determine whether the next generation has a place to stand.

Education is an instructive and/or enlightening experience. The Holy Cross college or university is a place of discovery where hearts as well as minds are educated — a center of learning where fidelity and creativity stimulate fertile dialogue. Here scholars and seekers are drawn into a purposeful union where their prayerful posture and discipline draft an inspired
lifestyle. Animated by and destined for truth, these educators are not on parallel tracks of certitude but on a confluent course — a common quest that finds them eager to meet along the way. The dynamic relationship between those committed to teach and to learn becomes a community where the fervid are enlightened and the young are inspired — a holy communion where truth is discovered and hope is borne.

_We are not too tired and the burden is not too heavy. But we have all come a long way, in a short time. It is good that we pause and allow our souls to catch up._

My concern is the place of a philosophy department, but more broadly, any academic discipline, within a Roman Catholic college in the context of *Ex corde ecclesiae*. I’ll explore this by tracing what I take to be the central challenge of *Ex corde ecclesiae* with regard to Catholic education, and then examining how one central argument in *Ex corde* is cashed out in the later papal encyclicals *Veritatis splendor* and *Fides et ratio* — what I’ll refer to as the key “application documents” for *Ex corde*. Neither application document explicitly quotes *Ex corde ecclesiae*, even though they were written some years later. But since, judging by the language of *Ex corde* itself, the late pope, John Paul II took theology and philosophy to be the two central disciplines within a Catholic college or university, it seems reasonable to consider *Veritatis splendor* and *Fides et ratio* as providing vital clues about *Ex corde* application issues of cross-national importance.

Consider the quotation from Paul Simon as a metaphor, presenting in a poetic and preliminary form a Catholic view of the complex relation between theology and philosophy. For John Paul II, the Catholic college or university is charged to speak “from the heart of the Church,” *ex corde ecclesiae*. Theology is the discipline that expresses the truths subsisting at the heart of belief, namely faith in Jesus Christ and fidelity to Tradition; in contrast, philosophy constitutes the bones, the scaffolding supporting the heart and other organs. An incomplete comparison, of course, since faith is more than emotion (as connoted by heart) and philosophy cannot, except in the most sterile way, limit itself solely to reason in its role as methodological (bony) scaffolding. (Nor can any other discipline.) But the metaphor seems suggestive of the relationship between the two disciplines in *Ex corde* and its application documents. My significant concern is that the bones be permitted to support in the manner they do best and most properly.

*Ex corde ecclesiae* and a Catholic College’s Educational Role

Pope John Paul II begins *Ex corde ecclesiae* by rehearsing the central humanistic role of higher education, a role much in tune with the personalist and salvific mission of the Christian Church. He says,

*It has always been recognized as an incomparable center of creativity and dissemination of knowledge for the good of humanity .... With every other university it*
[the Catholic college or university] shares that \textit{gaudium de veritate}, so precious to St. Augustine, which is that joy of searching for, discovering and communicating truth in every field of knowledge (EC §1).

In fact, John Paul II argues, “. . . by its Catholic character, a university is made more capable of conducting an impartial search for truth, a search that is neither subordinated to nor conditioned by particular interests of any kind” (EC §7, emphasis added). The thrust in a Catholic college or university is toward greater and greater universality — a greater catholicity — as an institution and for its students.

While the pope's language is Roman Catholic in style of expression, the thoughts so far are of reasonably universal humanistic application. In defining a Catholic college or university, John Paul II just set up the genus term. This must be qualified with the specific difference — what it is that makes the Catholic college or university even less parochial and localized than its secular counterparts. The very next sentence after the \textit{gaudium de veritate} remark does this: "A Catholic university's privileged task is ‘to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth, and the certainty of already knowing the font of truth’” (EC §1). John Paul II himself recognizes the extraordinarily equivocal nature of this position when he admits that the orders of reality do appear antithetical. Most aspects of human culture and existence are not in a similarly deep apparent opposition, even when they exhibit tension. But John Paul II boldly insists here that the opposition is merely apparent. Thus the task is in fact privileged, in two ways: because of its divine origin, and, thereby, because of its unquestionability.

Since the Church, enlightened by Christ and Tradition, is in touch with the fount of the truth, John Paul II makes statements in various parts of \textit{Ex corde} and its application documents that may seem self-evident within the Catholic tradition, but which would be characterized as contentious anywhere else. Yet he argues that these statements are to be defended by all members of college and university communities, regardless of discipline, religious confession, and personal conviction. That is part of the Catholic character of such institutions. John Paul II’s argument is a traditional Roman Catholic one, made familiar in theology as the development of doctrine principle. Summarized in \textit{Fides et ratio} as “the \textit{diakonia} [ministry, service] of the truth,”

This mission [of the Church] on the one hand makes the believing community a partner in humanity's shared struggle to arrive at the truth; and on the other it obliges the believing community to proclaim the certitudes arrived at, albeit with a sense that every truth attained is but a step toward that fullness of truth which will appear with the final revelation of God … (FR §2).

John Paul II contrasts this developing certitude with “various doctrines which tend to de-value even the truths which had been judged certain” (FR §5). He sees truth, in line with the development of doctrine, as increasing in scope and complexity, with no room for radically revising old doctrines once authoritatively approved.
Dialogue and Culture
In *Ex corde ecclesiae*, John Paul II points to the formative role of culture in all human lives. Existing in every society, culture in its specified forms is not a given; it imperfectly embodies timeless and objective values. Assessing these cultures is a major function of Catholic colleges and universities. In this way the promise of a universe-ity is kept, namely, the construction in thought of a unified world, a cosmos, reflecting the greater oneness and beauty of God’s own self. “[T]he objective of a Catholic university is to assure in an institutional manner a Christian presence in the university world confronting the great problems of society and culture” (EC §13).

Not every local culture will accept the foundational claims, much less the specific criticisms, made by Catholic thought, but that is not the goal, according to John Paul II — rather, the goal is the fostering of “an incomparably fertile dialogue with people of every culture” (EC §7) while the truth is proclaimed to them. There are at least four models for what John Paul II might mean by the word ‘dialogue.’ They are the following:

- **Godot-like dialogue**, characterized by two-way conversational utterances but little else. No one listens, no one responds, but a minimum of two voices are heard expressing themselves into a void — a reciprocity-mutuality void. In this limit case of dialogue, no one teaches, no one learns, and nothing changes.

- **Socratic dialogue**, characterized by an unequal but benevolent relationship with an explicitly one-way pedagogical purpose. Partial moral reciprocity and mutuality are present, as made familiar by Aristotle in the discussion of unequal friendship in *Nicomachean Ethics* (1985: 1158b—1159b24). Teaching and learning take place, but teacher and learner occupy mostly separate roles.

- **Rogerian dialogue**, characterized by client or person-centered therapy as proposed by Carl Rogers. The therapist assists the client in teaching himself to learn about himself, through a standpoint of congruency, unconditional positive regard, and empathic understanding. But in the end, the teacher and learner roles are fused in the same person (Rogers 1961: 282-84, 330), even in education more traditionally conceived. Despite radical openness and understanding, reciprocity and mutuality are limited by the helping relationship, absent exceptional circumstances.4

- **Buberian dialogue**, characterized by an I-Thou relationship among the dialogists. Full moral reciprocity and mutuality are present; both parties teach and learn by turn. “The Thou meets me through grace .... The Thou meets me. But I step into direct relation with it. Hence the relation means being chosen and choosing, suffering and action in one” (Buber 1958: 11).

John Paul II appeals, in principle, to a Buberian ideal of dialogue. This type of dialogue excludes no one (FR §104) and, furthermore, understands the Church as expressing openness to all cultures and persons and defending the psychologically, sociologically, and philosophically profound linkages of individual human beings to specific cultures. He describes the Church as attentive to the needs of these cultures, responding to challenges between and within these
cultures to the dignity of individuals and their human rights (EC §§43-46). While John Paul's emphasis is on how, "faith's encounter with different cultures has created something new," he also insists that cultures can, "offer different paths to the truth which assuredly serve men and women well in revealing values which can make their lives ever more human" (FR §70).

Should we expect this ideal to be borne out in Catholic colleges and universities? This possibility is justified by means of a distinction between two types or levels of culture, appearing in a footnote to the passage on culture and society.

There is a two-fold notion of culture used in this document: the humanistic and the socio-historical. "The word 'culture' in its general sense indicates all those factors by which man refines and unfolds his manifest spiritual and bodily qualities. It means his effort to bring the world itself under his control by his knowledge and his labor. It includes the fact that by improving customs and institutions he renders social life more human" (EC §13, quoting the Vatican II document Gaudium et spes, emphasis added).

The distinction allows the Church, and Catholic colleges and universities, to accept and respect “the legitimate autonomy of human culture” (EC §29) — and, not incidentally for such institutions, accounts for academic freedom and the professional autonomy of the disciplines.

But while John Paul II seems to believe that he follows standard sociological or philosophical operating procedures, strictly speaking he is not appealing to facts. His account presupposes (or even constitutes) a value claim, not least because the cultures distinction must function as a levels distinction. John Paul II’s intent is clear. He would distinguish between cultures and Culture, as respectively, between localized cultural beliefs and practices, which are temporally limited and often distort human nature, and cultural universals, which are timeless and universal. The sociological distinction between levels of culture contains an important metaphysical presupposition, which elsewhere he makes boldly: “There is only one culture: that of man, by man, and for man” (EC §3). In Fides et ratio, John Paul states that the establishment of “universal culture” was the goal of Thomas Aquinas (FR §43), but such an establishment goes beyond “a fruitful exchange between cultures” (FR §69); it also involves philosophy and theology “forming thought and culture” (FR §6) according to antecedent norms.

We also must recognize that the Culture/cultures distinction represents, in the realm of the social sciences, the same kind of apparent opposition that the twin functions of the Catholic college do. Beyond justifying the distinction, an argument must be made to show that these cultures can dialogue in the face of the supposedly universally obvious superiority of the one over all others. Moreover, since it represents the same seeming antithesis as the “search for truth / fount of truth” problem, the Culture/cultures distinction cannot support or prove the validity of the earlier distinction.

**Culture and cultures in Catholic Higher Education**

How does the Catholic college or university contribute to the dialogue of cultures? John Paul II characterizes “The University Community” thus:

A Catholic university pursues its objectives through its formation of an authentic
human community animated by the spirit of Christ. The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and, ultimately, the person and message of Christ, which gives the institution its distinctive character (EC §21).

Much more needs to be said here on the definition and role of theological authenticity: it seems to imply a kind of fidelity, already a faith commitment and so outside the purview of philosophy, for instance in the idea of the authenticity of scripture (Rahner and Vorgrimler 1985: 35). But for now, it seems clear that in identifying the way of life of Catholic colleges and universities, Culture is implied by this passage. Catholic culture is catholic Culture — and therefore Catholic Culture. As John Paul II says, although individual Catholic institutions of higher learning are “immersed in human society” (cultures with a lowercase ‘c’), they are “called on to become an ever more effective instrument of cultural progress [Culture] for individuals as well as society” (EC §32). The ideal for Catholic colleges expressed by the phrase “an authentic human community” masks the belief or even knowledge that the Church is the sole fully authentic community, as John Paul II will argue later in the encyclical Veritatis splendor.

For this reason, I fear that the conversation between Church and culture, as expressed in Ex corde and its application documents, will fall short of a fully mutual exchange, a true Buberian dialogue. According to John Paul II, only one side may authentically teach; other cultures are bound by Culture primarily to listen. This is Socratic dialogue at best, and could degrade within Catholic colleges and universities, as it has elsewhere, into Godot-like dialogue or even lapse into silence. Despite a stated appreciation for “the free expression of cultural diversity” (EC §37), Ex corde foresees a preeminent role for its own culture (Culture). John Paul II is correct that “by its very nature, a university develops culture ... It is open to all human experience and is ready to dialogue with and learn from any culture” (EC §43). But the ultimate purpose is to transform cultures into Culture, allowing them to develop so far as they do so toward a truth fully accepted by the Catholic Church, but incompletely by other groups. As John Paul II continues immediately following the sentence just cited, “A Catholic university shares in this, offering the rich experience of the Church's own culture.” Identifying what is valuable in other cultures by focusing on what Catholics already share with them — “the meaning of the human person, his or her liberty, dignity, sense of responsibility, and openness to the transcendent ... the preeminent value of the family, the primary unit of every human culture” (EC §45) — such dialogue risks limiting true culture to true Culture.

What then of professionals in sociology, psychology, literature, the arts — and in philosophy? Despite protestations to the contrary concerning academic freedom and disciplinary autonomy (EC §§12, 29; cp. FR §106), Ex corde argues that such persons, united as they necessarily are with the mission, functioning, and culture of their Catholic college or university, should — indeed must — freely subordinate their professions to the supremacy of human Culture, which amounts to Catholic culture. Ultimately this is because of God's being the source of all goodness, all value: one of the “essential elements of revelation” is “the subordination of man and his activity to God, the one who alone is good...” (VS §28). Going, as I believe Ex corde does,
beyond respect and support (EC General Norms, Article 4, §3) to require acceptance, if not af-
firmation, of Culture over any other (competing?) culture, it is hard to see how non-Catholics
could do so with full professional and personal integrity.

Perhaps, especially for philosophers who are Roman Catholic, this subordination explicitly
means their being handmaiden to theology. For, although “the Church follows the work of
philosophers with interest and appreciation, and they should rest assured of her respect for
the rightful autonomy of their discipline” (FR §106), there is a caveat. In his customary final
invocation of Mary, the virgin mother of Christ, John Paul II traces a lesson for philosophy in the following:

Just as the Virgin was called to offer herself entirely as human being and as woman
that God’s Word might take flesh and come among us, so too philosophy is called to
offer its rational and critical resources that theology, as the understanding of faith,
may be fruitful and creative (FR §108, emphasis added).

Surely such a submission, when mutual, is needed for a lasting marriage, for instance — a
theme to which we’ll return in the conclusion. But it is really a human form of submission,
not a gendered one, and it is unclear how any discipline as a profession need, or even can,
make this kind of submission. Only free and rational individuals can do this, and I am not
convinced that John Paul II has made a case for the Catholic college or university as a place
defined by its fidelity to this kind of submission.

**Culture and Truth as Promoting Mission**

Behind the dialogue of Culture and cultures lies a more fundamental matter: the ideal of ab-
solute objective truth, as discussed exhaustively in *Veritatis splendor* and *Fides et ratio*. While a
thorough discussion must await a later paper, we can at least make the following links to our
analysis of cultures. According to John Paul II, while a moral life is demanded of all human
beings by God, all human beings, not just Christians, are called not only to live by the Ten
Commandments but also by the higher level of sacrificial giving of the Beatitudes. In fact, the
latter are implied within the former and imprinted, as it were, on objective human nature:
“Jesus shows that the commandments must not be understood as a minimum limit not to be
gone beyond, but rather as a path involving the moral and spiritual journey towards perfec-
tion”(VS §15). *For all humanity*, having life to the full is the call, though only Christians have
recognized this truth in its fullness — and only through the fully Christian life can an authen-
tically human life be lived. “Jesus himself is the living ‘fulfilment’ of the Law inasmuch as he ful-
fills its authentic meaning by the total gift of himself” (VS §15).

The application of this reality imprinted into human nature for all people and cultures,
whether or not they have appreciated the full reality of the authentic Christian life, is plain:

Perfection demands that maturity in self-giving to which human freedom is called.
This vocation to perfect love is not restricted to a small group of individuals. The
*invitation*, “go, sell all your possessions and give the money to the poor;” and the
promise, “you will have treasure in heaven,” are meant for everyone (VS §18).
So when John Paul II says that “following Christ is thus the essential and primordial foundation of Christian morality,” (VS §19), he really means that following Christ is the essential and primordial foundation of morality, period. When he writes in *Ex corde* that the Catholic college or university is by definition and vocation animated by the spirit of Christ, he did not misspeak by going on to say that every activity of a Catholic college or university must share a common vision of the *person* of Christ (cp. VS §§9-11) — even those involving persons with differing confessional attachments. Significantly, in *Fides et ratio*, John Paul II concludes with a discussion of the role of philosophy in evangelization (FR §103-104) — which, sensitive and acculturated as such a process may be made, may still have a Socratic rather than Buberian view of dialogue at its heart.

Let’s pause to make one further note on the status of the professions and also of non-Catholic members of Catholic college and university communities. John Paul II’s position on culture and dialogue affects the way Catholic colleges and universities share responsibility for the Catholic identity and mission of the institution. Resting “primarily with the university itself,” this responsibility nonetheless must be “shared in varying degrees by all members of the university community” (emphasis added). This of course requires “the recruitment of adequate university personnel, especially teachers and administrators, who are both willing and able to *promote* that identity” (EC General Norms, Article 4, §1, emphasis added). I would argue that the difficulty with *Ex corde*’s application is not in the identity or the mission, but in the idea of promotion. For an analytically trained moral philosopher, this way of “promoting the good” can have specific and loaded entailments; it can mean maximization without in-principle limit. An example of this is to be found in Shelly Kagan’s *The Limits of Morality* (1989), which describes a “*pro tanto* reason to promote the good,” which, in the end, means that there are *no* limits to morality. There is always an in-principle reason to add on more units of the good, and the only thing that can outweigh this reason is an ability to add on even more units. Kagan dubs his own preferred moral theory the extremist view. Such a theory may be congenial to a secular consequentialist, but should be unacceptable for a religious ethics committed to personalism, the common good, and human freedom. Given those moral commitments, it seems most charitable and accurate to attribute varying degrees of support to Catholic and non-Catholic members of college communities — Catholics would promote, non-Catholics support and respect. But promotion, in the technical sense, of the mission of a Catholic institution logically entails no such distinction; it may not even allow one.7

There are two further concerns with the promotion doctrine flowing from our analysis of the cultural and moral theory behind *Ex corde*. John Paul II writes, “The university community of many Catholic institutions includes members of other churches, ecclesial communities and religions, and also those who profess no religious belief. These men and women offer their training and experience in furthering the various academic disciplines and other university tasks” (EC §26). First, note that this is said to be true of *many* Catholic institutions, not all. *Ex corde* envisions at least some Catholic institutions of higher education that would make no
direct attempt to be in dialogue with other traditions and peoples, that would stand solely within (and possibly for) the Catholic Culture. But in being exclusively Catholic, such institutions might cease to be truly catholic (and I would argue — and I think the Church should, too — truly Catholic). Second, this description leaves out contributions to the mission of the institution, lending credence to my fear that not just support and respect, but affirmation, is to be required in effect of all members of Catholic colleges and universities. If non-Catholics can only help to further their disciplines and other university tasks, but not the most central university tasks — for that would require the ability to promote, which no one failing to live in the fullness of human life can do — then all non-exclusive Catholic colleges and universities would necessarily include members who are second-class citizens, as it were. Communities would only include members in unequal ways, with participation unequally shared according to a member’s ability to contribute to the central tasks of mission connected with the institution.

In short, the application of *Ex corde ecclesiae*, in the light of interpretive statements from *Veritatis splendor* and *Fides et ratio*, faces a dilemma. In the context of his Culture/cultures distinction, John Paul II’s insistence on all members’ really promoting the mission and Catholic identity of Catholic colleges is workable only if either the first situation above — isolation/exclusivity — or the second — multi-tier college membership — is acceptable. But, by John Paul II’s own value position and ideals concerning dialogue, neither is acceptable. Hence, his insistence on all members of Catholic colleges literally (maximally) promoting the mission is not workable.

**By Way of Conclusion**

In the end, I find the application of *Ex corde ecclesiae* to be as problematic, and yet as vital and significant, a matter as we find with relationships of the deepest human intimacy, such as marriage. That’s another reason I prefaced this paper with the excerpt from Paul Simon’s song “Hearts and Bones.” It takes much more than physical intimacy to carry a couple along. And yet the value of Simon’s metaphor holds: there’s a unitive function in physical intimacy that’s hardly insignificant, and we should recognize that that side of the relationship depends on a kind of gentle and controlled violence, both physical and psychic. One is twirled together with one’s partner, their (and your) hearts and bones, with the trust and hope that they won’t come undone. But the hearts must continue to beat on their own as they learn to beat as one, and the bones must knit themselves together as they begin to provide the framework for something larger than, and ultimately even stronger and more beautiful than, each individual partner. With deep intimacy comes deep vulnerability, and the overwhelming beauty of that truth does not change the fact — to the contrary, it underlines it — that such vulnerability can be genuine only when freely entered.

At its best — in its animating values and in following the character and example of Jesus — *Ex corde ecclesiae* seeks a liberating and unifying *rapprochement* between Athens and Jerusalem. At other times, the document promises dialogical gentleness (for instance, respecting the professional autonomy of philosophers and professors of other disciplines) while contem-
plating a less than ideal form of dialogical equality, and justifies it by reference to an authoritative truth wielded ultimately for the good of our students and all humankind. By John Paul II’s own broader account, a properly functioning philosophical effort is necessary for the proper functioning of theology in Catholic colleges and universities. That of the other disciplines is of course necessary for the comprehensiveness of the Church’s dialogue with other cultures. Yet the insistence on the centrality and universality of our own thought and culture as a basis for a Buberian model of dialogue is not fully recognizable either as sociology or philosophy. Due to these difficulties, the application of *Ex corde* according to the Culture/cultures distinction may not help colleges and universities achieve John Paul II’s primary goal of being not only Catholic, but also catholic.

WORKS CITED


1 At least ostensibly by the same person, but Forsthoefel (2002: 280-81) identifies the composer of *Fides et ratio* as Josef Zycinski, a Polish archbishop and presumed confidant of John Paul II.

2 The explicitly normative document for colleges and universities in this country is of course The National Conference of Catholic Bishops’ *The Application of Ex corde ecclesiae in the United States* (2000).

3 Here ‘members’ refers to everyone contributing to the central educational function of a Catholic institution of higher education, primarily faculty and administrative staff. This accords with John Paul II’s own use of the term (EC General Norms, Article 4, § 1), although later in the paper it will be questioned whether *Ex corde* is consistent in this usage.

4 In the second edition of *I and Thou*, Buber himself comments that educational and counseling relationships may lack the full mutuality and reciprocity of I-Thou relationships (1958: 132-33). Without calling into question their helping potential, Buber claims that teacher-student and counselor-client relationships exhibit “inclusion” from only one side, that of the senior partner. The teacher (counselor) lives both the teacher (counselor) and student (client) roles simultaneously, in an example of “buried latent unity,” while the student (client) lives only her own role.

5 A Vatican insistence on genuine Buberian dialogue is even clearer when Mohammed (2004: 36-37) cites a 1991 joint statement from the Pontifical Council for Interreligious Dialogue and the Congregation for the Evangelization of the Peoples, titled “Dialogue and Proclamation.” This statement affirms that “there can be no question of choosing one and ignoring or rejecting the other … they are intimately related but not interchangeable,” and even more strikingly, that dialogue is “… a method and means of mutual knowledge and enrichment” (emphasis added). For a contemporary account of evangelization in this light see the Pontifical Council for Culture, *Toward a Pastoral Approach to Culture*.
(1999).

Forsthoefel (2002: 283) calls this “dialogue with an agenda, a preparatio. However, dialogue with an ulterior agenda cannot be fully open, cannot really hear.” Toward a Pastoral Approach to Culture skirts the same difficulty: “the meeting of faith and culture is a meeting of thinks which are not of the same order” (1999:9 original emphasis). In so far as a “coherent culture is based on the transcendence and superiority of spirit over matter, and harmonizes scientific knowledge and metaphysics” (18), it seems that faith itself qualifies as Culture.

The 1965 Vatican II document on non-Christian religions, Nostra Aetate, took a seemingly very different view: Catholics ought, “… through dialogue and collaboration with the followers of other religions, and in witness of Christian faith and life, to acknowledge, preserve and promote the spiritual and moral goods found among them as well as the values found in their society and culture” (cited by Mohammed 2004: 35, emphasis added). This seems a more open variety of non-extremist promotion, one with less philosophical or practical commitment to maximization.

Forsthoefel (2002: 288) attributes this to over-emphasizing authority instead of on-going divine self-disclosure.
SECTION 3

At Work In The World
FORMER PENNSYLVANIA GOVERNOR AND U.S. ATTORNEY GENERAL RICHARD L. THORNBURGH (WHO
PREFERENCES, EVEN IN FORMAL PRINT, TO BE CALLED DICK) SERVED AS COURT APPOINTED EXAMINER IN
THE WORLDCOM BANKRUPTCY PROCEEDINGS. IN DECEMBER 2003, HE GAVE HIS REFLECTIONS ON THAT EX-
PERIENCE IN A SPEECH AT A DINNER MEETING OF THE COMMITTEE ON FEDERAL REGULATION OF SECURITIES
OF THE AMERICAN BAR ASSOCIATION.¹ DICK THORNBURGH SAW WORLDCOM AS “A KIND OF POSTER CHILD
FOR CORPORATE GOVERNANCE FAILURES IN THIS NEW CENTURY.” THERE WAS, HE SAID, “THE FAILURE OF DI-
RECTORS TO RECOGNIZE, AND DEAL EFFECTIVELY WITH, ABUSES [THAT REFLECTED] A ‘CULTURE OF GREED’ WITH-
IN THE CORPORATION’S TOP MANAGEMENT. … THE COMPANY OVERSTATED ITS INCOME BY APPROX-
IMATELY $11 BILLION, OVERSTATED ITS BALANCE SHEET BY APPROXIMATELY $75 BILLION AND, AS A RESULT,
CAUSED LOSSES IN SHAREHOLDER VALUE OF AS MUCH AS $250 BILLION.” THORNBURGH WENT ON TO SAY:

Our investigation concludes that WorldCom was dominated by Bernard Ebbers and Scott Sullivan, the former Chief Executive Officer and Chief Financial Officer of the Company, respectively, with virtually no checks or restraints placed on their actions by the Board of Directors or other management. Significantly, although many present or former officers and directors of WorldCom told us that they had misgivings at the time regarding decisions or actions by Mr. Ebbers or Mr. Sullivan during the relevant period, there is no evidence that any of these officers and directors made any attempts to curb, stop or challenge the conduct they deemed questionable and inappropriate. Instead … it appears that the Company’s officers and directors went along with Mr. Ebbers and Mr. Sullivan, even under circumstances that suggested corporate actions were at best imprudent, and at worst inappropriate and fraudulent …

In fact, several multi-billion dollar acquisitions were approved by the Board of Directors following discussions that lasted for 30 minutes or less and without the directors receiving a single piece of paper on the terms or implications of the transactions …

Our investigation raised significant concerns regarding the circumstances surrounding the Company’s loan of more than $400 million to Mr. Ebbers. As detailed in our reports, the Compensation and Stock Option Committee of the Board of Directors agreed to provide enormous loans and a separate guaranty for Mr. Ebbers without initially informing the full Board or taking appropriate steps to protect the company. Further, as the loans and guaranty increased, the Committee failed to perform appropriate due diligence that would have demonstrated that the collateral offered by Mr. Ebbers was grossly inadequate to support the company’s extension of credit to him, in light of his substantial other loans and obligations. Our investigation reflected that the Board was similarly at fault for not raising any questions about the loans and merely adopting, without meaningful consideration, the recommendations of the Compensation Committee.
Not raising any questions? Without meaningful consideration? Those are minimum participation requirements for any board of directors.

Mr. Thornburgh concluded, “Next only in importance to the absence of internal controls as a cause of this debacle was the lack of transparency between senior management and the Board of Directors at WorldCom…. I believe that this failing helped to foster an environment and culture that permitted the fraud to grow dramatically. A culture and internal processes that discourage or implicitly forbid scrutiny and detailed questioning are breeding grounds for fraudulent misdeeds. In tandem with the accounting irregularities, these shortcomings fostered the illusion that WorldCom was far more healthy and successful than it actually was during the relevant period. Ultimately, they also produced massive investor losses, bankruptcy for WorldCom, and a profound loss of confidence in our financial markets and economic system.” WorldCom’s directors were, according to the court-appointed examiner, “all too often a passive rubber stamp for management and especially Mr. Ebbers.”

Is it an exaggeration to say that all of this could have been avoided if the board had done its job? Perhaps. But it is no exaggeration to say, as Mr. Thornburgh did when he participated in a panel discussion on corporate governance in late 2004 at Georgetown University’s Woodstock Theological Center, that “a culture that emphasizes ethical conduct will make more difference than all the laws and regulations promulgated by various government agencies.” He acknowledged that the temptation is always there to view additional statutory and regulatory enactments as government-imposed impediments to smooth and efficient corporate governance, but he does not agree. “I think Sarbanes-Oxley and similar initiatives will empower the ‘good guys,’ and there are plenty of them out there in the business system, far more than the few bad apples that spoiled WorldCom and Enron.”

Although Dick Thornburgh mentioned almost in passing in his 2003 American Bar Association speech that liability for corporate directors “is still a developing field,” and that “recent court decisions have already pointed to an expanded potential for directors’ liability,” neither he nor anyone else was ready to predict what actually happened on March 18, 2005. That was the day of final approval of a landmark agreement by eleven former independent directors of WorldCom to pay $20 million out of their own pockets to settle a civil suit representing hundreds of thousands of investors whose WorldCom holdings became worthless when the company went bankrupt in 2002. The investors succeeded in holding the directors accountable for mismanagement and fraud that happened under their watch. The settlement with the directors came in the same week that WorldCom’s founder and CEO, Bernard J. Ebbers, was found guilty of directing the $11 billion accounting fraud that took the company down.

Think of Enron’s Ken Lay or WorldCom’s Bernie Ebbers against the background of Robert Greenleaf’s observation: “To be a lone chief atop a pyramid is abnormal and corrupting. . . . When someone is moved atop a pyramid, that person no longer has colleagues, only subordinates. Even the frankest and bravest of subordinates do not talk with their boss in that same way that they talk with colleagues who are equals, and normal communication patterns be-
come warped." A strong, participating — i.e., fully informed, fully awake, outspoken and questioning — governing board is needed to correct that abnormality and prevent possible corruption. Greenleaf thinks that the title "chief executive officer," "and the single chief concept it conveys, should disappear as an anachronism." It will come as no surprise that Greenleaf believes that "no one, absolutely no one, is to be entrusted with the operational use of power without the close oversight of fully functioning trustees." I offer all of this by way of preamble — admittedly, a fairly lengthy preamble — to my reflections on courage and competence as often overlooked values or virtues in our continuing quest for integrity in the corporate world. A question about both, but especially courage, has to be raised when one asks what in the world the WorldCom board was doing while Bernie Ebbers was destroying that company.

I was on that panel with Governor Thornburgh at Georgetown; we were joined by Tom Saporito, an international business consultant who specializes in board selection and corporate governance. After each of us had spoken, and before questions came from the audience, each of us was asked by the moderator to make a one-minute summary statement. We were meeting in the library of the Woodstock Theological Center; off to the side, but within clear view of the audience, was a bust of John Courtney Murray, the great Woodstock theologian who was the principal architect of the Second Vatican Council's famous document on religious freedom. As I looked at the sculpted head of Father Murray mounted nearby, I recalled that his Jesuit colleague of many years at Woodstock, Fr. Walter Burghardt, told me more than once that Murray used to say to him during difficult or stressful times, "Courage, Walter, it's far more important than intelligence!" I repeated that in my summary comment and underscored the importance of courage on the part of corporate directors if debacles like Enron and WorldCom are to be avoided in the future.

When once asked which characteristic he most admired in other people, Karl Rahner, another great Jesuit theologian, said simply: "Decency, courage, cheerfulness, helpfulness, fidelity." When are all those qualities going to find their way into the job descriptions and personality profile of corporate executives?

During my presentation on that Woodstock panel, I had mentioned Bill George's book Authentic Leadership. I recommend it to anyone interested in getting caught up on the preventive role good governance can play in avoiding corporate scandals. The author is former chairman and CEO of Medtronic. His title selection for his 15th chapter says it all: "Governance Is Governance." Don't talk about it; do it. Participate in governance and the job will get done. George takes the reader inside the boardroom and describes how "good governance lies in the chemistry between the board and the CEO." Wait a minute, I hear you saying, isn't that the problem — cozy chemistry? It could be, but the right chemistry means awareness on the CEO's part that the board is in charge. It also means that there is both comfort and courage at the board level to raise any question, to request any report, and not to be intimidated by the powerful personalities of top managers.
Although a clique of outside directors can bond too closely with a strong-willed CEO (if they happen to constitute the executive compensation committee, as is often the case, the chemistry will surely be counterproductive), strong independent directors have to be ready to speak up, speak out, risk unpopularity in the board room, and, as one from the oil services industry once said to me, “you always have to be ready to shoot that snake as soon as you spot it moving through the grass.”

Outside, or independent, directors should meet alone from time to time. One of them should, if the CEO is also board chair, head up an independent governance committee and be designated as the board’s “presiding director” with power to call and chair executive sessions held in the absence of management and other inside directors.

I think devices like these are necessary because I agree with a view expressed to me by veteran CPA John Coughlan, that “management, through the proxy process (so often underutilized and passive), owns the board of directors, and through the board, it owns the outside accountant. Members of the board are well compensated,” he said; “they know their continued presence on the board and their prospects for serving on other boards depend on their willingness to go along. I read somewhere that Vernon Jordan, in addition to being a partner in a prestigious law firm, serves on eleven boards of directors. Meaningful service on a board requires at least 200 hours per year; so eleven boards would raise that requirement to at least 2,200 hours, leaving little time for an important law practice.” Coughlan wrapped up this reflection by saying, “In management’s view, the ‘good’ directors are those that turn up for meetings, read the Wall Street Journal, and only pay attention when the chairperson calls for a vote. And if the chairperson pulls his or her right ear, they vote Yea, and if it’s the left ear, Nay.”

Participation in a strong, ethical, well-functioning business corporation moves from top to bottom, bottom to top, and all across the organization. Governance guides the operation; management executes. Under the broad canopy of the principle of participation, those up there at the very top are the board members. The search for “tone at the top” has to reach higher than top management; it has to look to the board of directors. Some notable failures to participate at this level are part of the sad story of corporate wrongdoing and collapse in the earliest years of the present century.⁷

Governance is, by definition, participation. Not to participate is not to meet the responsibilities of governance. And I’m convinced that ethical analysis of governance failures will often reveal an absence of courage. Speaking of board responsibility, a lawyer friend remarked to me, “You never want to be in a position where you would have to admit that the question occurred to you, but you just didn’t ask it.” He was talking, of course, about the absence of courage.

To engage itself honestly and effectively with the issue of organizational ethics, a board of directors has to first take a good look at itself, as is happening in corporate America in the wake of Sarbanes-Oxley. Some boards are under investigation for questionable business ties between directors and the corporations they serve. The awarding of sweetheart business deals by boards to their members and members’ companies, a practice that goes by the name
of self-dealing, still goes on with token avoidance of the appearance of impropriety by permitting directors to recuse themselves from votes on matters in which they would benefit financially. To the extent that mixed or self-serving motives bring a director to a seat on a governing board, it is likely that an erosion of ethics will become a problem for the organization.

After describing, in Origins of the Crash, the problems that triggered several of the major corporate scandals in recent years, Roger Lowenstein writes: “It is fair to wonder why directors went along with such abuses, and the answer has its roots in the distinct culture of America’s boardrooms.” Elements of that culture are: (1) the twinning of the positions of chairman and CEO in one person (“think how inappropriate would the description President and chief Justice sound, or Head Coach and Quarterback,” Lowenstein says); (2) the “fraternal” character of boardrooms (Lowenstein calls them “modern oases of gentility”); (3) long tenure; (4) interlocking directorships (so that the watchers were also being watched by those they were overseeing); (5) use of compensation consultants whose recommended salary hikes for the CEO would boost the average against which outside directors, who were also CEOs, would have their compensation compared; and (6) an accepted boardroom etiquette where, in Warren Buffet’s words, to stand up and criticize the CEO felt like “belching” at the table.

In addition to courage, I would also propose “competence” as an ethical consideration that has received insufficient attention in the nation's hand-wringing search for solutions to corporate corruption. There is an ethical obligation to be competent — very good at what you do — if you hold a position of executive responsibility. Not only do the careers and retirement security of a lot of people on a given CEO's payroll depend on it, the safety and satisfaction of those who meet the CEO's product or service in the marketplace presume competence to be there on the other side of the exchange. Incompetence is a form of lying. In one-on-one encounters, it is usually evident. But in large organizations, not knowing the “right thing to do” or not being able to tell the truth because the matter is too complicated to understand, is a deficit to be overcome before the simple act of telling the truth can come to the rescue. There are a lot of incompetent people behind the corporate scandals of recent years — brilliant in some respects, but incompetent in important areas of leadership responsibility. Not to narrow the range of incompetence unduly, it can surely be said that The Hall of Shame would include CEOs who knew nothing about ethics and directors who knew nothing about accounting. Relative to both of those fields of knowledge, ethics and accounting, they were simply incompetent.

Competence, of course, means mastery; it follows upon days, weeks, usually years of study and practice. Competence is not a gift; it is an achievement. Competence comes only to those who are willing to work for it. Directors who consider board membership an “honor,” and executives whose position at or near the top is viewed as an “entitlement,” hold titles that are almost always unsupported by the competence required to do the job.

The notion of competence figured prominently in a dialogue on corporate leadership at the University of Notre Dame, April 14-16, 1980. Elmer W. Johnson, then a senior partner of Kirkland & Ellis, a 250-member law firm with offices in Chicago and Washington, D.C., was
one of the speakers. He mentioned that he had been assigned by his firm to write up a set of criteria by which partners in the firm might be measured over the long term for compensation purposes. He viewed the criteria as describing his “ideal of a top partner of a large law firm, which, with a few modifications, describe my ideal of a top executive of a large corporation.” At the top of the list is professional competence. He described it in these words: “The partner will be measured first and foremost on the basis of technical competence in the partner’s particular field of expertise, peripheral vision in perceiving legal problems outside the partner’s field of expertise that call for attention of others in the firm, readiness to seek from and provide others in the firm such professional consultation as will serve the clients’ best interests, and creativity and imagination in solving client problems.” I should add that the other criteria were: personality and cooperation, judgment, productivity, leadership, and external representation. Johnson presumed moral character to be associated with each criterion. And in spelling out in a bit more detail his understanding of competence, Elmer Johnson said, “First, the pursuit of competence calls for self-discipline. It has been my experience that the top lawyer or corporate executive or leader in any other organization who has a high degree of competence is a person who is slightly monastic. The self-indulgent hedonist is unlikely to develop great competence.”

I’ve made reference several times in this paper to the importance of participation in the workplace. I think of workplace participation as an ethical principle, one that merits inclusion in this discussion. Once accepted as an operating principle within the organization — i.e., as a prominent feature of the organization’s culture — a commitment to participation will prompt management to include employees in the process of decision-making that could affect them adversely. A good example would be the decision to outsource certain functions. Colleges and universities, for example, are increasingly turning to outsourcing as a way to improve efficiency and enhance revenue in activities like the bookstore, food services, printing, and other areas. “Outsourcing Can Make Sense, but Proceed with Caution” is the headline advice over an article on this topic in the Chronicle of Higher Education. Author Paul Davis, drawing on his past experience as director of finance and auxiliary services at Duke University, advises: “Be straightforward with employees about outsourcing, and try to speak before the rumor mill speaks for you.”

Cutting rumors off at the pass makes for both lower blood pressure and higher productivity in the workplace. Speaking in advance of both rumors and actual decisions is good management practice. Since participation in this context applies to those who are likely to be affected adversely by an outsourcing decision — e.g., bookstore clerks as well as manager, cafeteria workers, and veteran printers now on the university payroll — it is important that they have precise information on the options that might be taken, and a voice in deciding which option is best for the organization overall. Then they’ll be informed participants in the next stage of decision-making, namely, whether there is a continuation-of-employment opportunity for them with the new contractor, and, if not, whether some training to update and enhance
skills as well as outplacement services will be available to them during the transition.

Participation is a form of recognition that is appreciated by persons at all levels of an organization. As other forms of recognition dry up because of potential conflicts of interest and ethics-code bans on receipt of gifts or entertainment beyond token value, managers have to be more attentive to legitimate forms of recognition. And this can be a challenge. Let me simply say that if competence is present, participation will be there. And the presence of participation may open up new challenges for executive courage!

PriceWaterhouseCoopers took out a full-page advertisement in major newspapers in January 2005 to say that every corporation needs a “chief courage officer.” Not a bad idea. It is not likely to happen, however, even though many corporations are appointing “chief ethics officers” and their portfolio will be carried more gracefully and effectively if the person bearing the title is a person of courage. I think courage has to be part of the corporate culture; it has to be a shared value. If courage is a dominant value helping to shape a corporate culture, an act of courage on the part of one individual will draw both a positive reaction and imitation from others in the organization. And it should go without saying that without competence, the organization simply cannot deliver on its promises and will not be what it claims to be. That’s an ethical challenge that will take a lot of courage, on the part of those confronted with it, to overcome.

1"Some Lessons to be Learned from the Breakdown of Corporate Governance at WorldCom," December 5, 2003.
2Servant Leadership, op. cit., p. 63.
3Ibid., p. 94.
4Ibid., p. 117 (emphasis in the original).
6Ibid., p. 167.
7I first noticed that phrase “tone at the top” in a Washington Post report (“Former Xerox Officials Settle Case,” June 6, 2003, p.E2) on a $22 million settlement between certain former Xerox executives and the Securities and Exchange Commission. In that report an SEC official is quoted as saying, “It’s crucial that public companies have a tone at the top that reflects corporate ethics and good corporate governance.”
9Ibid., p.43.
11Ibid., p. B22.
Introduction
Over the past fifty years, the Church's teaching has undergone significant development regarding the punishment of prisoners, particularly with respect to capital punishment. This doctrinal shift has been due in large part to the personalism of John Paul II and other 20th century thinkers, and it has profound consequences for the related topic of dealing with those who offend against the common good. No longer can we define our relationship with such persons in terms of the traditional doctrine of retributive justice. Instead, we need to develop a sound philosophical, theological, and humanistic foundation of restorative justice.

In this paper, I will first review the traditional teaching of retributive justice and capital punishment, and then turn to the Church's reformed teaching regarding capital punishment. From this reformed teaching I will then explore the philosophical, theological, and literary foundations of restorative justice that can provide us with general principles for establishing a new outlook toward and relationship to those who offend against the common good.

PART I — REVIEWING THE TRADITIONAL POSITION OF RETRIBUTIVE JUSTICE
Justice is a moral virtue that consists of giving what is due to someone. Justice has traditionally been distinguished between commutative justice and distributive justice. The former is understood to be the justice that exists between two individuals where a relationship of equality exists. In such relationships, one gives what is due to a person so that the relationship of equality persists. Thus, if I establish a contract with another person to provide lawn service for them, and the other person fails to pay me for the work I performed, then commutative justice requires the person pay me the money for the work I did for them. In that payment, equality is restored to the relationship.

In distributive justice, however, the relationship is not one of complete equality. This type of justice exists between the parts to the whole and relates to the common good of society. Here, the abiding principle isn't equality, but fairness toward the entire body politic. It is in distributive justice that the idea of retributive justice has traditionally resided. The principle of retributive justice states that punishments are justified on the grounds that the criminal has created an imbalance in the social order that must be repaid by the criminal. Often, proportion is used in determining appropriate punishment so that the amount of punishment should be proportionate to the amount of harm caused to the common good.

Thomas Higgins defines retributive justice, as “the authoritative deprivation of good, operating on some wrong doer against his will, in order to wipe out a fault committed.” From this...
definition he, among others, goes on to justify the use of capital punishment on the grounds it is a necessary punishment to restore the common good. Vernon Bourke argues that a criminal has offended against the common good of society. So, just as it is reasonable to cut off a diseased part of the body for the saving of the whole life, so it is reasonable to cut off a bad member of society for the good of the whole community. In addition, Bourke argues that a serious criminal has receded so far from the order of reason that he is no longer worthy of treatment as a rational being.\(^3\)

The traditional teaching on capital punishment rested largely on Thomas Aquinas' support for the practice. However, John Finnis has rightly argued that Aquinas' arguments for capital punishment are inconsistent with his teaching on the human person. As Finnis states, Aquinas' argument that wrongdoing reduces one to the status of the beasts whose life we dispose of for our utility clearly fails. It proves too much; he himself permits capital punishment only for very grave wrongdoing. And he elsewhere denies both the premise itself and other entailments of it. He explicitly denies the premise by affirming that though the wrong doer's wickedness is hateful, the wrongdoer retains the nature of a human person capable, right up to the moment of death, of being reformed, benefited by human goods, and befriended or loved.\(^4\)

**John Paul II's Argument against the Death Penalty**

John Paul II no doubt saw the contradiction within Aquinas, and realized even more. In his now famous encyclical *Evangelium vitae*, the Holy Father reminds us that the right of the state to punish a criminal rests on the right of self-defense and is governed by the principle that the minimum amount of force must be used in employing self-defense. This principle is no less true for society as it is for the individual who employs it. If society can protect itself without recourse to killing it is required to do so. The Holy Father states that modern penal systems show that society can be protected without taking the life of the prisoner. Therefore, capital punishment ought not be employed; otherwise, it is tantamount to murder.\(^5\) John Paul further states:

> In the same perspective there is evidence of a growing public opposition to the death penalty, even when such a penalty is seen as a kind of “legitimate defense” on the part of society. Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform.\(^6\)

> In light of this new perspective, it remains for us to consider anew our relationship to the offender against the common good. By implication the Holy Father says that retributive justice does not offer the criminal the opportunity to reform, at least with respect to the use of capital punishment. One might further press the argument to suggest that little is done within our houses of correction to help the offender reform and restore himself or herself to full communion with the general public against whom they have offended. Something must be wrong with our current system. The following statistics offer a sobering glimpse at criminal life in America:
State of Missouri Statistics:

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<th>Year</th>
<th>Number of Prisoners</th>
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<tr>
<td>1979</td>
<td>5,800</td>
<td>5</td>
<td>$32 million</td>
</tr>
<tr>
<td>2004</td>
<td>30,000</td>
<td>21</td>
<td>$389 million</td>
</tr>
</tbody>
</table>

In twenty-five years the number of prisoners has increased five-fold, the number of prisons has increased more than four-fold, and the amount of dollars spent on correction grew by more than ten-fold. All of these increases outpace the population growth and revenue growth of Missouri in that same time period.

National/International Statistics:

U.S. Incarceration Rate 1970: just under 100 per 100,000
U.S. Incarceration Rate 2003: 715 per 100,000
U.S. Incarceration Rate 2004: 726 per 100,000

Other Nations Incarceration rate 2004:

England: 143 per 100,000
Canada: 116 per 100,000
France: 80 per 100,000
Finland: 50 per 100,000

Thus, the U.S. incarceration rate has grown seven-fold over the last thirty-five years, far faster than the growth of the overall population of the U.S. In fact, the U.S. prison population grew at a rate of 900 inmates each week in 2004. Last June, there were 48,000 more inmates than the year previous, an increase of 2.3%. The number of people entering prison is outpacing the number of inmates released; admissions outpaced releases by 8,000 in 2004. In addition, the United States now spends more than $50 billion each year on jails and prisons. Clearly our system of retributive justice — the “get tough on crime attitude” — is not working if it hopes to restore people.

More fundamental than the pragmatic considerations that these statistics provide, is the note of revenge that retributive justice still has as part of its theory of punishment. In fact, Higgins argues that capital punishment is necessary because otherwise members of society will seek revenge upon the malefactor if society’s defenders do not employ the ultimate punishment.

The last quote I offered from Evangelium vitae points us in the direction toward restorative justice by insisting that a criminal has a right to have an opportunity for reform. We must now turn our attention to constructing a definition of restorative justice, laying the foundation with philosophical, theological, and literary justifications.
PART II — FOUNDATIONS OF RESTORATIVE JUSTICE

Philosophical considerations

Returning to Vernon Bourke’s analogy of a serious criminal compared to a diseased limb of a body, we must ask ourselves whether that is an apt comparison and whether a serious offender against the common good loses all consideration and rights as a rational person as Bourke claims. Regardless of the crime committed, a person still has the right to a fair trial, something we only grant to rational creatures. In addition, prisoners are still accorded the right to certain forms of treatment in correctional facilities, something else that we grant only to rational beings.

Josef Pieper, in his great work *The Four Cardinal Virtues*, reminds us of a truth regarding justice:

Man, however, is a *person* — a spiritual being, a whole unto himself, a being that exists for itself and of itself that wills its own perfection. Therefore, *and for that reason*, something is due to man in the furthest sense, for that reason he does inalienably have a *suum*, a “right” which he can plead against every one else, a right which imposes upon every one of his partners the obligation at least not to violate it. 11

A person, then, is a spiritual being in his or her very nature; it is not something he or she ever loses. That point is a key component of Christian personalism, one that has dramatically contributed to the discussion on capital punishment and other life issues.

The supernatural nature of the human person is also found in the end for which a person exists. Every person is created for God and returns to God as final end. Jacques Maritain argues that “Everything else — the whole universe and every social institution — must ultimately minister to this purpose; everything must foster and strengthen and protect the conversation of the soul, every soul, with God.” 12

At this point, we want to focus on the notion of justice and what is due to a person. The fact that something is due to another person presupposes the notion of rights that go along with being a person. Persons owe other persons certain things because of justice and because of the inalienable rights that are implied in the very idea of justice.

St. Thomas points out that even God disposes of us with great reverence, 13 though God owes man nothing. Justice cannot describe the relationship between God and humans. 14 God did not create the world out of a sense of justice, but solely out of His love. The same is true with regard to the redemption of the human race. 15 Indeed, Pieper points out,

In certain fundamental relations, for example, in man’s relationship to God, the equality that properly belongs to the concept of justice, that is, equality between debt and payment, cannot be achieved. Therefore, the one who is in debt strives to pay back whatever is in his power to remit. 16

He then quotes St. Thomas to complete the thought, “Yet, this will not be sufficient simply. But only according to the acceptance of the higher one.” 17

This point is fundamental with regard to our relationship with someone who seriously of-
fends against the common good. Recall that it is distributive justice that regulates the relationship between an individual and the common good. Pieper rightly points out that restoration properly belongs to commutative justice, or the justice that exists between individuals, so that equality is once again restored. In distributive justice, however, it is assumed that the common good has a greater value than the claim of any one individual. Pieper appropriately reminds us, however that an individual does not exist apart from the social whole, but is a member of it. What is more he says,

> Individual persons have a reality of their own, an ontological status of their own, and cannot be simply reduced to the reality of the social whole. The human community, the state, is so constructed that the deeds and works of the individual are not of necessity the deeds and works of the whole; and similarly a functioning of the whole as such is possible that is not identical with the functioning of the individual member.

As a result of this symbiotic relationship between the person and the common good, the person cannot be separated from the social whole as a mere appendage, for the person is a vital organ in the social body. What is more, the person has a destiny that is greater than the body politic. As Maritain states, “In so far as persons transcend the social order and are directly ordained to the transcendent whole, the common good by its essence must favor their progress toward the absolute goods which transcend political society.”

Even one who seriously offends against the common good is still a member of society; he or she does not lose that distinction in committing an offense. Still, the common good of society is greater than that of its individual members. Why? The common good represents the full potential of every person in society and thus it is not something finite; no definitive definition for the common good can be given.

We cannot say that a criminal loses his or her entire part of the common good merely because he or she has committed an offense against it. For that offender is not merely a diseased limb, but is a person who still has the potential to be more. Once again, Pieper makes the salient point:

> Taking part in the realization of that good in accordance with the measure of dignitas, capacity, and ability that is distinctively his, this is the share (of the common good) which is due the individual and cannot be withheld from him … all the good things bestowed in creation belong to “the good of the community,” and that justitio distributiva entails the obligation of granting such abilities the protection, support, and fostering they need.

If we accept such a description of the common good and recognize the right all persons have to it, we must conclude that even criminals have some share in the common good that cannot be lost. Taking the life of a serious offender against the common good does nothing to support and foster those capacities and potentialities they have as persons within a society. Nor does an incarceration system deserve to be called just that fails to support and foster the potential and abilities for good that a prisoner still possesses.

Personhood is a spiritual reality that belongs to our essence. As such, it cannot exist in isola-
tion and flourish. Persons require other persons to thrive, develop and reform. As Maritain states, 

It (personhood) requires the communications of knowledge and love. By the very fact that each of us is a person and expresses himself to himself, each of us requires communication with other and the others in the order of knowledge and love. 

Personality, of its essence, requires a dialogue in which souls really communicate.²²

**Theological Considerations**

Daniel Philpott reminds us that Christian ethics is incomplete if it consists merely in a set of norms prescribing what is good, just, right, and consonant with natural law. Instead, authentic Christian ethics “must also teach how a society ought to proceed when everything has gone wrong, and how it can realize healing, forgiveness, and restoration.”²³ What is more, justice does not define every obligation in a person’s life. More is due to a person than mere justice. As Pieper states,

The man who strives for justice realizes that fulfilling an obligation and doing what he is really obliged to do are not all that is necessary. Something more is required, something over and above, such as liberality, affabilitas, kindness, if man’s communal life is to remain human. This is, of course, strictly neither due to another person nor can it be rightfully claimed and demanded. Still, it is impossible for men to live together joyfully without it.²⁴

We know from the Catholic tradition that the sinner is never cast away as a mere diseased appendage — something to be discarded as expendable. Rather, the sinner is always treated with great love and respect by God. In my previous section on philosophical considerations, I cited several references to the Catechism of the Catholic Church that reaffirm the long standing teaching that God owes nothing to the human person. Creation, redemption and grace are all gifts God freely gives to us; we have done nothing to deserve them. They are not things that are owed to us in justice. If we merely had the natural law by which to live and base a society, we would remain in the world of retributive justice, a place where the offender is rarely restored or rehabilitated.

In the Old Testament, we have the example of Cain, a figure John Paul II uses as the paradigmatic example of God’s dealings with the offender. The Holy Father reminds us that even though God preferred Abel’s gift to Cain’s, God did not abandon his dialogue with Cain. Moreover, even when Cain fell further into the depths of sin, God did not destroy Cain.

Once the crime is admitted … then the divine law of mercy should be immediately extended. If punishment is forthwith inflicted on the accused, then men in the exercise of justice would in no way observe patience and moderation, but would straight away condemn the defendant to punishment …. God, who preferred the correction rather than the death of a sinner, did not desire that a homicide be punished by the exaction of another act of homicide.²⁵

The Old Testament also provides a powerful lesson in human forgiveness in the story of Joseph and his brothers. Joseph’s forgiveness restored the entire family, something a retributive view of the situation probably would not have accomplished. The story of Joseph is
unique to that of the ancient world, a world where family disputes were settled by appeals to revenge and the furies. The house of Atreus is a typical story of the ancient world with respect to such cycles of vengeance. The story of Joseph stands apart in its day as providing the lasting solution to societal conflict.

In his first encyclical *Redemptor hominis*, John Paul II focuses on images from the New Testament to remind us of the fundamental mission of God and the Church on earth. Sin is a condition that is ever present in human history; yet it is not the last word of human history. Above all, love is greater than sin, than weakness, than the “futility of creation,” it is stronger than death; it is a love always ready to raise up and forgive, always ready to go to meet the prodigal son, always looking for “the revealing of the sons of God, who are called to the glory that is to be revealed.” This revelation of love is also described as mercy, and in man's history this revelation of love and mercy has taken a form and a name: that of Jesus Christ.\(^{26}\)

If it is true that God is always ready to forgive and to go looking for the prodigal son, how can we do any less in our human societies? Indeed, the Church's fundamental mission is that of bringing the mercy of God to all people. John Paul II says,

> The Church's fundamental function in every age and particularly in ours is to direct man's gaze, to point the awareness and experience of the whole of humanity towards the mystery of God, to help all men to be familiar with the profundity of the redemption taking place in Christ Jesus.\(^{27}\)

Notice that the text says “all men,” not only those who have not offended against the common good. Thus, it is essential for human society to establish such a relationship to the criminal as well as to those who have not offended against the common good.

The fact that God has freely chosen to redeem humankind provides an essential truth to the idea of restoration: namely, that it is the person sitting in a higher position who is the one able to restore the relationship that has been broken by sin. In the case of sin, it is God who restores. Nothing we can do will ever merit such forgiveness. What is more, every single person is in need of such restoration, not merely the criminal. Every single individual is in need of the restoration that comes from the redemption of Christ. In this context, all are criminals in the sight of God, and all have been restored through mercy and love. In fact, such a restoration is the greatest work in the whole cosmos. St. Augustine states that, “the justification of the wicked is a greater work than the creation of heaven and earth … heaven and earth will pass away, but the salvation and justification of the elect … will not pass away.”\(^{28}\)

The same idea of restoration is true in the social order with respect to the community's relationship to the criminal. Restoration becomes possible not so much by the action of the one in debt, but more so by the action of the one to whom the debt is owed. The prisoner cannot find restoration if society is not willing to restore him or her and to forgive.

Finally, the supernatural destiny of the human person demands an ethic of restorative justice. If a person were merely an appendage that is expendable, then the doctrine of retribution would not offend. I can throw away a pair of old sneakers because they have exhausted
their function and possibilities. However, the fact that the person has a limitless potential and an eternal destiny demands that we rethink our attitude toward those who have violated the common good.

**Lessons from the American Literary Tradition**

**The Scarlet Letter**

Since restorative justice has been seldom tried in human history, we must search for possible methods of implementation from other sources. Our theological tradition has provided us with the lesson of forgiveness in the story of Joseph. It also provides us with the example of being servant to others in the redeeming words and deeds of Jesus. Fortunately, our American tradition also provides us with examples from literature that will provide us with additional elements of restorative justice put into practice.

Nathaniel Hawthorne's great work *The Scarlet Letter* mainly provides us with the paradigmatic example of the failure of retributive justice. In Hawthorne's introduction, he speaks of his Puritan ancestry in both good and bad terms. He describes in detail their participation in the witch persecutions, then states:

> I know not whether these ancestors of mine bethought themselves to repent, and ask pardon of heaven for their cruelties; or whether they are now groaning under the heavy consequences of them in another state of being. At all events, I, the present writer, as their representative, hereby take their shame upon myself, for their sakes, and pray that any curse incurred by them … may be now and henceforth removed.²⁹

Hawthorne then begins his tale, after having ‘found' the story of Hester Prynne during his work at the Customs House. The story begins at a prison, outside of which grows a wild rose bush, said by some to have sprung up from Ann Hutchinson’s entrance to the prison. Hawthorne hopes the bushes may “offer their fragrance and fragile beauty to the prisoner as he went in, and to the condemned criminal as he came forth to his doom — in token that the deep heart of nature could pity and be kind to him.”³⁰ That might be the only bit of kindness a prisoner would find in Puritan Boston where “meager, indeed, and cold, was the sympathy that a transgressor might look for.”³¹

The idea of retribution in the punishment of Hester Prynne is replete throughout *The Scarlet Letter*, and needs no repeating here. It should be noted, however, that despite the dim view Hawthorne takes of Puritan society and its view of malefactors, he nonetheless offers a bright point in the scene of Hester receiving her punishment:

> Had there been a Papist among the crowd of Puritans, he might have seen in this beautiful woman, so picturesque in her attire and mien, and with the infant at her bosom, an object to remind him of the image of Divine Maternity, which so many illustrious painters have vied with one another to represent; something which should remind him, indeed, but only by contrast, of that sacred image of sinless motherhood whose infant was to redeem the world. Here, there was the taint of deepest sin in the most sacred quality of human life, working such effect, that the world was only the darker for this woman's beauty, and the more lost for the infant...
that she had borne.\textsuperscript{32}

A ray of hope is offered Hester Prynne in the presence of the make-believe Catholic present at her time of punishment. Unfortunately, it seems to me that the Catholic of the day would have acquiesced in the retributive attitude of the times, despite the fact that his tradition, already noted earlier, has within it the seeds of a more hopeful outlook for the criminal.

Hester’s punishment is more than any person could bear. There was no possible hope for restoration in a society that saw her as one so fallen from grace that no hope was possible. She was confined to live on the edges of society, eking out an existence for herself and her child Pearl, who experiences punishment, though she had done no wrong. Hawthorne paints the bleak picture of the retributive society:

In all her intercourse with society, however, there was nothing that made her feel as if she belonged to it. Every gesture, every word, and even the silence of those with whom she came in contact, implied, and often expressed, that she was banished, and as much alone as if she inhabited another sphere, or communicated with the common nature by other organs and senses than the rest of human-kind…. Continually, and in a thousand other ways, did she feel the innumerable throbs of anguish that had been so cunningly contrived for her by the undying, the ever-active sentence of the Puritan tribunal.\textsuperscript{33}

The cruel world of retributive justice offered no hope for restoration and return to a normal life for Hester and Pearl. Despite the fact that she was contrite for her offense and suffered much for it, Puritan society seemed to offer no hope for the pair. Yet, not even in such a society could retributive justice endure. Over the course of time, the walls of vengeance slowly began to crumble for Hester, and she gradually came to find acceptance in the community as a result of her charitable works for the sick and the poor.

What is more, however, is a point Hawthorne makes about human nature — it cannot endure hatred. Love is a greater force within us than hate. Hawthorne observes, “It is to the credit of human nature that, except where its selfishness is brought into play, it loves more readily than it hates. Hatred, by a gradual and quiet process, will even be transformed to love, unless the change be impeded by a continually new irritation of the original feeding of hostility.”\textsuperscript{34}

Time, then, is necessary for human relationships to be healed once broken by an offense. Retributive justice, however, will only continue to fuel the irritation of the original offense, thereby never bringing it to healing and restoration. Time spent in love and service to others will bring the rehabilitation that restorative justice demands.

\textbf{White Fang}

Jack London’s masterpiece provides us with the perfect literary example of restorative justice in practice, though it comes at the very end of the novel. The beginning of the story is set in the Wild, a world of retribution, survival of the fittest, and a place where the idea of love and restoration of life has no place. As London, states: “It was the masterful and incommunicable wisdom of eternity laughing at the futility of life and the effort of life. It was the Wild, the savage, frozen-hearted Northland wild.”\textsuperscript{35}
The world of the wild, the world without humans, is described as a place where life is mocked, not respected. The world of humans, for London, generally respects life and protects it. The lone exception in *White Fang* is Beauty Smith, the personification of the perverse, the pornographic imagination that twists the laws of humankind into a system of obtaining profit from death. Under Beauty Smith’s mastership, the wolf White Fang “knew only hate, and lost himself in the passion of it. Life had become a hell to him.”

Whatever progress White Fang had attained under Grey Beaver had been lost under Beauty Smith, for he had been progressing toward domestication and a tamer existence than the one he had known in the wild. Beauty Smith, however, had inflicted the worst upon him and led him to a life of hate. When this life of hate led White Fang to the brink of death, he is rescued by the love god, Weedon Scott.

Initially, Scott’s efforts at restoration were not succeeding, and he despairs of the project to rehabilitate White Fang. London recounts this exchange: “‘It would be mercy to kill him,’ Scott insisted. ‘He’s untamable.’” To which Matt, Weedon’s friend, implores in response, “‘Now look here, Mr. Scott, give the poor devil a fighting chance. He ain’t had no chance yet.’” At the insistence of his friend, Weedon decides to give kindness a chance.

How is White Fang restored? At first, it is through gestures of kindness repeated over and over, but most importantly communication is established between man and dog by Weedon. Talking, and the manner in which the talking is done, becomes the beginning of White Fang’s restoration:

The god talked on interminably. He talked to White Fang as White Fang had never been talked to before. He talked softly and soothingly, with a greatness that somehow, somewhere, touched White Fang .... The god went on talking. In his voice was kindness — something of which White Fang had no experience whatever. And within him aroused feelings which he had likewise never experienced before. He was aware of a certain strange satisfaction, as though some need were being gratified, as though some void in his being were being filled.

Over time, White Fang learns to love and overcomes the hatred that had once dominated his life. Weedon Scott sets about to redeem White Fang — and mankind as well — for the sins committed against him.

At this point Weedon Scott decides to take White Fang back home with him to the sun-kissed Santa Clara Valley and his father’s house. Here, no one trusts White Fang, especially after he raided the chicken roost. Judge Scott, Weedon’s father, speaks for all when he asserts, “You can never cure a chicken killer. Once they’ve got the habit and the taste of blood ....” White Fang proves the Judge wrong when he wins the bet Weedon proposed; from then on White Fang never again harms domesticated animals.

White Fang learns the complicated laws that govern life in the Southland, and he begins to thrive there. London writes, “Not alone was he in the geographical southland, for he was in the Southland of life. Human kindness was like a sun shining upon him, and he flourished like a flower planted in good soil.”
Judge Scott, however, remains unconvinced, despite the fact that many people of the household begin to believe. “A wolf is a wolf. There is no trusting one,” states the judge. When another family member comes to White Fang’s defense, he asserts, “You have only Weedon’s opinion for that. He merely surmises that there is some strain of dog in White Fang; but as he will tell you himself, he knows nothing about it.”

Indeed, Weedon Scott goes on faith that White Fang can be restored and join the company of the tame and domestic—a faith not shared by the Judge. Even after White Fang alerts them to Weedon’s injury, Judge Scott remains unconvinced, despite the fact that almost everyone else has come to view White Fang positively. London says, “Judge Scott still held to the same opinion, and proved it to everybody’s satisfaction by measurements and descriptions taken from the encyclopedia and various works on natural history.” The science of the day did not support Weedon’s faith, and yet his personal experience was telling him that White Fang could change—and had changed!

Towards the end of the novel we meet a human version of White Fang—Jim Hall. “He was a ferocious man. He had been ill-made in the making. He had not been born right, and he had not been helped any by the molding he had received at the hands of society.” Needless to say, he runs afoul of the law and finds himself in prison. Punishment failed to cure Jim Hall; it only served to make him fiercer. The more Jim resisted, the harsher society dealt with him until it produced a terrible beast. “He was a man and a monstrosity, as fearful a thing of fear as ever gibbered in the visions of a maddened brain.”

Jim Hall became so not by nature, but by the fashioning of society, a society that used retributive justice as the means by which to deal with him. We discover in the novel that this system is anything but perfect, for Jim Hall had been convicted of a crime he did not commit and sentenced to a punishment by Judge Scott. He was framed for the crime by police forgery, unbeknownst to Judge Scott.

Jim Hall escapes from prison to exact revenge upon Judge Scott, who becomes the symbol of an unjust system in Hall’s mind. When he enters the Judge’s house to fulfill the law of vengeance, White Fang, the restored beast, saves the life of Judge Scott, winning the favor of the doubting Judge. We can only wonder whether Jim Hall would have found restoration—as White Fang did—had some kindness been extended to him somewhere in his life.

Conclusion
The very best of the Catholic tradition has shown to us the dignity of each human person, and has called us to consider anew our treatment of those who have wronged the common good. Our tradition tells us that forgiveness and kindness are essential elements of restorative justice, as well as a willingness on our part to serve even the least of our race.

At the same time, our American tradition confirms for us the fact that kindness is an essential component of restoration. What is more, time and patience are also essential ingredients to the restoration of the offender. Finally, communication—dialogue, talking, contact with others in society—is a fundamental ingredient for the restoration of a wayward soul.
It remains for experts in the fields of psychology, criminal justice, and the healing arts to find the practical methods for implementing these components of restorative justice. We have seen the failure of a system built upon retributive justice; we cannot return to that path. How long will our society remain like Judge Scott — unconvinced and blind to what is right before our eyes — before we move forward to construct a correction system based on restorative justice?

1See St. Thomas Aquinas, *Summa Theologiae*, I,61,1; I,61,2; I, 61, 3.
2Higgins, *Man as Man*, p. 510. I refer to the Higgins even though it was originally published in the 1950s. It is currently in reprint and used in some universities in the United States as a textbook for Ethics courses. The words in italics are my emphasis; I will return to them later in the paper in the critique of retributive justice.
4Finnis, *Aquinas*, p. 282. See Aquinas *Summa Theologiae* II-II 25, 6c and ad 1 and ad 2.
5*Evangelium vitae*, #55,56.
6Ibid, #27. Finnis states, “In any state of affairs capable of being improved by it, punishment’s justifying point is to make an improvement” (p. 212).
10Higgins, p. 513. Prosecutors will often argue that the state demands justice for the heinous crime committed by a murderer. What they really mean to say is that society demands revenge for the crime.
11Pieper, p. 50. Emphases are those of the original author. “The person as such is a whole. The concept of part is opposed to that of person.” (Aquinas, *III Sent.* D 5, 3, 2.) “A person as person requires to be treated as a whole in society. A person does not exist in society as a part to a whole and treated by society as a mere part to the whole” (Maritain, p. 48).
12Maritain, *The Person and the Common Good*, p. 6. Pope Pius XII echoes this point in his Christmas message of 1942: “The origin and primary scope of social life is the conservation, development, and perfection of the human person.”
13CG, 2, 28. Maritain reaffirms this point with great force: “A single human soul is worth more than the whole universe of material goods. There is nothing higher than the immortal soul, save God. With respect to the eternal destiny of the soul, society exists for each person and is subordinated to it” (p. 51).
14Pieper, p. 46. See also *Catechism of the Catholic Church*, #2007: “With regard to God, there is no strict right to any merit on the part of man. Between God and us there is immeasurable inequality, for we have received everything from him, our Creator.”
15CCC, #1996: “Grace is favor, the free and undeserved help that God gives to respond to his call to become children of God, adoptive sons, partakers of the divine nature and of eternal life.”
17*Summa Theologicae* III, 85, 3 ad 2.
18Pieper, p. 78.
19Ibid., p. 73. See also Aquinas *In Eth.* 1, 7, no. 5.
20Maritain, p. 66. Maritain further expounds on this symbiotic relationship: “the political common good is a common good of human persons. And thus it turns out that, in subordinating oneself to this common work, by the grace of justice and amity, each one of us is still subordinated to the good of persons, to the accomplishment of the personal life of others and, at the same time, to the interior dignity of ones own person” (p. 93).
21Ibid., p. 99. Maritain adds to the list of items included in the common good: “It includes the sum of sociological integration of all the civic conscience, political virtues and sense of right and liberty, of all the activity, material prosperity and spiritual riches, of unconsciously operative hereditary wisdom, of moral rectitude, justice, friendship, happiness, virtue and heroism in the individual lives of its members. For these things all are, in a certain measure, communicable and so revert to each member, helping him to perfect his life and liberty of person. They all constitute the good human life of the multitude” (p. 42-43).
22Maritain, p. 31-32.
23Philpott, Daniel. *Iraq’s Urgent Need for a Reconciliation Ethic.” America*, April 4-11, 2005, p. 16.
24Pieper, p. 111. See also Aquinas, *Summa Theologicae*, II-II, 114, 2 ad 1.
25EV, #8, quoting St. Ambrose, *De Cain et Abel* II, 10, 38: CSEL, 32, 408. This quotation from Ambrose echoes the voice of the prophet Ezekiel: “As for you, son of man, speak to the house of Israel: You people say, ‘Our crimes weigh us
down; we are rotting away because of them. How can we survive?' Answer them: As I live, says the Lord, I swear I take no pleasure in the death of the wicked man, but rather in the wicked man's conversion, that he may live" (33:10-11).

26Redemptor hominis, #9.
27Ibid., #10. John Paul further states, “The Church wishes to serve this single end: that each person may be able to find Christ, in order that Christ might walk with each person the path of life, with the power of the truth about man and the world that is contained in the mystery of the Incarnation and the Redemption and with the power of the love that is radiated by that truth" #13.

28St. Augustine, In Johan. Ev. 72, 3: PL 35, 1823. The Catechism of the Catholic Church cites this in #1994 in reinforcing for us the fundamental mission of Christ — and by extension, the Church — on earth. Aquinas makes the same point in replying to Aristotle’s claim that the universe is greater than the good of one man (Ethics I), “But the good of grace in one person is greater than the good of nature in the whole universe” (ST I-II, 113, 9, ad 2).

29Hawthorne, p. 9-10. Such a plea for forgiveness and remittance is echoed in John Paul II’s remarkable plea for pardon for the Church’s sins throughout history against various groups.
30Ibid., p. 58.
31Ibid., p. 60.
32Ibid., p. 68.
33Ibid., p. 106-107.
34Ibid., p. 205.
35London, p. 95.
36Ibid., p. 224.
37Ibid., p. 241.
38Ibid., p. 244-245; 246.
39Ibid., p. 250.
40Ibid., p. 275.
41Ibid., p. 279.
42Ibid., p. 283.
43Ibid., p. 284.
44Ibid., p. 285.
A hilarious scene in Evelyn Waugh's *Brideshead Revisited* portrays the politician Rex Mottram, Julia Marchmain's dim but powerful and sexually exhilarating suitor, taking instruction in the faith from a Catholic priest in order to marry Julia. The priest wants to find out whether Rex understands the doctrine of papal infallibility. The priest presents him with a hypothetical. “Supposing the Pope looked up and saw a cloud and said, ‘It’s going to rain,’ would that be bound to happen?” Rex responds, “Oh, yes, Father.” To which the priest responds, “But supposing it didn’t?” Rex is surprised by the difficulty, and pauses, apparently deep in thought, as he tries to face it. Then inspiration hits. “I suppose it would be sort of raining spiritually, only we were too sinful to see it.” Later Rex charges the priest with “holding back” on him the deeper mysteries of the faith. He knows a very pious Catholic who has told him of the sacred monkeys that inhabit the Vatican, as well as the need to sleep with one's feet pointing east so that one can walk to heaven if one dies in the night. Julia's little sister Cordelia had been playing a joke on Rex when she told him these things. Waugh, of course, was not attempting to ridicule the teaching on papal infallibility. He was sending up the general cultural ignorance of Englishmen on the nature of papal infallibility, an ignorance portrayed as comparable to the stupid social prejudices against Catholics that cannot see the absurdity of such claims like sacred monkeys living in the Vatican, and walking one's way to heaven. No need even to mention tunnels between the convents and the rectories. Rex Mottram stands in for William Gladstone, the 19th century prime minister of England, who, upon the proclamation of papal infallibility at Vatican I, had charged that no Roman Catholic could any longer be considered a loyal subject of the British throne, since he concluded the proclamation entailed that Catholics owe allegiance in all their acts to a foreign potentate. Cardinal Newman answered Gladstone's charges in his famous “Letter to the Duke of Norfolk.”

The focus of this paper is not the doctrine of papal infallibility and its bearing upon the thoughts and actions of Roman Catholics. My aim is to consider the broader question of Catholic teaching in general, and the ways in which it ought to inform the minds and actions of Roman Catholics as they seek to engage the political community. In some ways in our own day Catholics find themselves in a situation similar to Rex's and Gladstone's within and without the Church when they reflect upon what is often called the *Seamless Garment* and the *Consistent Ethic of Life* that they hope can inspire a genuine Catholic engagement with politics, law, and social life. The seamless garment is a beautiful metaphor taken from the Gospel that is designed to capture the fullness of Catholic teaching about the common good, and to inspire Catholics as they live out their lives as citizens of this nation. But if it remains at the level of a metaphor, and Catholics do not seek to engage and educate themselves about the ac-
tual teachings it tries to portray, they run the risk of confusion within their own efforts, as well as the grave disservice of spreading confusion about and discredit upon the Church among their fellow citizens who do not share their faith.

I will argue here that one must distinguish in one’s political engagement between questions of principle and questions of prudence. Failure to make such a distinction leads to what I term “Policy Utilitarianism,” which tends to calculate, in a simplistic and uninformed manner, the number of policies a particular politician or party “gets right” from a Catholic perspective, without recognizing that some policies are more fundamental to the common good of society than others, because they are principles of that common good. I will argue that such “Policy Utilitarianism” is an abuse of the virtue of Prudence. The genuine exercise of Prudence may, according to circumstance, tolerate the violation of a principle fundamental to the common good, but it cannot simply trade it off against policies that are means for pursuing the common good. Failure to make that distinction leads to complicity in the violation.

The Seamless Garment: Gospel Value or Confused Metaphor?
Rather than being an invitation to consider more closely and carefully the nature of Catholic teachings that bear upon political issues, the image of the “seamless garment,” as it is actually used in contemporary political discourse, is little more than a screen behind which abhorrent policies, particularly pro-abortion policies, can hide. And thus use of it promotes serious confusion within the community about how Catholics ought to engage in political life. Instead of being, as it should be, a self-standing, independent approach to legal and policy issues informed by Catholic faith that treats the different parties as instrumental goods in service to it, it becomes a rhetorical instrument enslaved to the goals of the parties, and for historical and cultural reasons, more often than not the Democratic party. That use all too easily leads to the development of policy utilitarianism in Catholic political action.

Prompted by electoral cycles and the cultural-political arguments about the role that faithful Roman Catholics should play in the development of law and policy, the “seamless garment” is often used to draw vague analogies between Catholic teachings on abortion, the death penalty, war, economic justice, health care, and other law and policy issues of concern to Catholics. The vagueness of these analogies suggest that we are all in danger of being Rex Mottrams now—it seems that either everything said by the Pope commands and rules us without exception or nothing does. We might as well go to sleep with our feet pointing to the East, and sometimes we will have to look very hard to discern the spiritual rain.

What do I have in mind? One frequently hears politicians, media commentators, and even opinion makers among one’s fellow Catholics claiming that if one is supposed to allow Catholic teaching in opposition to abortion, euthanasia, torture, and so on to bear upon one’s views on law and public policy, so equally one must allow Catholic teaching in opposition to the death penalty, or the application of principles of just war, economic development, health care and so on to bear upon one’s voting. At a rather high level of abstraction this claim is of course true if Catholics are going to take their faith seriously in pursuit of social and political
justice ordered toward the common good. One must strive to have the teaching of the Church on all these questions inform one’s political activity. The problem is that at that high level of abstraction, it gives no actual guidance about how to consider those teachings in relation to one another.

We are by now used to abortion as the major battleground. But we can add torture as well to the list of political hot button issues opposition to which must be weighed against all the other political and social teachings of the Church in the complex weaving of the seamless garment. J. Peter Nixon described in an issue of *Commonweal* how two Catholic Republican senators who are adamantly pro-life on abortion did not bother to raise an eyebrow at the appointment of a Catholic attorney general designate who was involved in the second Bush administration’s decisions about what would and would not count as torture in the War on Terror.

Some might claim that what was argued in the administration was that the various types of acts do not count as torture according to the law, and therefore no one involved in the administration was actually advocating what he or she understood to be legally defined torture as such. But this is where we have to recall that with regard to most types of human action neither law nor conscious inner intention creates their kind and moral character, but has to reflect it. The corsair may claim that he is merely testing the sharpness of his blade on the sailor’s neck. But of course we know that he is wrong in the “merely.” If the law allows such acts, it is the obligation of the president’s advisors not simply to give the “narrow legal opinion,” but as public servants to point out that it is a bad law for not reflecting the genuine character of these acts, and that a just government will not do the bad things that bad laws allow it to do. Legislators and officials, informed by the long tradition of the Church’s reflections on the Natural law and politics, are particularly well placed to make this point. Yet these Republicans lost the opportunity to demonstrate that they are not in the back pocket of their party in the way in which pro-abortion Catholic Democrats are in their own party’s when they “weigh” the Catholic teaching about abortion against all the various issues of social justice. So in the political forum one might charge them with inconsistency, as the Church teaches that torture is an intrinsically evil act, just as abortion is.

Still, in charity, those of us who count ourselves Democrats ought to grant that the Republican party does not have a thirty year history of supporting government sanctioned torture, does not have a plank in its platform supporting torture, does not have a history of a litmus test for national office involving the support of torture, does not have leaders appearing at the pro-torture conventions seeking political and financial support, and does not yet have numerous Catholic members privatizing their opposition to torture. Neither of the senators mentioned said, “I am personally opposed to torture, but ....”

Against this background, in practice and stated without a serious reflection upon the nature of the teachings involved, too often the “seamless garment” is a vague and misleading phrase that ignores the significant differences between the various teachings involved. In par-
ticular, if we are honest we have to grant that the metaphor of the seamless garment, and the vague analogies it is designed at times to advance in our political discourse are often little more than a rhetorical hammer wielded to blunt the criticism of pro-abortion politicians, particularly when they are Roman Catholic. This tactic relies upon a perception, correct or not, that while some candidates are strongly pro-life when it comes to abortion, those same candidates do not adhere to Catholic teaching across the board on these other issues.

The use of the metaphor in actual political contexts is often designed to suggest that pro-abortion candidates who are also Catholic tend to support laws and policies that reflect Church teaching on the death penalty, economic development and other issues of Catholic social teaching, and so in some ways they are better “overall” candidates on the “seamless garment,” while pro-life politicians are not. Why then single out Catholic lawmakers who are pro-abortion candidates for criticism for not abiding by their Catholic faith in politics? From the perspective of Catholic teaching it appears to be a toss-up between pro-abortion and pro-life policy makers, as it is practically impossible to find any who are consistently “Catholic” across the board. One ought to recognize that one can be pro-abortion and pro-life in the “larger sense” of the “Seamless Garment.” A consistent ethic of life will make room for pro-abortion Catholic politicians within the seamless garment, because they get most of the other stuff right. Indeed, because they presumably get most of the other stuff right, perhaps it isn’t even a toss-up, and Catholics are actually obliged to vote for the pro-abortion candidates.

On the contrary, the problem we face, if we want to have a genuine seamless garment, is that few care to ask, much less investigate whether the analogies being made here are appropriate. It is as if we have a seamless garment with no distinction between the patterns woven into it and the thread out of which it is woven. It is simply assumed that there are no significant differences between the teachings of the Church that might bear upon one’s informed judgments in the legal and policy making arenas. In the Spring of 2004, in the context of the public discussion of the denial of communion to pro-abortion Catholic politicians, Victoria Kennedy claimed just that in an op-ed piece for the Washington Post. She wrote, “despite the unambiguous church law [on the death penalty], there has been no talk of withholding Communion from pro-death penalty Catholics. Where is the logic or moral justice in punishing those who allow a person to make a private moral decision [to have an abortion], while remaining silent about those who authorize the government to take a life and thereby deprive a human being of his God-given right of salvation?”

Let us bracket from this discussion the question of Church discipline involving the reception of communion. Apart from any material questions about the accuracy of Ms. Kennedy’s account of the relevant teachings on abortion, the death penalty, and individual conscience, the prospect of denying “a human being of his God-given right of salvation” is clearly intended to be a rhetorical counterweight to the pro-life movement’s charge that abortion denies an innocent human being of his or her God-given right to life. Theologians of course may wrestle with Ms. Kennedy’s claims that abortion involves a “private moral decision,” and that salva-
tion is a “God-given right,” as well as the implied murkier metaphysical depths of the claim that any human being could in some fashion prevent the efficacy of God's saving grace from having its effect upon those who submit to it.\footnote{In addition, just before the election of 2004 in an op-ed piece in the \textit{New York Times}\footnote{In addition, just before the election of 2004 in an op-ed piece in the \textit{New York Times} the Dean of the College of Arts and Letters at the University of Notre Dame explicitly compared the horror of abortion to the horrors of slavery and torture, and suggested that history would in the end judge it to be so. And yet, Stephen Douglas like, he suggested that the weighing of issues of concern to Catholics in the light of the Church's social teaching against the teaching on the horror of abortion suggests that Catholics would be well advised to vote for candidates who appear to support the wide range of Catholic social teaching despite their clear pro-abortion stance, in effect, that they ought to vote Democratic. Pursuing this analogy, one might wonder whether in a regime in which slavery and torture are legal acts, one is justified in supporting the pro-slavery and pro-torture lawmakers, provided they appear to get “health care,” “welfare,” the “minimum wage,” and opposition to the “war in Iraq” right.}

My concern when I hear this public rhetoric from opinion makers in the Catholic community is that the seamless garment as a metaphor for Catholic political engagement becomes little more than a rather dull, drab, and undistinguished costume for one party or another, little more than a rag concealing a set of utilitarian calculations loosely woven together.

Philosophers are inclined to distinguish two types of utilitarianism—act and rule utilitarianism. Act utilitarianism holds that one ought to pursue the act that here and now maximizes overall happiness. Rule utilitarianism holds that one ought to act upon the rule that in the long run and for the most part will maximize overall happiness. Often when I hear Catholic leaders talking about the seamless garment, I am inclined to distinguish a third type, policy utilitarianism, which holds that so called “Catholic issues” must be weighed one against another to arrive at an overall mix that reflects in some vague way our “sense” of Catholic teaching without having to look too closely at any particular one to see how it is to be judged against another. “We are for the poor.” “They aren’t.” “We want peace.” “They don’t.” And so on. In practice, Catholics end up stifling anything distinctive that might cause them to lose whatever influence they have among the array of interests groups competing for time in one or the other party.

Insofar as this vague utilitarian weighing of issues and policies fails to recognize a fundamental difference in the teaching of the Church on these issues, is this a responsible way for members of the Church to proceed in developing a genuinely Catholic approach to law, policy, and Catholic political engagement? Catholics ought to take seriously in their political lives such teachings as are given on abortion, torture, slavery, economic exploitation, as well as the death penalty, just war, health care, economic development, and welfare, among others. It is a seamless garment; but it is a garment with a pattern woven out of a particular thread, and one ought not to confuse that pattern with the thread. Thus, Catholics ought also to pay close attention to just what those teachings are. The teachings of the Church on the death penalty, a just
wage, available health care, just war, and so on, are not directly analogous to the teaching on abortion in particular, or slavery, torture, euthanasia, and so on. Because they are not, they cannot simply be weighed in a utilitarian calculus that trades off among them without distinction.

At the Foundations of Catholic Teachings Bearing Upon Prudence and Politics

The virtue of prudence bears upon determining how to act well in concrete circumstances. It presupposes that the particular acts it bears upon are of such a kind that they may be done. Thus, in order to understand how prudence should function in political decision making, it is necessary to discuss the theoretical foundations for analyzing the features of actions that bear upon, in the first place, the question of whether they may be done, and, in the second place, of those that may be done whether they should be done. Only then can we appreciate how the virtue of prudence is the light within which the metaphor of the seamless garment communicates an authentically Catholic approach to politics.

Stepping back for a moment to consider theoretical foundations, the teaching of the Church is that the moral life of human beings is essentially teleological—it achieves a goal or end. Through deliberate and free action human beings make of themselves certain characters. Quoting Gregory of Nyssa, Pope John Paul II wrote, “we are in a certain way our own parents, creating ourselves as we will, by our decisions.”

We are characters whose lives, sometimes more and sometimes less, express a good that is characteristic of human life as such.

The morality of acts is defined by the relationship of man’s freedom with the authentic good. This good is established, as the eternal law, by Divine Wisdom which orders every being towards its end: this eternal law is known both by man’s natural reason (hence it is “natural law”), and — in an integral and perfect way — by God’s supernatural Revelation (hence it is called “divine law”). Acting is morally good when the choices of freedom are in conformity with man’s true good and thus express the voluntary ordering of the person towards his ultimate end: God himself, the supreme good in whom man finds his full and perfect happiness.

However brief, this passage summarizes the longstanding teaching of the Church that human actions find their point and purpose insofar as they lead human beings to union with God, that is, their ultimate telos, as characters fit for union with their creator. More proximate goals of human action are evaluated as good insofar as they participate here and now in limited ways in leading one to that ultimate goal. It also affirms the relation of human action to the natural law. The natural law is no arbitrary set of obligations imposed externally by God upon human life, but the expression within each human being of the imperatives necessary for achieving that union. Natural law provides the signposts along the way, as it were, warning against the dangers to be avoided and pointing out the goods to be enjoyed. That natural law can be known by human beings apart from any special Divine revelation, and it is thus not sectarian. Finally, it points out that the knowledge of the natural law, besides being available to reason as such, is available within Divine revelation. That claim establishes the authority of the Church to teach about not only what is specific to revelation as such, the Trinitarian character of God, the Incarnation and saving acts of Christ, and so on, but also about the features
of the natural law itself.

For my purposes here, the most important claim in the passage cited above is “acting is morally good when the choices of freedom are in conformity with man's true good and thus express the voluntary ordering of the person towards his ultimate end ...” The question here is what sorts of features must a freely chosen act have so that it may be “in conformity with man's true good,” and the lack of which cause it to be out of such conformity? There are three features of any particular action that have to be taken into account in the evaluation of whether that action is a good action “in conformity with man's true good” and should be done, or a bad action and ought to be avoided as lacking that conformity. The first feature pertains to the “species” or kind of act involved such as paying a wage to a worker, giving alms to the poor, engaging in sexual relations with one's spouse, engaging in sexual relations with someone who is not one's spouse, killing an innocent human being, killing a human being guilty of a crime, and so on. The second feature to be evaluated is the set of circumstances in which the particular act is to take place — a whether one is capable of providing for one's family, whether the act will take place in public or in private, the extent of extenuating circumstances that were involved in the commission of a crime in the determination of punishment, the condition of the prison system in a society, and so on. The third feature is the goal or goals for which the act is done, and the consequences that can be foreseen following from such an act — whether one is acting for self aggrandizement, whether one is trying to promote a criminal enterprise, whether one is pursuing the goods of marriage, whether one is attempting to redress a wrong or slake the blood lust of the community, whether harm can be accurately foreseen as coming to others, harm disproportionate to the goodness of the goals one is pursuing, and so on.

In order for a particular act to be judged a good act that should be pursued, that is, as “in conformity with man's good,” it must be good with respect to all three features; it must be an instance of a good kind of act, done in the right circumstances, in pursuit of good goals and foreseeable consequences proportionate to those goals. For example, a particular act of sexual relations with one's spouse is an instance of a good kind of act, and yet if it is done in public, or for the purpose of expressing one's dominance over one's spouse then it fails to be a particular good act. So an instance of a good kind of act can be rendered a particular bad act, because of the circumstances, and, or the goals for which it is done and the consequences that may follow from it.

However, there is a significant difference to be observed when considering the type of action involved. It is the teaching of the Church that according to the natural law there are certain acts that in their kind are intrinsically bad, for example sexual relations with someone who is not one's spouse, torturing someone, and so on. What is characteristic of these kinds of acts is that particular instances of them may never be done, in any circumstances, or for any goals however good those circumstances and goals may be. “The weighing of the goods and evils foreseeable as the consequence of an action is not an adequate method for determining
whether the choice of that concrete kind of behavior is ‘according to its species,’ or ‘in itself,’
morally good or bad ....”\textsuperscript{14} And, “if acts are intrinsically evil, a good intention [for goals and
consequences] or particular circumstances can diminish their evil, but they cannot remove it.
They remain ‘irremediably’ evil acts; \textit{per se} and in themselves they are not capable of being
ordered to God and to the good of the person.”\textsuperscript{15} In other words, no circumstances and no
goals can justify performing such acts. Thus, there is a fundamental asymmetry between acts
that are good in their kind, and acts that are bad in their kind. An instance of a good kind of
act can be rendered bad in particular by bad circumstances or goals, while a bad kind of act
can never be made good by circumstances or goals.

Catholic teachings against abortion, euthanasia, torture, and so on concern the kinds of
acts involved. They are intrinsically bad. They are kinds of acts that may never be done; there
are no circumstances or goals that could possibly justify doing them. Thus, any additional
teaching about such circumstances or goals would be otiose. Catholic teaching on the death
penalty, war, health care, and so on, are also about the kinds of acts involved. But there is a
significant difference in that these involve kinds of acts that \textit{may} be done; they are good in
their kind.\textsuperscript{16} Because they are kinds of acts that \textit{may} be done, more has to be said about the
typical circumstances in which, and goals for which one should do them, as opposed to cir-
cumstances in which and goals for which one should not do them.\textsuperscript{17} Here the teaching of the
Church bears upon prudential counsel. In the case of the death penalty, for example, such
counsel is very restrictive, while in the case of just wages and health care it tends to be expa-
sive. But it is crucial that we recognize that these are in fact counsels of prudence. They are
not, indeed they cannot, be commands.

The Church does not claim the authority to make the prudential decisions Herself about
particular cases where, when, and why acts that are good in their kind should be done. On the
contrary, consistent with the principle of subsidiarity,\textsuperscript{18} and the dignity of the secular order,
She recognizes that such judgments must be made by appropriate authority, an authority that
She does not in general possess.\textsuperscript{19} So, for example, contrary to what Victoria Kennedy claims,
the Pope and the Catechism’s recent teaching on the death penalty is not a matter of Church
“law,” nor is it a command directed to Catholics to act in a certain way, but an exhortation that
political authority ought to consider very carefully in pursuing the good of our lives together.
Catholics in particular should pay special attention to it, and give it a great deal of weight in
their decision making. Certainly they may not simply dismiss it in their judgments. However,
a particular judgment that does not end up following such an exhortation is not \textit{ipso facto} a
simple dismissal of it, anymore than an exhortation to give as much as possible of one’s
wealth to the poor is \textit{ipso facto} simply dismissed if here and now one does not throw the entire
contents of one’s wallet into the poor box.

The Church’s teaching on the death penalty is an exhortation with which this author
wholeheartedly agrees.\textsuperscript{20} But it is not of the same order or kind as the teaching on abortion,
which does not have the form of an exhortation but an absolute moral norm.\textsuperscript{21} However, the
Church does not even claim the authority to *command* in cases of absolute moral norms that specify acts that are bad in their kinds. She claims the authority to teach the truth about them. Her teachings on such matters reflect a moral order that She Herself does not create — the natural law. She does not command or legislate that acts of abortion, euthanasia, or torture are intrinsically bad any more than she commands or legislates that $2 + 2 = 4$, indeed any more than She commands the rain to fall. The authority of the Church to command or forbid particular actions on Her own authority is generally restricted to questions of Church discipline. Thus such teachings on negative absolute moral norms, that is kinds of acts that are intrinsically bad, are neither matters of sectarian belief, nor Church discipline. It was Gladstone's failure to recognize these facts that Newman pointed out to him, among other things. Our failure to recognize this nearly a century and a half later makes Rex Mottrams of us all.

In addition to abortion and euthanasia, the Church gives acts of torture, and slaveholding, among others, as examples of acts bad in their kind. No particular circumstances or goals can make acts of torture or slaveholding good, because they are bad in their kind. Insofar as the Church claims to be teaching about the appropriate circumstances and goals for the exercise of the death penalty, however limited and narrowly She thinks those circumstances and goals may be, She has already judged that it is an act good in its kind. If the death penalty were a kind of act that is intrinsically bad, then there would be no circumstances at all in which it could be used. But the Church teaches that there are circumstances in which it may be used. Therefore, the Church teaches that it is not a kind of act that is intrinsically bad. The Church is not saying, thank God, that the death penalty is an evil means that one may use in extreme circumstances in order to achieve some good end.

**An Objection to the Role of Prudence in Catholic Political Action**

Appeal to the role of prudence in political action can appear to many as little more than an appeal to be cautious in such a way that one refrains from action. Such an objection is based upon a misunderstanding of the nature of prudence. This misunderstanding takes place against the background of a cultural use of the term ‘prudence’ that suggests that in a democratically diverse society one ought to refrain from acting upon highly contested issues. The solution to this problem, however, is not to abandon genuine prudence. It is, rather, to reform the culture in light of the role of genuine prudence in human action, and in particular the Church's teachings about human action.

Consider the following objection. Some are afraid to introduce the language of prudence into discussions about the pursuit of the goods of social justice, because they think it is just a rhetorical way of dismissing the importance of the goods involved in health care, economic development, welfare, and so on. They fear that because it is claimed that these are matters of prudential judgment, and it often appears that the arguments we have about them are irresolvable, then one is really suggesting that we must simply agree to disagree, which in effect means doing nothing. For fear of not doing anything, better simply to insist that one’s own position or positions very close to it, particularly positions typically advocated within one politi-
cal party and excluding the other, are the only genuine ways of pursuing the teaching of the Church on social justice.

There is a grain of truth in this objection. Certainly in the course of political engagement some may in fact use the word ‘prudence’ as a tool to dismiss disagreement while one pursues one’s own position, heedless of the views of others, particularly the teaching of the Church. But of course that use of “prudence” is not real prudence. It is, rather, the abuse of prudence. However, the response of the objector to this abuse of prudence looks to be equally as dismissive of the actual views of his fellow citizens, even as they may dismiss his own.

The alternative to prudence exhibited at times by those who offer this objection is in effect to make an absolute rule out of every moral and political thesis. But will such rules have exceptions or will they be exceptionless? If they are exceptionless then moral and political life reduces to a mechanical observation of abstract rules fit for unthinking machines, not persons. Such rules lend themselves very easily to the impersonal bureaucratic state. One’s claim about just how much of the national economy ought to be devoted to health care and the alleviation of poverty is not subject to questions about the circumstances in which it is to be carried out, and whether it actually works to promote those goals; it is instead handed over to a class of bureaucrats, technicians, and “experts.” It is simply the rule and it is either right or it is wrong. If the Church teaches it, we know it must be right. The task of public life is simply to obey, not to participate thoughtfully and responsibly in the creation of our common life together. There is no genuine democratic life here.

On the other hand, if such rules are subject to exception, and one has to evaluate particular political and moral claims in terms of the circumstances of their application and their effectiveness in pursuing the goals one is trying to promote with them, then that is simply to reintroduce the need for judgments of prudence. To deny the role of prudence here amounts to little more than a cutting off of the need to convince one’s fellow citizens through argument and persuasion that one is in fact proposing the best means for pursuing the common good. But insofar as such argument and persuasion is itself part of the common good of living together as free and responsible citizens in a democracy, the denial of it and the effort to simply assert apodictically one’s own position as the only legitimate one is itself an attack upon the common good that only undermines it. It leads to a culture of shouting not argumentative persuasion.

But for our impoverished sacred monkey culture of moral and political discourse, it would not be necessary to point out that “prudence” here does not mean cautious inaction. Prudence is that virtue by which we integrate a number of other virtues, in general justice, temperance, and courage, when we judge of particular good acts whether they are to be done, in what circumstances, and for what goals, both individually and politically. Prudence has no role to play at all in the evaluation of acts bad in their kind, since such acts may never be done. There is no prudence applied to the task of integrating justice, courage, and temperance in deciding when and for what reasons to engage in torture, rape, theft, adultery, and so on. On
the other hand, prudential judgment finds its appropriate application in the integration of justice, courage, and temperance in the evaluation of the circumstances in which, and goals for which acts good in their kinds may be done, as for example the levels of health care, welfare, defense, education and so on, that it is appropriate for the state to provide its citizens. Prudence is the way to pursue genuine goods in our common life together, precisely because they are genuine goods; it is not a way of avoiding them.

Finally, recourse to prudence does not imply that both or all sides to an argument are "right" and it is just a matter of preference which side to pursue. It may often be the case that one or more sides to an argument about the integration of particular goods may be wrong in what it is suggesting is the best policy given a certain goal, and the integration of several goals. On the other hand, there is no particular Church teaching determining beforehand who is and who is not wrong in these issues of social justice. For example, granting that the community must provide adequate health care to its members, there is no teaching on just how involved the various organs of government ought to be in guaranteeing it. The principle of subsidiarity suggests that while government may be involved, the more local and close to hand the better. But it does not tell us just what the balance of public and private initiative should be in providing health care, and what the balance of the national versus the local should be. It is the role of genuine politics, not Church authority, to provide a space for us to work these questions out justly and charitably in our concrete circumstances. Insofar as the Church teaches universally, it is absurd to suggest that it has the authority to teach a detailed particular policy about how health care is to be structured in all nations at all times. She does not claim the authority to determine for each nation in particular how its health care ought to be structured versus some neighboring nation, much less a nation on the other side of the world. The case is similar for the death penalty, just war, economic development, a living wage, and so on.

This recognition of the role of prudence is based upon the distinction the Pope made in Veritatis splendor between negative norms that bind always and everywhere, and positive norms that do not. Negative norms bear upon kinds of actions that are intrinsically bad, that may never be done in any circumstance or for any goal. Thus, there is no prudence involved in judging when and how to adhere to them; one simply must do so. But the Church is not commanding one to refrain from such acts. She is simply teaching the moral norm that She did not create. Positive norms, on the other hand, bear upon the pursuit of the various goods of human life. The reason positive norms do not bind always and everywhere is not because they are merely matters of choice or preference which one may simply disregard as not the good one chooses to pursue. On the contrary, they ought to be pursued. But because there are so many ways of doing good, and one cannot exhaust those ways, one must use one’s judgment about how best to pursue those goods here and now, as well as in the future as circumstances change. Prudence is the virtue that pertains to that judgment.

If we do not recognize this fact about the positive goods of social justice to be pursued versus
the evils to be avoided, we end up with an intolerable conflict between goods, where one is inevitably sacrificed for another. If I am always and everywhere giving to the poor, as supposedly I ought, then I cannot educate my children always and everywhere as supposedly I ought, I cannot care for my parents, I cannot contribute to my Church, and so on. If I am to devote all my time and resources to alleviating the material poverty of those around me as supposedly I ought, I will not have time to alleviate the spiritual poverty of my students as I ought. If all of our national resources are to be devoted to the alleviation of hunger, we will have none for health care, economic development, and so on.

In general it is the teaching of the Church that it is the distinctive task of lay persons acting in the world to examine and evaluate concrete circumstances, in order to apply Her teachings on the various political and social goods to the particular features of the societies in which they live. Thus, to reduce those teachings to mechanical rules actually rejects those teachings of the Church that one is claiming to uphold. So the danger, when we reject prudence for fear of its abuse in our moral and political judgments in pursuit of the common good, is that we may create something worse than the abuse of prudence. We create modes of self-interested utilitarian calculation, in pursuit of public policy, in which it is all too easy to put our own self-interest ahead of the poor and suffering, or we create dehumanizing rules and obligations with which we seek to command our fellow citizens, often in an authoritarian way, rather than to argue and persuade. These rules and obligations often appear to be political idols in the mouths of their defenders. Such idols are put forward as if they were self-evident truths to a community that, failing to grasp their self-evidence, often reacts against them in a self-interested way, not even bothering to consider them at all as a way to pursue the genuine goods of social justice.

It is true that it is not a judgment of prudence that we ought to feed the hungry, clothe the naked, minister to the sick, and attend to the dying. These are obligations. It is, however, a judgment of prudence which policies will best promote those genuine goods, and help us to fulfill those obligations in our circumstances. And it is both unjust and uncharitable to assume that someone who disagrees with one, about which policies will best promote those goods, also rejects the basic goods that those policies are designed to promote. Even as I may be convinced that I am correct and my opponent incorrect, to simply assert such is to make idols of my judgments.

Now a counsel of prudence concerning some type of act is not itself a prudential judgment concerning a particular instance of that kind of act. In most cases, the authority to make the particular prudential judgments involved in the pursuit of these goods does not reside with the Pope or the Church. According to the Church, the authority lies with the person or persons who hold the legislative and executive power to care for the common good of a particular political community. The Church’s prudential counsel is no substitute for their prudential judgment. And a central feature of prudential counsel, whether it comes from me, the Pope, or broadly the Church, is that it cannot bind beforehand a prudential judgment. Here the
"should" involved in such counsel can only be an exhortation, not a command.

There is a logical point here as well. As statements, counsels of prudence themselves can only be of general, that is, indefinite logical form. They are, for example, of the form “you ought to pursue the good of children,” “you ought to pursue the good of health care,” “you ought to avoid the use of the death penalty,” and not of the form “you ought always and everywhere to pursue the good of children,” “you ought always and everywhere to pursue the good of health care,” “you ought always and everywhere to avoid the use of the death penalty.” It is absurd to claim that such counsels apply always and everywhere, because in the first place there may well be circumstances in which one or another of them does not apply at all because one is pursuing some other counsel. One cannot be pursuing the good of health care when one is pursuing the good of marital relations; one cannot be pursuing the good of marital relations when one is pursuing the good of teaching one’s students, and so on. It is at least conceivable that a human being could simultaneously and successfully avoid engaging in all those acts specified in absolute negative norms; it is not conceivable that a human being could simultaneously engage in all the acts specified in positive norms as goods. Apropos of this point, Walker Percy wrote, “lucky is the man who does not secretly believe that every possibility is open to him.”

In the second place, even in circumstances in which they may apply, those circumstances will be almost infinitely different in different places and different times. But it is equally absurd to claim that these counsels of prudence actually could specify how they are to be applied differently in every possible circumstance. In other words, they cannot be statements specifying exact particulars, since as counsels of prudence they precede any possible particular circumstances to which they might be applied, and thus a fortiori the range of possible particular circumstances does not exist and cannot be precisely specified to every “jot and tittle.” Newman made a similar point to Gladstone in the “Letter to the Duke of Norfolk.”

Prudence in Act

Against the background of this theoretical discussion of human action and prudence, what practical applications does prudence have for Catholic political engagement? Prudence has a twofold role to play for Catholics who would engage politics in contemporary life. In the first place, it has a role to play in the judgment of how to integrate many different social goods, involving actions that may be done. It has no role to play in pursuing social evils involving actions that may not be done. In the second place, however, it does have a role to play in judgments involving the toleration of various social evils, particularly when those social evils are legitimated and even promoted by laws and public policies that one is unlikely to be able to change in the present context. Failure to observe this secondary role of prudence may lead to policy utilitarianism, and ultimately complicity in them, that is, a complacent cooperation in those social evils.

So, engaging a proper understanding of prudence, Catholics are faced with different questions about the various Church teachings that enter into the Seamless Garment, when they
try to develop law and public policy. What is the nature of the teaching involved? Does it enunciate an absolute negative moral norm or does it enunciate prudential counsel? Consider the difficult decisions Catholics face in voting every election cycle. As a Catholic and a citizen I agree with the Pope’s teaching concerning the death penalty expressed in *Evangelium vitae* and the Catechism. I would urge my fellow Catholics and citizens to maintain it as wholeheartedly as I do. But we should oppose the use of the death penalty for the right reasons. Given what that teaching is, it does not itself pose an obstacle for me to vote for a candidate who favors the death penalty as a kind of punishment, since that is what the Church teaches is its good. For example, given the fact that John Kerry supports the use of the death penalty in certain circumstances, his support for it did not provide me with a reason to oppose him for president in 2004. If he supported it in line with the teaching of the Church, he did so because he thought it is an act good in its kind. I certainly hope he did not do so because he thought it an evil means that in certain circumstances one could use to achieve a good goal. But I may judge that this or that particular candidate has been particularly vicious in the circumstances of his or her exercise of that punishment, or I may judge that the goals for which he or she proposes to exercise it are base, and these judgments may give me prudential reasons to vote against him or her.

This kind of analysis holds for other aspects of the teaching of the Church concerning acts good in their kind that fall under the broad category of social justice, such as a just wage, available health care, economic development, and so on. The extent to which government should be involved in setting minimal legal standards in promoting these aspects of the common good is a matter of political prudence, and a candidate’s particular weighing of that involvement may give me prudential reasons for or against voting for him or her. My particular background tends more often than not to agree with the older traditions of the Democratic party. But that there are Catholics, Democrats and Republicans, who disagree with me in such judgments is simply a reflection of the ways in which judgments of political prudence differ among people of good will, much like judgments of marital prudence differ among couples pursuing the goods of marriage, as to when, how often, why, and so on.

Political support for abortion, euthanasia, and so on, is quite different, however, as it involves political and at times financial support legitimizing the act of killing innocent human beings, a kind of act that is bad in its kind. It is part of the tradition and history of political wisdom in the Church that not every act bad in its kind need be prohibited by law, adultery or lying for instance. It does not follow, however, that there are none that must be prohibited, rape and murder for instance. Indeed the case of killing innocent human beings is unique and fundamental to the common good in questions of lawmaking and policy, fundamental that is to any genuine seamless garment. The common good is constituted by the social and political good of its members. There is little point or purpose to pursuing the common goods involved in adequate wages, welfare, health care, and education for instance, if the subjects of those goods may be killed at will. All innocent human life must be protected in law if the pro-
motion of these other goods is to be genuine, and anything other than a promotion of ersatz "values" determined by social whim. If we will trade the lives of the innocent for these prudential goods, it is little wonder that others would trade in favor of torture under the guise of protecting them. And it is little wonder that many others care little for our talk of the importance of pursuing prudential goods in a "Seamless Garment," when they see the ways in which we are willing to abandon the thread of the common good, namely, the inviolability of innocent human life. There is no justice or mercy where there is no ability to say no.

Consider a second objection to my appeal to the distinction between adherence to absolute moral norms that forbid always and everywhere, and the prudence that judges how, where, and when to pursue various goods. This objection grants the legitimacy of prudential decision making in political life, but claims that prudence is not only involved in deciding which goods to pursue in our lives. In a pluralistic democracy like ours, prudence must also be involved in the political judgments about what can and cannot be achieved through the political process. This is particularly the case when those teachings are grounded in principles involving reference to our ultimate telos, as Catholic teachings about them typically are. We cannot assume in a pluralistic democracy like ours that our fellow citizens share that vision of our ultimate telos, or adherence to those principles. Thus it is a judgment of prudence that one must tolerate liberal abortion laws in our pluralistic society, and the failure to make that prudential judgment may well distract one from pursuing policies that will promote the other goods the Church teaches ought to be pursued for the sake of the common good. Where the first objection I considered questioned the place of prudence in such discussions, this one grants it its legitimate role in many areas of our lives, but seeks to expand it to include judgments as to whether one ought to support or work against pro-abortion politicians and their policies. So the objector may well grant that while one may personally abhor pro-abortion policies, one must exercise a judgment of political prudence as to whether one ought to oppose those politicians who advance them.

Just as there was a grain of truth in the earlier objection, there is one here as well. Voting will always be an exercise of prudence. Insofar as one must consider candidates all or many of whom may be pro-abortion in the midst of supporting other genuine goods that promote the common good, the fact that they do support such polices must enter into one's prudential judgment about whether to vote for them. Nonetheless, the teachings of the Church on such things as health care, the death penalty, war, economic development, and so on, are no less grounded in principles referring to our ultimate telos, than are the teachings on abortion, euthanasia, torture, and so on. So if we are not to try to persuade our fellow citizens in our pluralistic democracy about these latter truths because of their relation to that vision, so equally, it seems, we ought not to try to persuade our fellow citizens about the former truths. On the contrary, both sets of truths require argumentative skills in a pluralistic democracy that will likely not appeal to that ultimate telos. After all, one's opponents in such civic argument, if they hope for success, will most likely not make any more reference to their own visions of
human nature and destiny. And yet they continue to try to persuade one on the matter at hand, looking for points of agreement. Those points of agreement may be more or less available to the participants depending upon the matter at hand. But the difficulty of persuasion is no warrant for failure to engage in it. That is in part precisely what it means to live in a pluralistic democracy crafting our lives together.

Now it is part of the long moral tradition of the Church that while one may never do evil, one may tolerate it. Thus it is conceivable that one might make a prudential judgment to vote for a particular candidate who promotes an evil policy, because one is tolerating the evil of the policy. However, one may only tolerate an evil for fear of a proportionately greater evil occurring if one acts against the immediate evil. But this is where the distinctions I drew among the teachings of the Church are relevant, between those that concern evils that are never to be done, and those that pursue goods and require judgments of prudence as to when they should be done. One cannot simply say that prudence is involved in judgments about voting, but then not actually look at the nature of the policies a candidate advocates when one decides to tolerate the candidates promotion of abortion, euthanasia, or torture. Support for laws or policies in favor of the death penalty, or limiting welfare, and so on, does not involve the toleration of evil policies as such. If one is faced with a candidate who wants to limit welfare in a fashion that one disagrees with, one does not have to ask oneself whether in voting for him or her one needs to tolerate the evil involved in that policy for fear of a proportionately greater evil. The policy may be wrong because ineffective in promoting the common good. But it is not an evil policy as such. So the toleration of evil principle does not even come in to play here in the pursuit of those goods. One simply has to ask oneself whether such policies will effectively promote the common good or not.

On the other hand, support for laws or policies in favor of legal abortion, euthanasia, or torture does involve the support of evil policies as such. Political prudence in a pluralistic democracy like ours may indeed allow that for a proportionate reason that we should tolerate such things while we work gradually to eliminate them, because we fear a greater evil if we do not tolerate them. But the fact is that in practice we do not hear much call from Catholic opinion makers and politicians to the effect that we ought to tolerate torture for the sake of our democratic pluralism. We used to hear that about slavery, but no more. Why then abortion? Indeed, given the fundamental and unique importance of the protection of innocent human life to the pursuit of goods such as welfare, health care, just wages, economic development, education and all the other goods of human life, it is very difficult to see just what proportionate reason might be involved in the toleration of pro-abortion policies. The protection of innocent human life is so fundamental to the common good, that presumably the burden of proof lies with the one who would tolerate the promotion of an evil policy legitimating the destruction of innocent human life rather than with the one who would not so tolerate it, unless, that is, one's moral and political reflection is little more than a utilitarian calculus of “values” that does not reflect the significant distinctions in the Church's teaching on these matters.
Finally, one must be ever mindful of the fact that the toleration of an evil purportedly for a proportionate reason very often becomes little more than actual complicity in it. Toleration here and now of the status of abortion in our country does not require complacency and inaction to do what one can to eliminate it, perhaps only gradually. A sign of political complicity is that in the name of toleration one does nothing at all politically to eliminate it in even gradual steps, and one never challenges or holds accountable those who actually promote it. Certainly toleration does not solicit and accept money from those lobbies. In addition, toleration does not mean a kind of political autopilot that never challenges and reevaluates one’s toleration with an eye toward possibly abandoning it. Precisely because it is evil that one is tolerating, one must be ever vigilant, and constantly reevaluate whether one’s toleration is in fact the best course of action, or any longer warranted.

**Conclusion**

It is revealing to consider with whom, in hindsight, history would judge us to have stood in those times and places where slavery and torture were legally sanctioned — those who opposed those horrors and worked to eliminate them, or those who more often than not became complicit in them by their efforts at a utilitarian toleration that in practice traded in favor of more prudential goods against the fundamental abandonment of great masses of human beings to lives of enslavement and torture. Time and again in the Church, the “value” of toleration on the part of individual Catholics becomes the fact of complicity undermining the common good, as it did with slavery, and the Holocaust.

There is little doubt in my mind that my party, the Democratic party, has over the last thirty years ceased to simply tolerate our culture of abortion, and has become actually complicit in it, particularly at the national level. Let us be honest with ourselves. In practice, the first objection that “prudence” is a way of not pursuing the goods of social justice rings a little hollow if we consider the last thirty years with open eyes. We have not seen in the name of prudence a mad rush of Catholics to abandon the goods of health care, just wages, education, and so on. Indeed, it is worth considering the fact that the Catholic Church is the single largest provider of social services in this country after the federal government; it is simply an ignorant canard to suggest that Catholics only care for their fellow human beings before they are born. One does not often hear Catholic democrats saying, “I am personally in favor of welfare, but who am I to impose my private religious beliefs upon a pluralistic society such as ours.” On the contrary, what we have seen is the abandonment of the innocent unborn by many Catholics in positions of leadership. I still vote for Democrats whenever my political prudence judges that I can promote the common good by doing so. I would like to be a Catholic committed to the seamless garment. But that garment must be woven with loving hands from the genuine teaching of the Church, not bought from the lowest common denominator thrift stores that are so often our two parties. The protection of the lives of the innocent from womb to tomb is not simply one pattern among many in the weave of the seamless garment; if that garment is to be a vibrant, sturdy, and robust covering, absolute commitment to the inviolability of the
lives of the innocent must be the thread out of which it is woven, if, that is, it is to be a garment of which we can honestly say, "we should not tear it."#27


2See "Vatican Decrees in Their Bearing on Civil Allegiance: A Political Expostulation," by William E. Gladstone for Gladstone's charge. See "A Letter Addressed to His Grace The Duke of Norfolk on Occasion of Mr. Gladstone's Recent Expostulation," by John Henry Newman, D.D., for Newman's response. Both can be found in Newman and Gladstone: The Vatican Decrees, with an introduction by Alvan Ryan. Notre Dame: University of Notre Dame Press, 1962. See in particular Gladstone's proposition #4, p.45. "That he (the Pope) therefore claims, and claims from the month of July 1870 onwards with plenary authority, from every convert and member of his Church, that he shall 'place his loyalty and civil duty at the mercy of another:' that other being himself."

3"When the soldiers had crucified Jesus, they took his clothes and divided them into four shares, a share for each soldier. They also took his tunic, but the tunic was seamless, woven in one piece from the top down. So they said to one another, "Let's not tear it, but cast lots for it to see whose it will be," in order that the passage of scripture might be fulfilled (that says): "They divided my garments among them, and for my vesture they cast lots." This is what the soldiers did." John 19:23-24 http://www.usccb.org/nab/bible/john/john19.htm


5Consequently, without in the least denying the influence on morality exercised by circumstances and especially by intentions, the Church teaches that there exist acts which per se and in themselves, independently of circumstances, are always seriously wrong by reason of their object (kindly)" The Second Vatican Council itself, in discussing the respect due to the human persons, gives a number of examples of such acts: 'Whatever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts to coerce the spirit ...," The passage goes on to include many more acts that are "offensive to human dignity." The Splendor of Truth: Encyclical Letter of John Paul II. Boston: Daughters of St. Paul, 1993. #80, p.101.


7Part of the theological difficulty of Ms. Kennedy's argument is that presumably in the Christian tradition salvation is a gift simply. It is an extraordinary confusion to place that gift in the political context of "rights" discourse. "To claim a "right" to something is to claim that it is due to one, and that others ought to provide or protect it to the extent possible; if the claim to a right is legitimate, certainly others ought not to deny it or destroy it. Thus, because one's life can be destroyed by another, one can speak coherently of a "right" to life, whether that claim is legitimate or not. However, it is only God, through the grace of the incarnation, death, and resurrection of Jesus Christ, who gives salvation. If that gift is accepted by someone, it cannot possibly be denied or destroyed by any other creature. To suggest that it could be denied or destroyed by someone other than the recipient, would, within the Christian tradition, be an heretical denial of the efficacy of God's grace. Because it is given by God through whatever means He chooses, and it can be neither denied nor destroyed by any creature other than its recipient, it is incoherent to claim that salvation is a "right" in the Christian tradition.


9In what follows I will be for the most part summarizing, and at times simply paraphrasing Chapter II, section IV of The Splendor of the Truth on "The Moral Act." #71-83.

10Idem. P.91.

11Notice that the claim that the Natural law can be known by reason apart from revelation does not imply that it is explicitly known by any particular person, that the knowledge one may have of it is easily defended, or that philosophical arguments defending its theoretical foundations are easily persuasive to all.

12John Paul in The Splendor of the Truth often uses 'object of the act' in these contexts as well. The "object" of the act determines its species or kind.


14Ibid., #77. p.98.

15Ibid., #81. p.102.


17It may sound odd to say that acts of war may be good in their kind. But keep in mind that being good in kind does not entail that such an act may be done. Given the Church's teaching on Just War, it is likely that in most circumstances and for most goals particular acts of war may not be done, even if good in kind. Being good in kind is simply a necessary condition for being a good act in particular; it is not sufficient. Consider the alternative—acts of war are in-
transcendently bad in their kind, though we may sometimes find ourselves seemingly forced by circumstances to engage in them to achieve certain goals we perceive to be good. Here Elizabeth Anscombe's remarks are apposite. "They become convinced that a number of things are wicked which are not; hence, seeing no way of avoiding "wickedness," they set no limits to it." "War and Murder," by G. E. M. Anscombe. In Absolutism and Its Consequentialist Critics, ed. Joram Graf Haber. Lanham: Rowman & Littlefield, 1994. p.36.

19The Principle of Subsidiarity in Catholic teaching concerns mediating institutions of civil society, those associations that individuals are born into or freely enter. The principle maintains that the authority to engage some sphere of human activity in such associations ought not to be usurped by larger more powerful or comprehensive associations, the most dominant of which will typically be the state. In short, what can be done locally and more personally ought to be done so, since larger more impersonal associations will be less likely to be capable of respecting the human dignity of the individuals involved, and will also distract those larger institutions from pursuing their appropriate goods. See the Encyclical Letter of John Paul II, Centesimus Annus. http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html "The principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good."


While it is a principle taught by the Church, it is no sectarian rule applicable only to the Church and Her members. The claim is that it is a principle that characterizes any human associations as such. One can discern it, for example, in the 10th Amendment to the United States Constitution: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. While the principle does not mean "that government governs best that governs least," it does imply that there are appropriate spheres of activity, with appropriate spheres of authority in the pursuit of that activity. Unlimited government would be a grave violation of this principle. As history abundantly proves, it is true that on account of changed conditions many things which were done by small associations in former times cannot be done now save by large associations. Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do .... The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly." QUADRAGESIMO ANNO, #79-80.

Government has its role to play in promoting the conditions necessary for the flourishing of such mediating institutions of civil society. Typically the authority of an association of civil society will not derive from the authority of some larger more comprehensive association. The authority of parents within a family, for instance, does not derive from the authority of the state, even though the family lives within the state. The task of the state is to promote those conditions within the larger community that assist in the free exercise and flourishing of the parents within their sphere of authority. However the principle does not simply limit states and governments. It is a principle about all communities and associations. Insofar as the Church is such an association of "universal" extent, with its own internal principles of governance, it too cannot usurp the authority of other mediating institutions like nation states, cities, families, and so on, in the exercise of just government.

10In the case of War, "The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good." Catechism #2309. In the case of the Death Penalty, "Preserving the common good of society requires rendering the aggressor unable to inflict harm. For this reason the traditional teaching of the Church has acknowledged as well-founded the right and duty of legitimate public authority to punish malefactors by means of penalties commensurate with the gravity of the crime, not excluding, in cases of extreme gravity, the death penalty. For analogous reasons those holding authority have the right to repel by armed force aggressors against the community in their charge. The primary effect of punishment is to redress the disorder caused by the offense ...." Catechism, #2266.

20Idem, #2266-2267.
21Supra. n.5.
22See Newman’s Letter to the Duke of Norfolk, passim.
23See The Splendor of the Truth, #80.
26See Catechism, #2266.
Teaching political science at a small Catholic college for the last seven years, I have had the chance to talk with many students about Catholicism and American politics. While a surprisingly high number are aware of the Church’s teaching on the major policy debates of the day, I have noticed far more confusion about a broader and more fundamental issue. Call it the democratic pluralism problem. The American political system is both democratic—based on such things as a limited and representative government, free elections, equality before the law, and basic civil liberties—as well as dramatically pluralistic—encompassing a vast array of citizens with diverse traditions, viewpoints, and ways of living. For many students this means it is fundamentally at odds with Catholicism. In their view, the authority, unity, and timeless truths claimed by the Church are not compatible with the freedom, equality, and diversity of the secular political realm. In years past, when Catholicism was firmly wedded to the ideal of the confessional state, this view may have been accurate, but during the last half century, the Church has come to strongly endorse democratic pluralism in the political realm. The catch, however, is the particular understanding of it one has in mind, and this is the source of much of the confusion, both among my students and many other Americans as well. It turns out there are different ways people view democratic pluralism, some of which Catholic social teaching endorses and some of which it rejects. Indeed, far from opposing democratic pluralism, modern Catholicism actually supports stronger versions of it while rejecting weaker ones. We can see this by considering three understandings of American democratic pluralism and then turning to the Catholic reaction to them.

Moral Relativism
The first and weakest is based on moral relativism. This view says that Americans have different ideas about what is true or good or moral, and we can’t judge any as superior or inferior. Since there is no final measure of truth or goodness or morality, people are entitled to their own opinions as long as they don’t try to force them on anyone else. You have your opinion and I have mine and who is to say that one is better than the other. This view calls for what Richard John Neuhaus famously labels a “naked public square” where moral principles, especially religiously-based ones, have no place in the democratic process. Democratic pluralism almost becomes a default position. Since we all have our own personal values, and none are better than any others, we might as well just leave each other alone, concentrate on living our own lives, and make sure nobody has the power to force a particular brand of morality on anybody else.

This view of democratic pluralism is deeply flawed. Indeed, since it rejects any ultimate moral judgments, it is not even strongly committed to the principles of democracy and plural-
ism themselves. These are, after all, moral principles. We value them because they are rooted in beliefs about human dignity, equality, and freedom. We value democratic pluralism because it is good for human beings, and it is morally superior to its alternatives in the modern world. Since it denies the very possibility of moral judgments, the relativistic view actually denies the legitimacy of the democratic process itself. Democratic pluralism is about finding common ground amid diversity of opinion. It is committed to a serious moral dialogue about justice and the common good, where the parties come willing to expose their own beliefs to criticism as part of the hard work of making decisions together. In the end, democracy is not about keeping values out of the public square, but about having a public conversation concerning core values. It is not about avoiding moral judgments, but about making them. Democratic politics is impossible without such judgments. Every democratic decision, every law and every public policy, is a judgment by the community about the best — the most just and good and right — way to address common problems.

Individualism

A second view of democratic pluralism is superior to the first, but it is incomplete. This is the individualistic view. It sees the United States as a collection of diverse individuals pursuing their own distinct goals in life. Unlike the relativist view, though, it does not eschew moral judgments. It is committed to equality and freedom as core moral values. It claims that a just society is one that treats individuals as moral equals and affords them the widest possible scope of personal liberty, allowing them to live their lives as free as possible from interference or discrimination. Such a society does this primarily through strong individual rights that guarantee citizens the opportunity to participate in the political process and protect them against abusive and unfair treatment. Democratic pluralism means that individuals have the right to equal representation in the political process; the right to live their own lives without unjust intrusion; and the right to pursue opportunities without facing discrimination based on their race, gender, religion, or other arbitrary traits.

The individualistic view of democratic pluralism is the dominant one in the United States (and certainly among my students), but it has faced important challenges in recent years from a host of critics. These critics argue that the individualist view is incomplete because it relies on the ideal of the individual as a self-contained bundle of rights without any deep attachments to particular social institutions or cultural traditions. It views individuals in highly abstract terms rather than as we actually know them — as specific friends, lovers, or coworkers; as members of particular families, churches, or ethnic groups; as people who are inseparable from the web of social relationships and moral traditions that define who they are as real people.

The individualistic view is, simply put, too individualistic. It misses the deeper social dimensions of democratic pluralism because it does not properly account for the social nature of human beings. A strong democracy does require rights against interference and discrimination, but it also requires more than this. It requires a deep concern for community and the
common good that goes beyond the rights of discrete individuals to be left alone and treated fairly. A strong democracy needs citizens with a powerful sense of civic duty who work to build thriving social and cultural institutions. It requires citizens with democratic virtues to make the practice of democracy possible. The individualist view tells only half the story. It is correct to celebrate the importance of rights in protecting individual freedom and equality, but it pays too little attention to questions of community and the common good. It misses the extent to which thriving democratic pluralism is rooted in the social institutions and moral traditions of communities that make genuine freedom and equality possible.

**Civil Society**
The third and most compelling view of American democratic pluralism is one that centers on what the individualist view misses. This is the civil society view. It doesn’t consider the United States a collection of diverse individuals as much as it is a community of diverse groups, traditions, and institutions. It acknowledges the importance of strong rights that protect the liberty and equal treatment of individuals, but it goes beyond these to examine the realm of civil society as well.

A strong civil society is what makes democracy possible. As Tocqueville pointed out near the beginning of the American democratic experiment, civil society is where people learn how to be democratic citizens by meeting, working, arguing, and solving problems together. It is where they address common concerns and make collective decisions, empowering them outside of the formal realm of government and thereby limiting its power. The institutions of civil society nurture and pass along the democratic virtues and habits that sustain a strong democracy — moral traits like tolerance, self-restraint, integrity, a sense of fairness, patriotism, public concern, political responsibility, and a willingness to engage in reasonable dialogue and compromise for the good of all rather than resorting to coercion and manipulation to secure narrow personal interests. A strong civil society is the realm in which citizens extend themselves socially, learning to see themselves as part of a larger community and focusing on questions of the common good that transcend their own private concerns.

A strong civil society also makes genuine pluralism possible. Those who think about pluralism in purely individualistic terms fail to account for its actual sources. Individuals do not pull their differences out of thin air; they draw them from the complex array of roles, identities, and traditions within civil society. Nested within their shared identity as members of a common national community, Americans also belong to a host of shifting and overlapping groups based on commonalities like religion, ethnicity, race, ideology, region, age, sexuality, class, profession, and even interests and hobbies. These groups exist and express themselves within social and cultural institutions — families, churches, voluntary associations, support groups, clubs, magazines, websites, unions, professional organizations, and political groups. American pluralism is not made possible by discrete individuals, but by the Sierra Club, Chinese language newspapers, Promise Keepers, feminist book clubs, the Teamsters, the AARP, national scrabble conventions, Spanish masses, Jewish singles nights, Civil War reen-
actments, AA meetings, the Nation of Islam, and the countless other institutions and organizations like them all over the country. This is the real foundation of American pluralism, and it is why a truly pluralistic society is not possible without a strong and diverse civil society to sustain it.

The Catholic Contribution

If the civil society view offers a richer and more complete account of American democratic pluralism than those based on relativism and individualism, it is one that is nonetheless neglected in an American political culture that too frequently falls back on the other two. This leaves our politics impoverished and incomplete, making robust democratic dialogue difficult and neglecting civil society. This is where Catholicism can play an important role. In its social teaching over the last several decades, the Church has emerged as one of the most articulate advocates of the civil society view.

Moral relativism is not a temptation to which Catholicism is prone, and Catholic teaching clearly rejects an understanding of democratic pluralism based upon it. Indeed, the Church's strong endorsement of democratic pluralism in recent years is largely rooted in the view that it provides a way to counter the ethic of relativism that the Church sees threatening to drain the world of faith, meaning, and public concern. While this ethic of relativism, of individuals simply doing their own thing according to their own tastes, turns people inward and away from moral concerns and public engagement, the kind of democratic pluralism found in Catholic social teaching is rooted in its strongest moral commitments—to human dignity, rights, freedom, equality, solidarity, and the common good. It is an understanding that asks citizens to engage each other in moral dialogue about their deepest principles and about the good of their entire communities. Rather than confusing it with moral relativism, the Catholic account of democratic pluralism instead centers on moral reflection, discussion, and judgment.

While clearly rejecting the relativistic view, a Catholic vision of American democratic pluralism does incorporate valuable elements of the individualistic one. In the years following Vatican II, especially with documents such as the Council's 1965 *Declaration on Religious Liberty*, the basic freedom and equality of persons has become central to Catholic social teaching, and the Church has emerged as one of the most powerful defenders of democracy and human rights in the world today. Church teaching consistently emphasizes basic democratic norms—the rule of law, limited government, free and open elections—as crucial elements of a just and humane society. It strongly defends the rights of individuals to live their lives according to the dictates of their own conscience, arguing that government should focus on creating a just society where people are free to embrace lives of dignity rather than using its coercive powers to force goodness on people. And the Church strongly condemns abusing and discriminating against people because of their minority status. Modern Catholicism, in short, strongly endorses the basic democratic norms and individual rights that are so central to American democratic pluralism.
A Catholic vision of democratic pluralism, however, also avoids the shortcomings of an overly individualistic view. As Jean Bethke Elshtain points out, Catholicism is committed to individuality in its respect for the dignity and rights of persons as unique and irreplaceable creations of God, but it is not wedded to individualism and its tendency to celebrate the isolated and independent self. The Catholic view of human rights is not rooted in notions of the solitary individual unencumbered by social attachments and cultural traditions. Instead, it is grounded in the dignity of persons as social beings created by God for life in community. This means that the Catholic tradition balances its call for human rights with an equally important emphasis on the duties individuals have to uphold the dignity of their fellow citizens and to work for a just and humane society that benefits all. Rather than ignoring the communal dimensions of human life, the Catholic endorsement of individual rights is actually grounded in a commitment to solidarity and the common good because basic rights protecting the dignity of persons are part of the common good. For Catholicism, then, individual rights have a social foundation.

This is why a Catholic understanding of American democratic pluralism emphasizes civic duties as much as individual rights. It recognizes that the virtue of solidarity, of committing oneself to the common good, is critical to a strong democracy. The language of virtue often sounds strange or old-fashioned to modern ears, but it is one that Catholicism still speaks, and it is one a flourishing democracy still needs. Without virtuous citizens capable of fulfilling the civic demands that democracy makes of them, democratic vitality withers. This is where civil society is so important. Trying to use government to mandate civic virtue, to produce good citizens through coercion, only violates human dignity and rights, and it will ultimately fail since virtue cannot be coerced but only embraced freely. This leads government down the path to totalitarianism, and it violates the Catholic principle of subsidiarity. Subsidiarity calls for respecting the role that the smaller mediating institutions of civil society play in protecting democracy by limiting the power of government and training democratic citizens. Civil society provides an alternative sphere in which citizens exercise power on the local level and cultivate the civic virtues, democratic skills, and concern for the common good that democracy needs. In Catholic social teaching, the institutions of a vibrant civil society, and the cultural traditions and moral standards embedded within them, are what make democracy possible and keep it strong.

Given its communal rather than individualistic foundations, Catholic social teaching also makes civil society central to meaningful pluralism. The mark of a truly diverse society is not a collection of isolated individuals, but rather an array of different institutions, communities, and traditions nested within a shared national identity. This understanding allows Catholicism to endorse both unity and diversity, the common good and pluralism. It celebrates solidarity and the identification of each individual with the common good, which pulls us toward a shared identity with and responsibility for our fellow citizens. But the common good also requires respecting the principle of subsidiarity. This means recognizing the importance of the
diverse mediating institutions within civil society that contribute to the common good. A multitude of different families, churches, neighborhoods, unions, voluntary associations, and similar institutions are what create and sustain a truly pluralistic society. In this way, subsidiarity makes a pluralistic civil society central to Catholic understandings of the common good.

Catholic social teaching, then, has the resources to articulate a powerful vision of American democratic pluralism. This vision is committed to democratic procedures and individual rights, but it also goes well beyond these to account for how genuine democratic pluralism is rooted in the nature of American civil society — its social institutions, cultural communities, and moral traditions. It is one that balances individuality and community, one that celebrates solidarity and the common good as well as subsidiarity and pluralism. It is one, in short, that needs a greater voice in American political life, and this is something Catholicism can and should contribute to our national political conversation.
Thus a vitally Christian social renewal will be a work of sanctity or it will be nothing: a sanctity, that is, turned toward the temporal, the secular, the profane. Has not the world known leaders of the people who were saints? If a new Christendom arises in history, it will be the work of such a kind of sanctity.

Humanisme Intégral, Jacques Maritain (1936)

Human freedom presents dilemmas. In one sense, freedom is purely egoistic. Freedom is the non serviam of the fallen Lucifer, the Edenic taste of forbidden fruit, or — less provocatively — the expression of and acting upon individual preference without the mediating influence of an extrinsic doctrine or law because the preference's individuality justifies itself. This is not Christian freedom, though it does characterize freedom in its familiar, political sense.

There also is Christian freedom, though this we mean differently, perhaps, from Martin Luther's "The Freedom of a Christian." The Second Vatican Council defined Christian "authentic freedom" as "an exceptional sign of the divine image within man" intended to aid him as he "seek[s] his Creator spontaneously, and come[s] freely to utter and blissful perfection though loyalty to Him." Far from the "license for doing whatever pleases [us], even if it is evil," as the more familiar conceptions of freedom offer and as our above definition of egoistic freedom suggests, "authentic freedom" belongs, "strictly speaking, to natural law." Belonging to this natural law, as it does, freedom originates in an inclination "to act according to reason, and this is to act according to virtue." Authentic freedom, as distinguished from individualistic freedom, ratifies the dignity of its bearer in its orientation to a deeply-felt call "to love good and avoid evil" that provides the framework for "the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals and from social relationships." Freedom here is found in the emancipation "from all captivity to passion" and the human solidarity that issues inevitably from that unburdening. The inward seeking of conscience for a virtuous path dissuades us from selfishness, recognizing our own meaningful freedom in the promotion of goods for others.

Such an approach to defining freedom sounds so appealing that we might rightly wonder why constitutions already have not been adjusted to conform to it. Of course, part of the problem lies in the fact that no political doctrine can discourage perfectly our worst human failings. Part of our problem lies in the fact that this is a religious doctrine, concerned more with salvation than political order. And, as it is concerned with salvation, its religious beginnings suggest the most obvious stumbling block in the fact that not everyone believes in the
Christian revelation, to say nothing of the Aristotelian-Thomistic tradition of natural law as it has been propagated through the *magisterium* of the Roman Catholic Church. The prospects for a Pauline-Thomistic political revolution in the twenty-first century are not good, at least inasmuch as that doctrine has not yet presented a sustainable set of political institutions suited to temporal life. At the same time, it is not as though thoughtfully devastating criticisms have not been leveled at individualistic freedom without recourse to the arguments of Catholic Christianity.

Communitarian liberals — especially Amitai Etzioni — have argued that “modern thinking—with its emphasis on universal individual rights (rather than those of a particular estate) and the virtue of autonomy, of voluntary action and consensual agreements ... pushed ahead relentlessly, eroding much of the weakened foundations of social virtue and order while seeking to expand liberty ever more.” Communitarians seek to rescue civic virtue and morality from the centrifugal excesses of unrestrained individualism within the liberal framework of rights, concerning themselves primarily with the social and ethical consequences of the abandonment of community.

Critiques have been leveled also at the level of psychology, noting that “man, the more he gains freedom in the sense of emerging from the original oneness with man and nature and the more he becomes an ‘individual,’ has no choice but to unite himself with the world in the spontaneity of love and productive work or else to seek a kind of security by such ties with the world as destroy his freedom and the integrity of his individual self.” Perhaps unsatisfying for its defiant preference for science above humanism, this argument nevertheless suggests provocative explanations for the appeal of order and security in environments of freedom.

Finally, even Kantian liberals have begun to tug at the edges of individualism. The underpinnings of the deontological ethic, dependent as they are on “the limits of public reason,” will not admit to “political values rooted in ... comprehensive doctrines” that have, for example, nourished and legitimated political movements for abolition and civil rights in American history. From all of these perspectives, it should seem reasonably clear that individualistic freedom avails itself of far more than the traditional criticisms of Catholics, Christians, or theists of any stripe at all. The dilemmas confronting us when we consider the foundation of freedom do not diminish at any angle of approach to the problem.

Of course, our definitions of freedom are linked integrally to the kinds of humanisms from which they originated. The humanism to which that individualistic freedom owes its beginning is an exclusivist humanism, one that forbids the entry of serious religious language into dialogue concerning social and political life. Conversely, the more teleological freedom of Christian teaching is rooted in a humanism that connects human beings to God and each other, one that originated in the Sermon on the Mount. This humanism recognizes our real freedom in love of God and neighbor which is found in submission to natural law.

The debates between these conceptions’ boosters show no sign of abating, though perhaps we yet can close some of the distance between them. For we ought to be as unwilling to aban-
don the political freedom that has insulated our consciences from civil persecution as much as we ought not to abandon a richer, Christian appreciation of freedom. These freedoms to which I suggest we should cling are in conflict. But, is it entirely unrealistic to cling both to tradition and to modernity, as I have suggested we ought to do? Better yet: As we have adopted the Catholic perspective of “Teaching, Faith, and Service: the Foundation of Freedom” for this conference, we are right to wonder whether such dubiously divided loyalties serve the Church, the faith, or us at the level of our ultimate concerns. Would it be better simply to continue mounting criticisms of modernity’s attachment to the individual, and to continue to assert the preferability of “authentic freedom,” rather than to seek reconciliation? I wish to suggest that reconciliation is desirable, and that reconciliation is possible.

Jacques Maritain observed—he is not alone at all in this observation—that “The philosophical foundation of the Rights of man is Natural Law.” Modernist conceptions of individual freedom are rooted in traditional, Christian understandings, and there is as wide agreement about that fact as about the point of departure where our secular notions of freedom began to go off the rails to leave us with our dilemmas today. Much of the writing on the conflicts between traditionalist and modernist conceptions of freedom has focused on that point of departure, the differences that divide them. Perhaps we are wiser to approach the situation more optimistically, and to begin with an appreciation of the continuity in the unity of dignity and conscience that frames human freedom in every epoch, even if those terms of dignity, conscience, and freedom do not necessarily correspond at each step along the path.

I wish to take up the challenge that this optimism presents, and to bring it to its logical conclusion. I mean to say that I believe that modernist definitions of freedom that center on the autonomy of individuals represent a Christian good, albeit an intermediate one. Yet, as an intermediate good secular modernity nevertheless offers an opportunity for Catholicism to echo the universal call to holiness in the temporal, political arena. Moreover, the engagement of Catholic Christians in the secular forum promises the enrichment and improvement of secular freedom. The resources for that improvement can be found in the tradition that lies at the common root of authentic and individual freedom.

To be more direct, I am describing here an incentive to embrace the secular order, and to recognize in its flawed structures the presence of constitutive goods (e.g., universal human rights) that express the values and priorities of the Gospel. Even imperfectly realized, freedom as secular modernity conceives of it is not alien to Catholic Christianity at least inasmuch as the political rights and institutions of the American constitutional settlement themselves do no specific offense to Catholic teaching. The final orientation of that individual, egoistic freedom is quite different from authentic freedom; however, its identification and pursuit of proximate human goods is similar if not identical to authentic freedom.

We come now to our dilemma, which was posed by John Courtney Murray four decades ago when he wondered whether “the cultivation of human values by human energies in an effort that is not directly aroused by grace but is open to its direction, once aroused,” would
"contribute fundamentally to the coming of the Kingdom of God" (that is, will it make us holy, more what God wants us to be), or whether it would be “irrelevant" in the light of the Church’s salvific mission, no more than “basket weaving.” Murray challenged us to come to terms with the possibility that serving intermediate goods in the realm of the temporal and profane, toiling in the City of Man in the pursuit of secular goods, might be an avenue toward the Kingdom. We might speculate that he asked such a question because the world in which we live may admit to no better possibility. Notions of freedom, conscience, and dignity find their widest social and political acceptance today in the values of liberal democracies.

Our goal, therefore, is to locate and describe a path to the Kingdom through politics—specifically, politics as we practice it in the liberal democracies of the West and especially in the United States. I wish to be clear: I do not claim that politics alone is sufficient to bring women and men to their salvific destiny, though _how_ we practice politics may be sufficient. I think it necessary that we grow in our appreciation of the proximate, intermediate goods along the path of salvation that may be obtained through liberal politics, and that these intermediate goods minimally leave men and women free to pursue the larger struggle for holiness—those goods may, in their regard for freedom, conscience, and dignity actually promote that struggle. That last point—that toiling in politics may promote and intensify the struggle for holiness—is an important one to which I will recur later.

For now it is sufficient to say that individualist freedom, in its preservation of moral autonomy and its regard for the dignity of human persons, is a form of Christian humanism—albeit, not an untroubled one. It invites us to consider the foundation of freedom and to seek the goods that freedom promises. Our consideration will move from a view of Christian humanism in the light of the twentieth century to an appreciation of its relationship to freedom. We will close with some reflections on the burdens of freedom for Christians in the twenty-first century.

**Christian Humanism**

Certain correspondences between my thesis and the integral humanism of Jacques Maritain are worth noting. Indeed, we might conclude that Maritain anticipated John Courtney Murray’s question a quarter century before _We Hold These Truths_ was published. A long passage from Maritain is worth quoting:

> The end of political society is not to lead the human person to his spiritual perfection and to the full freedom of autonomy, that is to say, to sanctity, to a state of freedom which is properly divine because it is the very life of God living then in man. Nevertheless, political society is essentially destined by reason of the earthly end itself which specifies it, to the development of those environmental conditions which will so raise men in general to a level of material, intellectual, and moral life in accord with the good and peace of the whole, that each person will be positively aided in the progressive conquest of his full life as a person and of his spiritual freedom. Maritain sought famously in _Humanisme Intégral_ to discover and describe “a humanism
nourished at the heroic sources of sanctity," though his project was not uncomplicated in view of the Christian tradition.\textsuperscript{15} At once we sense in that quotation a characteristically Christian devaluation of politics and the limits of its capacity to sanctify that echoes the attitudes of Christian thinkers dating back to the Patristic period. Yet amid the circumscription of political goods, there is a note of optimism in Maritain that hints at "intermediate" goods (such as security and order) possible through lay politics, which is not unusual in Christian political thinking, and the relationship of those intermediate goods to spiritual perfection, which is somewhat unusual in Christian writing.\textsuperscript{16} In some sense, Maritain is rehabilitating humanism and reformulating even Erasmus's Christian humanism to suit the twentieth century. We should begin by wondering how Maritain's meditations interacted with the larger tradition of Christian humanism, and what his integral humanism did to adapt that tradition to his time. From there we must proceed to grapple with whether the integral humanism of the twentieth century leads us in a new direction for the twenty-first.

The long Christian struggle with humanism is very much the story of Christian political thought, for it is a struggle over the relevance of human activity in the light of the Gospel and what faith promises beyond earthly life. Both Clement of Alexandria ("The goal of all politics, I believe, as of all law-governed life, is contemplation") and Origen ("If Christians do avoid [worldly] responsibilities, it is not with the motive of shirking the public services of life. But they keep themselves for a more divine and necessary service in the Church of God") point us toward Augustine’s familiar distinction between the City of God and the City of Man. In these earliest moments of Christianity the temporal and profane invited skepticism, of which Augustine’s writing is evident. This skepticism does not signal a rejection, however, for we know also that Augustine regarded politics as a duty to be undertaken. There is something joyless in that dutiful undertaking, however, that should remind us of medieval Christianity’s chastened zeal for the temporal problems of humanity. With that chastened zeal came a skeptical countenance of humanism which one learned author has described as at once a "problem and temptation" for Christianity even to this present era.\textsuperscript{17} Our problem — and our temptation — has not passed with the ending of the classical epoch.

The humanism that Christianity transmitted into European culture was nurtured from the Roman tradition and spooled into a chrysalis to await the Renaissance — albeit sometimes reluctantly held over, as in the case of St. Jerome and his fulminations against the liberal arts, to name one example. Yet Christianity through its openness to learning during the medieval period, sustained the substance of humanism that could be revived under Christian auspices by Thomas More and Desiderius Erasmus. The call of Erasmian humanism was the call to reconnect human beings with the Christian Gospel in its unique fulfillment of what humanity is called to be. “Who is truly Christian?” Erasmus asked. He answered that it is “the man who has embraced Christ in the innermost feelings of his heart, and who emulates Him by his pious deeds.”\textsuperscript{18} The measure of faith is outward action only insofar as it reflects authentic inner conviction, and not in ritual or devotion that is severed from good works. Here Erasmus has been
exposed historically to many criticisms that he has failed to distinguish adequately between Christian faith and mere good works. In truth, Erasmus never rejected the Church or the sacramental order, instead seeking to animate them with a deep and interior faith that could not be disconnected or abstracted from concrete realizations of charity and love. The controversies surrounding Erasmus, which led eventually to the placement of his books upon the Index, left a taint of suspicion on Christian humanism until the advent of the modern papacy and Leo XIII’s development of Catholic social teaching.

With the social teaching of Leo and the confrontations of Pius IX and Pius X with modernism in the background, Jacques Maritain embarked upon his twentieth century articulation of Christian humanism. Maritain’s abiding concern seems to have centered on locating a Christian response to “anthropocentric humanism,” as it was expressed in the “immanent dynamism” of Marxism and the “dissociations and dualisms” of modern philosophy that have contrasted starkly with theocentric humanism since the time of DesCartes. Yet Maritain’s faith certainly was not that theocentric humanism had nothing left to say in the twentieth century, and neither was it a faith in a “univocal” expression of how the earthly city ought to be constituted. Instead, Maritain proposed a new Christendom that responded to human beings in the climate of political freedom familiar to them in the twentieth century, one that presumes such political freedom could not be excluded by the history of Christian revelation.

And last, Christian humanism in this approach escapes the problems that surrounded its Erasmian expression by emphasizing its unity with faith, as Maritain described the relationship of the earthly city to the Kingdom of God so beautifully: “Christian humanism, integral humanism, is capable of assuming all, because it knows that God has no opposite and that everything is irresistibly carried along by the movement of the divine government.” The effort to define rigidly the temporal against the spiritual proffers a false dichotomy—all reality belongs to God.

The values of Maritain’s integral humanism are familiar. He names pluralism as a first and particular value, albeit not a pluralism ambivalent toward moral goods. Instead, his pluralism is styled from the place of sanctity in public life as well as private. Such integral humanism seeks—indeed, is not possible without—“the sanctity and sanctification of secular life.” It is born from an understanding that univocity in the pursuit of temporal affairs minimizes the grandeur of Creation, mischaracterizes the unimaginable vastness of the mind of God that unifies all multiplicity and variety within itself (and is possible only with God). Indeed, the pursuit of temporal unity has been the dubious ambition of the medieval Sacrum Imperium as much as the odious ambition of anthropocentric totalitarianisms of the twentieth century. Seeking unity in human affairs is dangerous without the leaven of sanctity, and for this reason pluralism offers a reliable hedge against the hubris that rapidly transforms unity into tyranny. It is for this reason also that Maritain can join the pluralism of the secular order to the order of the sacred.

Maritain identified his goal, “a vitally Christian lay body politic or a Christianly constituted lay
This is not the liberal settlement of John Locke or John Rawls, for what we are discussing goes far beyond the timid picketing of religious faith within a private realm of opinion that is forbidden to intrude upon public, political business. Instead, Maritain contemplates a distinctly and specifically Christian politics that operates upon a morally and spiritually Christian foundation through the activity of believers within the social and political order, though we should be sure to recall as well that he quite emphatically did not call for a theocracy: “The Christian knows that the State has duties to God and that it should collaborate with the Church.... It is necessary that Christ be made known, and to make Him known is the proper mission of the Church, not of the State.” As such, an “earthly city which, without recognizing a right in heresy itself, assures to the heretic his liberties as a citizen, and even accords him a juridical status.” Such toleration at once produces civic tranquility and at the same time approaches and embraces the heretic as a person (understood with the full weight of that word) whose conscience may in some important way be deficient, but whose dignity is unassailed by any erroneous conclusion he or she has reached. Further still, this pluralism recognizes in this heretical person a work-in-progress upon whom the Spirit will work in a manner and according to a plan unknowable within the confines of temporal or political knowledge. We find the sanctity of the secular in our forbearance of that person’s conscience (within the bounds of reasonable political order) while we step back so as not to interfere in God's relationship with that person. None of this prohibits the passive evangelization of example and witness, or the active evangelization that exhorts and persuades; it does, however, exempt our heretical citizen from civil penalties against his or her conscience, which we must believe is a sign of created dignity and personhood even if it be flawed.

This pluralism posits a “minimal” temporal unity in contrast to the “maximal unity” characteristic of “the sacral unity of the Middle Ages.” Implicit in this humanism is Maritain’s recognition of the necessary distinctions between the goods sought in the temporal realm and the goods of the sacral realm, allowing at the same time that they are goods not only because they provide order in the secular city (as Augustine would have) but because they are just themselves. The liberty described by this pluralism corresponds closely to liberal politics on the level of practical outcomes, and certainly there is with liberalism a certain kinship in the appreciation of conscience. There are important and substantive differences with regard to the causes of liberty, just as there are vast differences in the appreciation of conscience. Liberty, within the understanding of Christian humanism, originates in personhood and is linked closely to the operation of conscience in its search for our highest purposes. In these ways, Maritain’s pluralist scheme differs from familiar schemes of liberal toleration in an important respect, possessing “an ethical and, in short, religious specification.”

The content of this specification is Christian, marking a cultural point at which the values of the Gospel will have prevailed to such an extent that social and political life will be infused to transform public life into a showcase of Christian life, an opportunity to “exhibit to men capable of comprehension that such a conception is in conformity with sound reason and with
the common good.” The application of such a specified content, however, poses distinct historical problems.

Surely there is no coincidence that Maritain’s treatment of “The Historic Possibilities of the Realization of a New Christendom” does not occupy the greater part of his book. Recognizing plainly as he does that “the inauguration of a new Christendom, which [is] possible in itself, must be held as highly improbable,” we are right to wonder whether Maritain himself contemplated seriously the prospect that his integral humanism could have practical applications. (Indeed, Maritain observed that “it is not the business of philosophers to propose instructions.” Of course, political theorists have a slightly different vocation.) Practical considerations aside, because Maritain’s pluralist city combines those elements of toleration with ethical and religious specification we might say that he offers the ideal solution to Murray’s question inasmuch as he has proposed a method whereby the earthly city may lead men and women to the Kingdom through human action within the order of the secular. In this sense he has deepened Murray’s question, intensified the problem for us by sketching an ideal of Christian humanism possible if “out of the principles that Christianity holds in trust and maintains among us that [a theocentric humanism can] be born” from the spiritual and cultural development of “the popular masses.” It is only this birth that lies between the philosophical speculation of Jacques Maritain and the realization of a New Christendom — no small matter to be sure, but one well worth seeking and whose best prospect lies with the further consideration of freedom, and how we might re-evaluate this familiar concept in light of Christian humanism.

The Foundation of Freedom

Already we have explored the idea that Christian humanism as it was conceived by Jacques Maritain in the twentieth century leads us toward a tolerant political doctrine resembling at the level of practical effects the liberal order, albeit a toleration that is valued not because it asserts the preferences of individuals while neutral to the content of those preferences (as liberalism does) but rather asserts that some preferences are better than others, though refusing to penalize human persons for choosing badly. (This is a narrow difference, but an important one.) In these ways, Maritain’s humanism echoes the traditional Catholic definitions of freedom articulated by the Second Vatican Council. Freedom is our autonomy to seek God, and in our freedom we may err. Our consciences may not be formed well, and they may mislead us. Yet to confront that error is the task of the Church, not of the earthly city. Now our task is to elaborate on the ways that freedom of the liberal order in its own way corresponds to (not, matches) that authentic freedom as well.

Maritain observed that our choices when we confront pluralistic realities in our temporal lives are limited not by circumstances but by our narrow awareness of the possibilities. The range of alternatives goes farther than the univocity that “would lead us to believe that ... supreme rules and principles always apply in the same way ... to the conditions of each age,” and an equivocity holding that “historical conditions become so different that they depend on
supreme principles which are themselves heterogeneous: as though truth and right, the supreme rules of human action, were mutable.\textsuperscript{32} Our faith does not confront us with a stark choice between orthodoxy and relativism in our earthly life not only because both univocity and equivocity both fail to capture the richness of Truth, but because such radical starkness itself is opposed to the subtlety of the Divine Mind. Instead, he calls for a “philosophy of analogy” where the principles of the faith “are applied in ways essentially diverse, ways answering to the same concept only according to a similitude of proportion.”\textsuperscript{33}

As much as Maritain’s integral humanism anticipated John Courtney Murray’s question about the role of human goods and human action, it anticipated also Charles Taylor’s account of secular modernity and its correspondence to Christian goods. Taylor takes some of his bearings from those same concerns about univocity and equivocity, noting that ‘Catholicism’ has more than one possible meaning. It might represent a universality that seeks “to make over other nations and cultures to fit” a homogeneous conception of what Christian culture looks like, though he agrees that such a conception fails in the same way as Maritain’s lamented univocity. Instead, we might think of it as a “unity-across-difference” that finds in the complementarity of human diversity a mirror of “the way in which we are made in the image of God.”\textsuperscript{34} Variety and diversity echo that vastness of Creation and contribute to our understanding of God’s greatness, and pluralism is vindicated yet again. But, more tantalizingly, Taylor has written that modernity has carried the Gospel and “certain facets of Christian life further than they ever were taken, or could have been taken within Christendom.”\textsuperscript{35} He described a “breakout” from the order of medieval Christendom that was “necessary” for the realization of Gospel values. Indeed, this is the heart of our question here. For if Maritain was correct that the sacral order of the medieval period was only one possible iteration of a Christian earthly city, and if Taylor is correct that secular modernity has realized the Gospel in valuable ways, then we find our answer to John Courtney Murray’s question. Far more than basket weaving, human activity and earthly goods are a means to bring forth the Kingdom. Further still, if we are correct in these assumptions we might resolve Maritain’s problem of practicality, inasmuch as there may be no historical chasm between us and a Christianly constituted lay state. In the most important respects, we would have one already today. How can we describe Charles Taylor’s vision of secular modernity so that we might see in it some kinship with a freedom that rejects transcendence and exalts hubris in the way that the liberal order does? Indeed, Taylor’s claim that secularism “opens a new space for religion in public life,” suggests to us either that something exciting is happening, or that something rather exciting happened to Charles Taylor before he wrote it.\textsuperscript{36}

Granting Taylor the benefit of the doubt, we should begin by examining the role of neutrality, which even as it detaches the claims of transcendence from our public lives nevertheless offers a surer foothold for religious truth in the rest of our lives. We want to keep before us Maritain’s careful separation of the duties to God of the Church from the duties of the earthly city, one certainly consonant with the breadth of the Christian tradition. In the name of civil
peace those transcendent claims have been removed from political life, displacing a specifically Christian order from a privileged place to determine political and legal questions. Yet Taylor's argument is that such neutrality is necessary to achieve a genuine temporal pluralism, one that can permit "us to live the Gospel in a purer way, free of that continual and often bloody forcing of conscience which was the sin and blight of all those 'Christian' centuries." Catholic Christianity has (and must have) dogmatic and doctrinal obligations incompatible with neutrality toward the predictable hot-buttons such as homosexuality or abortion, but also toward more rarefied questions such as toward those who cleave to consubstantiation or regard the Assumption of Mary with skepticism. Secularism unburdens the Church of the need to find ways to accommodate itself politically to that with which it cannot become accommodated. But more than that, secularism creates a unique opportunity valuable within a specifically Christian understanding and unprecedented in this history of Christendom: "the freedom to come to God on one's own or, otherwise put, moved only by the Holy Spirit," rather than at the behest of some civil coercion of government or even the upon most gentle nudging of a Christian society. Neutrality even (especially?) to the point of secularism authenticates and ratifies our faith as truly our own and radicalizes the choice to believe.

We cannot afford to kid ourselves, however, that modernity originates in an exclusivist humanism that not only adopts neutrality toward transcendence but more often is openly hostile toward it. Likewise Taylor has no bashfulness about the weaknesses of modernity or illusions that "modern rights culture is perfectly all right as it is." Yet I wish to argue that the exclusivist humanism of the Enlightenment is not a humanism to which we pledge ourselves when we accept the goods that we find within secular political culture. Indeed, the virtue of neutrality for us is that it if it be truly neutral then it must remain mute upon our attempt to hijack it. And, to be plain, I mean to suggest nothing less than that secular modernity is a vessel into which Christian humanism may be poured to be borne by Catholic Christians and served through our witness and example to the wider culture — through human activity seeking intermediate human goods in politics. Moreover this vessel is not one chosen arbitrarily merely because it happens to be available, but rather because of its historical debt to Christian thinking which has made it a depository of unacknowledged Christian ideals. Even amid what troubles us in secular modernity we find universal human rights (including religious liberty), though they are rooted in a regard for individuals that does not correspond to a personalist understanding. Yet individualism sufficiently insulates the conscience from coercion so that our personalist understanding can operate within the secular framework. Within the individualistic conception of freedom, the richer, Catholic aspiration of freedom toward God is free to operate, though it must operate within the soul of the person without external supports. Thus freedom is rooted in the soul of the believer; its foundation is the action of believers in the world who through their activity and witness call others to the freedom that is Christ.

For these reasons, the “new space for religion in public life” that Charles Taylor wrote about exists because faith is available as "a possible defining constituent of political identi-
ties”; it remains “very present to us in the design of things, in cosmos, state, and personal life. God can seem the inescapable source for our power to impart order to our lives, both individually and socially.” Here we return to Maritain’s understanding that, though a “vitaly Christian social renewal” must occur within the scope of the temporal and secular, it must by all means be a work of sanctity. Yet by directing us toward the temporal and the profane, Maritain necessarily directs us back to ourselves and to our own faiths. Esteeming freedom in the light of the Christian tradition as we do, we recognize that this work of renewal is the burden of our freedom in faith. For if we believe truly that freedom is not some grant from a government or a contract into which we have entered with fellow citizens, but a constituent element of our created dignity, then we must not wait for some exterior impulse to spur this renewal. Our freedom binds us to an obligation to bring forth the renewal in our own personal sanctity. In our world today, this freedom imposes upon us an acceptance of the goods that secular modernity offers us, and an obligation to employ them toward our highest purposes.

Basket Weaving and Beyond

The writings of a contemplative monk with no particular training in political philosophy may seem like a strange diversion. Yet we cannot hope to improve on Thomas Merton’s description of the task at hand: he wrote that “Christianity can not only throw light on the most typical and urgent problems of the modern world but ... there is a certain light which Christianity alone can provide.” Adverting to Merton is no whimsy, nor is it born from a dilettantish desire to conclude with a handy quotation from a popular writer. Instead, Merton’s life—as now has been more than adequately attested by numerous biographical sources—exhibited the tension most essential to our task, found in the title of an essay from which that quotation was drawn: “Christian Humanism.” Merton struggled increasingly with the spiritual calling that brought him to the Abbey throughout his cloistered life, feeling it in conflict with what he grew to understand as a Christian duty to participate in the world. Pulled between the contemplative life, one intended to turn the monk from worldly cares toward a life devoted to prayer, and the injustices native to life in the 1950s and 1960s (i.e., segregation, the Vietnam War, the threat of nuclear annihilation) that cried out for action to supplement prayer, Merton famously styled himself a “guilty bystander.” An activist monk is perhaps as improbable as a Christian humanist, a figure devoted to both the vita activa and the vita contemplativa. This is the circumstance in which Merton found himself, one from which his writings suggest none of us can be excused.

The tension Merton described was not one he was the first to discover, of course. The conflicts between spiritual and temporal responsibilities have been a part of every Catholic political thinker’s milieu, including Maritain and Taylor. We turn to Merton because, though he was a monk, a poet, a literary critic, and the farthest thing from a political theorist, his life brought him face to face with the essential problems of Christian humanism and freedom in a uniquely personal way. Merton’s struggle as a monk in the world suggests the possibility of a struggle incumbent upon those of us in the world to find in the exercise of our faith and in our free-
Merton noted that, to most people, Christian social action is not Christian in itself, but only because [they believe that Christianity] is a kind of escalator to unworldliness and devotion. This is because we apparently cannot conceive material and worldly things seriously as having any capacity to be ‘spiritual.’ But Christian social action, on the contrary, conceives man’s work itself as a spiritual reality.43

In blurring the distinction between the worldly and unworldly, and in joining action essentially to devotion, Merton points us directly toward a recognition of the sanctity within the temporal and profane. Yet there is another problem, because Merton is right about how most of us see Christian social action. The length and breadth of Catholic Christianity fails to see the integration of life and holiness that Merton has described. Surely experience teaches us that we no more can expect most people to be spiritually competent enough to realize the renewal through sanctity for which we have joined Maritain in calling than can we expect non-Catholics or atheists to respond jubilantly to an effort to witness the Gospel through political action. Our program for a social renewal through a lay state, therefore, appears to be in serious trouble.

But the path indicated by Merton’s life and work accounts for these problems in his unique experience of monasticism. Merton felt himself increasingly unable to withdraw from a world he feared had gone mad through the 1960s, even to the extent that he considered leaving his monastery to become a “hostage for peace” in Vietnam.44 It is in that desire to witness his faith physically and at some personal risk, in the light of Merton’s escalating struggles with his vow of stability, that I wish to consider the applicability of his conception of monasticism to our problem. Merton viewed the monk increasingly as a religious who supplemented otherworldliness with some worldliness—not the worldliness of materialism, but of care for worldly problems such as hunger and injustice.45 Indeed, he saw them as essentially linked, and that link is an inescapable part of every Christian life. I propose that the openings in Merton’s cloister wall to these concerns render the wall permeable from both sides, and that just as the monk is joined to the world of Christian social action amid his contemplation, we who live outside the cloister bear a growing responsibility to join our action to some contemplation.

Human beings have won political liberties because governments have recognized the historical achievements of lengthening life spans and literacy that have empowered the rational subject to wield autonomy with competence. We have effected liberating political revolutions because government no longer can justify paternalism for these reasons. Merton brings to that recognition a Christian understanding that our increasing self-possession comes with a burden. We are freed to be Christians and to pursue our freedom in the way we understand it as Christians, but our burden is that we must use the rationality and autonomy we have developed to become better Christians. Modern human beings no longer enjoy the support of a government that can enforce right conduct upon them, and this is the victory of pluralism and neutrality I have described. Yet this victory is hollow if Christians within secular political
regimes do not exercise their faith reflectively, growing spiritually to do the work that brings about the vital social renewal of sanctity. Where churches and states lack the authority to enforce religious ethics upon human beings (that is to say, outside a theocracy), the burden is ours alone. Thus, we find in Merton’s introduction of the *vita activa* into the *vita contemplativa* a principle whose reverse speaks to our problem: Christians in the secular order are obliged to introduce contemplation into their lives of political action if they are to be Christian.

This is not a call for every lay Christian to keep silence during meals or to recite daily the Liturgy of the Hours. Yet it is a call for Christians to realize that their earthly liberation has set upon their shoulders the burden of spiritual development to fill that freedom with a Christian content while placing in their hands the tools with which to do it. The earthly freedom of secular political institutions can bring forth the Kingdom, yet our attention as we walk through this earthly life must remain upon the action required to bring forth the Kingdom, and upon our unique individual responsibilities to do it. Merton suggested that we think of it this way: not “we are His Kingdom,” but “we are His Kingdom.”

Our activity on Earth incarnates the Kingdom of God if we accept the challenge, and this is true not only of our devotional and sacramental lives. It is equally true in social life and in political life. Bringing forth the Kingdom means working for tangible political goods that have salvific importance. Certainly Merton’s own preoccupations in his own life are a witness to that.

We must conclude that secular freedom, operating within our earthly city, is a means by which to bring forth the Kingdom. Even if it only is “the cultivation of human values by human energies in an effort that is not directly aroused by grace,” what matters is the second portion of Murray’s charge: that it be “open to [grace’s] direction, once aroused.” Our fellow citizens who do not share our conviction of faith walk within the earthly city exercising the same freedoms as we do. Even if their consciousness and use of those freedoms is empty of grace, it does not follow that the freedoms themselves are closed to grace. Careful study in fact reveals the marked openness of those freedoms to grace, and all that remains is our willingness to bear the burden of being the agents of grace to direct those values and energies. That means cultivating inner resources as Christians in the absence of assistance from the secular culture, yet not becoming so detached in that cultivation that we hold the world at an arm’s length.

The goal of this activity is not political victories, such as the reversal of *Roe v. Wade*. Indeed, such a victory would be quite hollow itself if it were won without first winning the souls of citizens who would come to welcome such an event. Merely pursuing a Culture of Life politically instead of pursuing an evangelization that ends in the Culture of Life indeed does hold the world at arm’s length, using the political realm for our sanctification rather than sanctifying the world through our action. The vital work of social renewal, thus, will not be measured in policy outcomes but in a renewal that invites the world to the Gospel and leads inexorably toward sanctity. Our work is to bring about a just world through political action in the light of our faith that renews our earthly city so as to sanctify it.
Our earthly focus must then be on intermediate goods, which are universal human rights and political liberties that are essentially open-ended. In this world there is no better opportunity to satisfy our calling, and these liberties themselves are disposed well enough to assist us. There can be no doubting that the pluralism protected by the secular, liberal order is as susceptible to a secular humanism as it is to a Christian humanism. Open-ended freedoms are, indeed, open-ended. Yet the alternative to secular, liberal freedom, politically, is to close off the possibilities of those freedoms. Such a closing betrayed pluralism, betrays the dignity of persons with consciences, and—ultimately—betrays the Gospel. The ability to choose has no value if it does not offer the possibility to choose badly. Thus, we must locate the beginning of our sanctification in this world in the secular order of liberalism. The cultivation of human values by human energies—the preservation of liberal political institutions through politics—indeed is a work of sanctity. The sanctification comes through the work that follows, in exploiting the openness to grace of these political forms through our thoughtful, reflective Christianity.

If we have not yet found in secular modernity the hope that it be possible to bring forth the Kingdom through our political culture, then Merton’s message (I think) is that the fault is ours. The blame does not belong to the secular order. The sanctification that is possible depends on each of us individually, on our faith as a medium through which the state may collaborate with the Church. That means a recognition that political arguments are not about winning and losing but about an ever-hopeful process of sanctity-seeking that never relents. Conversely, should it become mired in the rough-and-tumble of ideological warfare, should it lose hope that this culture can be sanctified—indeed, that in important ways it is sanctified already, if it ever relents, then basket weaving is all to which Catholic political action ever can amount.

1Representatively, see Kant (“... a person is subject to no other laws than those he gives to himself {either alone or at least along with others}.”) in: Immanuel Kant, “Introduction the the Metaphysics of Morals,” The Metaphysics of Morals, Trans. Mary Gregor [New York: Cambridge University Press, 1991], 50. See also the aim of Jean-Jacques Rousseau’s social contract, to “Find a form of association which defends and protects with all common forces the person and goods of each associate, and by means of which each one, while uniting with all, nevertheless obeys only himself and remains as free as before” (Jean-Jacques Rousseau, “On the Social Contract,” The Basic Political Writings, Trans. Donal A. Cress [Indianapolis, IN: Hackett Publishing Company, 1987], 148.).
3Gaudium et Spes §17.
6Gaudium et Spes §16.
7Gaudium et Spes §17. St. Paul summarized this political doctrine in two formulations: “For when Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts, while their conscience also bears witness…” (Romans 2:14-15); and, “Be subject to one another out of reverence for Christ” (Ephesians 5:21).
8Amitai Etzioni, The New Golden Rule: Community and Morality in a Democratic Society, (New York: Basic Books, 1996), xvii. Etzioni describes “an ethical vacuum, one in which all choices have the same standing and are equally legiti-
mater" as the regrettable consequence of individual liberty without a recognized limit (xv).


Maritain, Man and the State, 81.

Several portions of the Summa are applicable. St. Thomas presaged John Locke's arguments in A Letter Concerning Toleration when he wrote that Non-Christians "are by no means to be compelled to the faith in order that they may believe, because to believe depends on the will" (ST II-II, Q.10, A.8). Further to that point St. Thomas argued in ST II-II, Q.10, A.10 for the legitimacy of rule by non-believers over believers, and struck a note for religious pluralism because, "though unbelievers sin in their rites, they may be tolerated either on account of some good that ensues therefrom or because of some evil avoided" (ST II, Q.10, A.11). St. Thomas held for kingship as the most appropriate form of government, though since Leo XIII the Church more willingly has embraced democratic forms ("let no one condemn the zeal which, in accordance with the natural and divine laws, aims to make the condition of those who till more tolerable...to help them to practice in public and in private the duties which morality and religion inculcate; to aid them to feel that they are not animals but men ..." Graves de Communi Re §10). Famously the First Vatican Council failed to condemn Americanism as a heresy, at least somewhat at the urging of James Cardinal Gibbons who opined that "For this great progress [of the Catholic faith in the United States] we are indebted...to the civil liberty we enjoy in our enlightened republic...[While] often the Church has been hampered and forced to struggle for existence, in the genial atmosphere of American liberty she blossoms like a rose" (Quoted in: Isaac Hecker, The Church and the Age [New York: Paulist Press, 1887], 100-101.). Even in 2005 there remain those who seem to prefer or seek a Catholic in the genial atmosphere of American liberty she blossoms like a rose" (Quoted in: Isaac Hecker, The Church and the Age [New York: Paulist Press, 1887], 100-101.). Even in 2005 there remain those who seem to prefer or seek a Catholic state under a Catholic king (see the work of Michael Davies, Thomas Droleskey, or Justin Walsh, representatively), though these are individuals who approach if not embrace a sedevacantist perspective. However, since the Second Vatican Council, there has been a slowly-growing acceptance of American-style political freedoms within Catholic intellec-tual circles, albeit a hesitant one.


Maritain, "Integral Humanism," 264.


Maritain, "Integral Humanism," 171.

Maritain, "Integral Humanism," 239. "...medieval Christendom was only one of [the earthly city's] possible realizations."


Maritain, "Integral Humanism," 229.

Maritain, "Integral Humanism," 264.

Maritain, "Integral Humanism," 265.

Maritain, "Integral Humanism," 266.

Maritain, "Integral Humanism," 261. Indeed, "this temporal or cultural unity does not require of itself the unity of faith and of religion, and that it can be Christian while grouping non-Christians in its midst"(261).

Maritain, "Integral Humanism," 261.

Maritain, "Integral Humanism," 262.

Maritain, "Integral Humanism," 304.

Maritain's formulation responds to Murray almost perfectly: "In the case of a civilization of a lay or secular type, it is by pursuing its own (infravalent) end and in its capacity as (subordinate) principal agent that the Christian temporal city acquires itself of its duty toward the Church. It is by integrating, in line with the pluralist idea described here, Christian activities in the temporal work itself—for example, by giving Christian teaching its just place in educational life or by asking religious institutions of mercy to carry a just share of works of social assistance—and in that way itself receiving, as autonomous agent in free accord with an agent of a higher order, the aid of the Church, that the temporal city will help the latter to carry out its own mission. The mode of activity most proper to the eternal city, namely, spiritual and moral activity, then becomes the dominant mode in the collaboration of the two powers"(Maritain, "Integral Humanism," 266).


Maritain, "Integral Humanism," 240.

Maritain, "Integral Humanism," 240.

... It is no longer permissible for Christians seriously and honestly to devote themselves to a spirituality of evasion, a cult of other worldliness that refuses to take account of the inescapable implication of all men in the problems and responsibilities of the nuclear age" (Thomas Merton, Life and Holiness, [New York: Image Books, 1996], 103.). Merton’s language elsewhere (“global nuclear cataclysm,” “world crisis”) suggests that we would be right to extrapolate his concern beyond nuclear politics in light of the phenomena of globalization and technological improvements that have made the world smaller, made each person accountable in new and frightening ways (Thomas Merton, Peace in the Post-Christian Era, Ed. Patricia A. Burton [Maryknoll, NY: Orbis Books, 2004]).

The only effective answer to the problem of salvation must therefore reach out to embrace both extremes of a contradiction at the same time" (Thomas Merton, No Man is an Island [New York: Harcourt, Inc., 1983], xvii.).
SECTION 4

PHILOSOPHICAL TOPICS
In 1988, ten years into his pontificate, Pope John Paul II issued an apostolic letter On the Dignity and Vocation of Women on the Occasion of the Marian Year. The very title provoked strong reactions from some women, including Catholic women, who emphatically denounced the very idea of a vocation entrusted especially to women. If a vocation is a role, and a role is a circumscribed set of tasks, then a vocation for women will quickly turn into sharply defined social boundaries, or so many assumed. That the title of this document explicitly tied the theme of women's vocation to the Marian year added fuel to the fire. Feminist theologians had complained for at least two decades before this document that Mary's Biblical role is a wholly passive one, in which she serves merely as the receptacle for Jesus before his birth and a meek and dutiful wife thereafter, remaining in the home and uttering nary a recorded word after the wedding at Cana.

What these critics failed to notice, however, was the revolutionary thrust of John Paul II's proposals about the nature and dignity of women. Combined with his detailed reflections on sex, marriage, and the family, now known as the theology of the body, this proposal points toward an agenda that, if taken seriously, would transform the social landscape of the entire globe. John Paul's revolutionary vision draws upon riches of the past, but places them in new relationships with each other and sheds new light on them. It is as though male/female relations had previously been drawn in two dimensions and now we are invited to see their true depth. In what follows, I will first describe some earlier forms of feminism and the theories about human nature that undergird them. Then I will describe the theory of human nature, including the significance of sex difference that animates the personalist philosophy of John Paul II. Finally, I sketch out some implications of this personalist feminism for women's vocation in the family and in the public sphere, i.e. work and politics. I believe personalist feminism best supports the moral claims of the feminist movement and that it overcomes the problems of previous feminist theories.

We can begin with Susan James's broad definition of feminism (no pun intended), one that applies to each of the varieties I discuss here: “Feminism is grounded on the belief that women are oppressed or disadvantaged by comparison with men, and that their oppression is in some way illegitimate or unjustified.” Notice that, defined in this way, feminism is more than an empirical or historical claim that women are oppressed as women; it includes a normative element, that their oppression is morally unjust. This evaluative claim implicitly includes an agenda for action, of course, since raising moral objections to an ongoing social practice assumes both that the practice can change (ought implies can) and that it should change.
I. Former Foundations for Feminism

A. First Wave Feminism

The earliest use of the term “feminism” occurred in France during the 1890s, though it quickly spread throughout Europe and then on to America. The feminists of the late nineteenth and early twentieth century fought for women’s “emancipation” from the control of fathers and husbands over their fate and fortunes. This cause defined itself as a cry for justice, for changing laws and policies to give women the legal and political rights that the state should protect for every adult human person. Demands included the right of women to vote and to own property, to have equal access to education and the professions, and to be allowed custody rights with regard to their children. This early campaign for women’s rights “drew upon, and generated, arguments about the nature and capacities of women and the character of their oppression.”

The philosopher Francois Poulain de la Barre had argued as early as 1693 that since all humans by nature seek happiness and no one can achieve happiness without knowledge, every human being has a natural right to pursue knowledge (implying a duty of the state to provide access to education for women). A century later, Mary Wollstonecraft echoed this argument in her famous essay *A Vindication of the Rights of Women* published in 1792. These early feminists defined women’s oppression primarily in terms of institutional structures—men must have the same legal and political rights as women. To take one example, Poulain de la Barre contended that since human rational capacities and the mind/body relationship are the same for men and women, women can occupy any of the public roles that men currently hold. The moral crusade for women’s suffrage could base itself on a widely-accepted ontology of human persons. Humans are minds with bodies, as René Descartes and other modern philosophers asserted, and bodies can in principle be shucked off like corn husks. So humans are minds, whether attached to male or female bodies, and all human minds are ontologically identical. Hence, whatever moral rights attach to rational beings must be extended to all such beings as a matter of logical and practical consistency.

The theory of human rights behind early feminism also draws on the liberal political tradition of John Locke and Thomas Jefferson, a tradition that supports the bold claim of the U.S. Declaration of Independence that *all men are endowed by their Creator with certain inalienable rights*. This truth is so obvious that the founding fathers call it self-evident. The struggle has been over who is included in the category “all men” and exactly how natural rights should be guaranteed. No one objects to the policy of keeping seven-year-olds out of the voting booth and not because they lack natural rights; they are developmentally unprepared to shape the laws and policies of the wider community. Some held that similar considerations applied to women, given certain general differences between men and women, including women’s more pervasive emotional life and relative physical weakness.

Indeed, treating women’s physical or psychological distinctiveness as a mark of inferiority has ancient roots. It emerges from one interpretation of the Genesis story of Eve’s fall in the garden and St. Paul’s later comment that Eve was less culpable than Adam because she was
deceived by the Serpent. (I don’t know if this is supposed to show that Eve was a dim bulb or that Satan was a first-class liar.) Later, some of the New Testament texts about the marriage relationship and about proper conduct at worship services typically received interpretations unfavorable to women. Western thought about the place of women was influenced by secular sources as well, particularly by the classical philosophical heritage of Plato and Aristotle. Aristotle’s theory of human nature shaped the thinking of the Angelic Doctor, St. Thomas Aquinas, and Thomas’ theory is simply assumed in the early twentieth century by Catholic philosopher Edith Stein in her essays on women, as well as in philosophical writings of her contemporary Karol Wojtyla (later Pope John Paul II).

Aristotle finds two principles are needed to explain the objects and the changes we encounter in experience. Even toddlers are aware that all four-legged creatures of a certain kind are called dogs (“What does the dog say?”). Aristotle posits two constitutive principles, one to explain what all dogs have in common (and why) and another to explain why Fido is not identical with Rover. The common feature is called the form, and for a living thing the form is the soul, the animating principle that makes it to be the kind of thing it is and grounds all of its powers and liabilities. Each organism has only one soul as it is one kind of thing.7 For Fido and Rover the individuating principle is prime matter, what remains the same in the process of substantial change, in the coming to be of a living thing or its ceasing to be. Fido and Rover are two distinct space/time realizations of dogginess.

We need not plumb the depths of this theory for our purposes here. Suffice it to note that, for Aristotle, the nature of a thing includes every principle or aspect that is essential to being a member of that kind. Indeed, current sympathizers of the view that there is such a thing as human nature get called “essentialists,” often in a tone that would suggest fear for their souls, if there were such things as souls. Aristotle certainly endorsed this kind of essentialism, holding that human nature (what it is that all humans share) is not simply a form (or soul) but a particular union of soul and body — an incarnate soul. The body is inseparable from what it is to be human. There may also be creatures whose essence or nature is wholly immaterial — Aristotle calls them Intelligences and St. Thomas calls them Angels — but humans are mind/body unities.

Working within this general framework, Aristotle places humans in the animal genus, with rationality as the fundamental property differentiating them from other animals. Humans are rational animals — so far, so good. Guided by the empirical evidence, Aristotle detects a natural regularity operating in the physical world: “like produces like.” This is a dark saying, you may object, but it is surely most at home in the process of reproduction, where water lilies produce more water lilies, rabbits make little rabbits, Canada geese produce more Canada geese, and more and more Canada geese, until grass is little more than a memory! Like produces like, says Aristotle, but due to a shortage of microscopes in the fourth century B.C., he failed to detect what it is that women contribute to human reproduction. The womb, of course, but the outcome is not another womb but another (hu)man.
Meanwhile, observation reveals that men do contribute something or other — we might call it *that without which no third grader can be conceived*. Since the man is a male human being and like produces like, Aristotle reasons that this “seed” of new life aims to produce another male. It is troubling for his theory that the process goes haywire with such alarming frequency — a failure rate of approximately fifty percent. Some factor that occurs fairly frequently must interfere with the male-producing process. One of Aristotle’s suggestions, that the culprit might be “a moist wind from the south” is best passed over in silence. In any event, his theory results in an unfortunate ontological status for females of the race; they are defective males. This theory did have some explanatory power in accounting for the relative physical weakness of women, their “impaired rationality” and the like, and it continued to influence Western thinking about women for centuries. So while Aristotle championed the view that men and women possess a shared human nature, his account of biological differences undermined the social equality that might have been built on this view.

The early argument for equality, then, appealed more to modern liberal theory than to prior philosophical theories of human nature. Modern philosophy supported the similarity of men and women with regard to their rational capacities and so worked well in the fight for equal rights. However, this modern ontology of persons leaves open the question of what significance attaches to the difference between the sexes. Mary Wollstonecraft expected the newly educated woman to perform her domestic role with greater facility, not to storm the halls of political and economic power. Educated women, she thought, could better acquire the moral virtues, and would prove to be better companions to their husbands and more effective teachers of their children. The major philosophical heavyweight in this early discussion, John Stuart Mill, likewise argued that women who marry should make household management and the education of the children their primary focus; women with energy left over (or older women) may devote themselves more fully to public life. The prevalence of views like these may explain why, even after they won the right to vote, not many women used their new political clout to press for more radical reforms. Those feminists frustrated with what they perceived as unfinished or half-baked emancipation turned increasingly toward the view that political, public equality must be supplemented with domestic, private equality. We have met the enemy, and they are across the breakfast table.

### B. Early Radical Feminism

Friedrich Engels argued in *Origins of the Family, Private Property and the State* (1884) that men’s interest in owning private property and passing it on to their sons motivates them to exercise complete sexual control over their wives. Moreover, in capitalist societies women’s weak position in the labor market forces them into either economic exploitation and poverty (as single women) or virtual slavery in marriage. Married working women get the worst of both worlds. Blaming the domestic oppression of women on capitalism offers a ready-made solution, of course: overthrow capitalism. In post-revolutionary Russia, the government sought to relieve women of the triple load of being wage workers, housekeepers and mothers.
Alexandra Kollantai, as Commissar of Social Welfare in the Russian Revolutionary Government of 1917, implemented the following policies: every woman must enter the public workforce, allowed maternity leaves as needed, but required to place all children after infancy in state-run child care facilities where they could be raised and educated by trained professionals. In 1920 the Russian government legalized abortion, presumably so that women could be free to choose work over their other role as producers of future workers. Kollontai expected and welcomed the disintegration of the traditional family, advocating new modes of solidarity based on many different kinds of love and friendship. The state has an interest in children, she held, but no interest in fostering a loving attachment between their parents.

The Marxist social agenda springs from a deeper view regarding the nature of persons and the source of their value. While Enlightenment theories grounded the moral value of human beings in their nature as rational and free beings, Marx and Engels assumed a materialist theory that bypasses rationality and denies moral freedom, seeing humans as products of various economic and social forces. Social changes can thus effect significant changes in human behaviors, perhaps even in human nature itself. On this view, no human being is “endowed by his creator with inalienable rights.” Rights are conferred by the state, and the state operates to maximize the collective good, not private goods. There is no absolute prohibition against sacrificing the good of an individual to the good of the state. This politically radical solution to women’s domestic oppression does succeed in producing a kind of equality between the sexes, but at the cost of unraveling natural family ties. Unless one is completely sold on Marxist philosophy, this will seem like going after the backyard moles with dynamite. Still, the suggestion that traditional family life is oppressive of women continued to influence feminist theories into the twenty-first century.

**C. Second Wave Feminism**

The feminism of the late 1960s and 1970s received intellectual support from a group of thinkers writing in the mid-nineteenth to the mid-twentieth century called by Paul Ricoeur the “masters of suspicion:” Karl Marx, Sigmund Freud, Friedrich Nietzsche, and Jean-Paul Sartre. Whereas previous moral philosophers asked about what makes actions right or wrong, these theorists hold deep reservations about that whole enterprise. They ask instead, “What causes people to make moral judgments, or to feel that they are bound by moral constraints?”

For Marx, the answer is (roughly) that moralizing supports class interests; those with economic power foist an illusion of moral order on the workers who might be tempted to rebel against the interests of the powerful. Notions of justice and rights largely work to maintain the existing distribution of economic power and its connection with private property, so Marx dismisses such language as vacuous. Sigmund Freud claims that the superego, the voice of the moral conscience, is nothing more than a disembodied survival of the fearsome commands of the father. Its role is not wholly negative, since the superego redirects irrational drives of the libido into more productive activities; it civilizes man, but leaves him in a state of inner tension. On Freud’s view then, moral judgments have some practical value but no objective theo-
retical basis. For Friedrich Nietzsche, moral considerations only move those who are too weak to assert their will to power. Appeals to justice or charity have no independent rational merit, and the “superman” simply makes use of them to keep others from challenging his position.

In her 1949 book *The Second Sex*, Simone de Beauvoir adopted Jean-Paul Sartre’s existentialist view of the human person as a consciousness (or center of awareness) that can only arrive at a transcendent view of itself by confronting the gaze of another consciousness, the Other. Following G. W. F. Hegel, Sartre characterizes this encounter as a threat to the self, which can only be overcome by dominating the Other and treating him or her as an object rather than as another subject. In male/female encounters, Sartre reasons, men objectify women, but women cooperate in their own subjugation, perhaps because of their vulnerability as the bearers of children. Beauvoir’s solution? Women must abandon their roles as wives and mothers and compete with men in the workplace so that men will be forced to treat them as equals. One of her most memorable slogans was, “One is not born, but rather becomes, a woman.” She attributes sexual differentiation to social practices rather than to natural bodily distinctions, that is, Beauvoir is an early social constructionist regarding gender. There is no discernible limit to what women may become in her view; like men, they shape themselves continually through their choices and endow what they choose with value by the act of choosing it.

Influenced by these morality-debunking theories, second-wave feminism and its spokespersons, such as Kate Millett and Shulamith Firestone, came to distinguish between the biological differences (designated by the term “sex”) between men and women and the cultural value (designated by the term “gender”) attached to those differences. The status quo *vis-a-vis* gender has been patriarchy, in which men’s sexuality is seen as the source and justification of their power. Men are potent and active, women are subordinate and passive. However, since “gender” is a socially constructed category, women in culturally influential positions can reshape it and shift the balance of power in the process. First, women’s consciousnesses must be raised to make them aware of their unhappy situation. Next, comes political action to attack and abolish all remnants of patriarchy. Finally, women in the academy must take up the challenge of replacing patriarchal fields of study with feminist alternatives, resulting in feminist literary theory, feminist social theory, feminist epistemology, and even feminist science. One feminist philosopher at MIT, Sally Haslanger, occasionally recommends that we abolish the use of the term “woman.” (And she is a moderate!)

Since patriarchy (a power imbalance that subjugates women) is the villain in this feminist scenario, challenging patriarchy is the fundamental agenda. This challenge occasionally took drastic measures in the 70s and 80s, proceeding at first more by deeds than by rational persuasion. After all, in the brave new world of social construction, philosophy (and the academy generally) serves merely as one more patriarchal institution shaping (and distorting) the culture, not as a search for the truth. This form of feminism often ignores or even rejects prior theories of human nature, on the grounds that they were conceived by men who made male
rationality (or linear rationality, or Western rationality) the basis of human rights. While some voices in the second wave of feminism continued to defend the moral, legal, and political equality of men and women on the basis of their shared humanity, the majority inclined toward the view that genuinely objective truth in such matters is in principle inaccessible. Every subject, every seeker of truth, is already enmeshed in a culture and influenced by it in ways impossible to detect and disentangle. All inquiry is “interested” in this sense. The political arena is a field not of competing theories but of competing interests.

The bra-burning wing of second wave feminism cornered the media during this time, provoking a recent conservative commentator to invoke the term “feminazi” for advocates of a female power grab. This hostile reaction is itself a reaction to second-wave feminist hostility toward patriarchy which tended to shade into a generalized hostility toward men. Some may be old enough to remember bumper sticker slogans of the 70s and 80s, which included: A woman without a man is like a fish without a bicycle, and I still miss my ex-husband, but my aim is improving. While some feminists thought standard family structures could be modified to accommodate the abolition of patriarchy, most insisted that the traditional family could not survive women's liberation; the roles of wife and mother are inherently oppressive and women must refuse to accept them. Intellectual support for this in-your-face political agenda might be garnered from the Hegel/Sartre theory that the Other has to be a threat to oneself, combined with the lingering influence of Thomas Hobbes, that bad boy of modern liberal theory, famous for describing the state of nature as a war of all against all. Such theories make mortal combat between the sexes inevitable and incurable.

Consider some of the stranger feminist proposals of the 70s and 80s: women should take a twenty-year moratorium on bearing children, and devote themselves to things that really matter!(10) women should create a female-only society using the new reproductive technologies, thus eliminating the need for men altogether;(11) women should form marriage-style alliances in groups of three or even nine and raise the community's children through a kind of kiddie co-op.(12) This last proposal assumes that while it may take a village to raise a child, fathers are expendable. It is not certain what will happen to the male children in the co-op when they reach adulthood. Exile?

When today's college-age women contemplate such proposals, it is no surprise that they come away puzzled and even mildly offended. Elizabeth Fox-Genovese documents this backlash effect in her groundbreaking book Feminism is Not the Story of My Life. In a recent essay on the state of women, Claudia Winkler cites with approval Laura Schlesinger's conclusion (from her 2004 bestseller The Proper Care and Feeding of Husbands):

The feminist double whammy of the elevation of women without men (and children without fathers) and the dismissal of men as unnecessary or even dangerous has certainly not contributed to the kind of positive disposition that women need in order to function well within a monogamous, heterosexual, committed relationship.
D. Third Wave Feminism

The dilemma of post-women’s-lib-feminism is that it has no obvious villain and hence no clear battle plan. The early feminists fought for equal access to education, employment and political power, and they won that battle (for the most part). Second wave feminism focused more on the private realm, on relationships between men and women in marriage and family life, and turned on men as the enemy, sometimes followed closely by children. Has this fight succeeded? In some ways, yes. There are laws against sexual harassment and date rape, and there are affirmative action programs to promote the presence of women in the schools and the professions. But women continue to care about the men in their lives, and young women still hope for loving relationships with men that will lead to marriage and family. While women have entered the paid work force in droves, they have not stopped wanting to have children and to spend quantity time with them (not just quality time). The permanent alienation scenario adopted by anti-patriarchy feminism holds little attraction for these women.

In the 1980s and 90s the cultural ground shifted beneath feminism, leading many to realize that second wave feminism was unlikely to carry the day (whether for good or for ill). Alternative proposals abound, but they come from very different, sometimes contradictory, perspectives. Feminist groups began to fracture under the strain of trying to speak for all women as women — for women of every race, class, religion and sexual orientation. Third wave feminism is a story of feminisms. To cite just one example, feminist author Joyce Tebilcot published a book in the 90s called *Dyke Ideas*. The American Philosophical Association (to which I belong) published a review of this book by Lori Hughes in its newsletter in 1997. A brief excerpt from her review will suffice to illustrate some of the fault lines in contemporary feminism:

Trebilcot makes it clear right away that in fact she speaks for herself [relieving Hughes’ fear that she claims to represent the one and only dyke perspective]. She breaks away from her training as a career philosopher, seeker and seller of unbiased universal “truths,” and adopts feminist methodology, where the personal is political, where personal bias and motivation are as interesting as the question and answer, where personal stories are as valuable as general theories…. Joyce Trebilcot owns up to her primary bias (dyke) in the title itself; she wants the reader to know that her ideas are “intimately connected with being a dyke.” She chooses “dyke” as a label to emphasize its implication of resistance instead of the label “lesbian” that carries a sexual definition in many people’s minds. To her, “dyke” means “having radical lesbian feminist ideals, including: being alert to and active against oppressions; taking every woman seriously, especially by attending to what each woman has to say; and empowering wimmin in contexts that wimmin create.”… Dykism “is not a matter of sex but rather rejecting and separating from patriarchy and joining in solidarity with wimmin."

When “dykism” has to be distinguished from “lesbian feminism,” we know that the days of the woman’s movement are over. I now turn to the project of sketching a new understanding of feminism, one that can breathe fresh air into what has become a rather stale agenda.
II. Foundations of Personalist Feminism

The starting point of personalist feminism is the claim that persons (in this case human persons) have an intrinsic value that cannot be measured. Only persons exist as ends in themselves, as choosing and shaping their own destinies. The only adequate or appropriate response to a person is love, as one is presented with an Other who is (like the Self) rational and free—a being who sets his or her own goals, who has an inner life, and whose very nature is to be a subject of actions, an agent in the fullest sense, not an object or instrument. Males and females share equally in this dignity since they are equally persons. Hegel’s claim that others must be seen as a threat to the self and Hobbes’ assumption that whatever promotes B’s happiness subtracts something from A’s, must confront the universal human experience of needing others, needing to love and be loved.

If the dignity of men and women rests not in their rationality (narrowly conceived) but in their personhood, then there are no ontological grounds for placing one above the other. Person is a kind term, and like other such terms it is an essential feature of every instance of the kind. (This claim can be challenged of course, but it has the advantage of coinciding with common sense.) Similarly, non-personhood is an essential feature of all non-persons. It is impossible for a person to become a non-person, or for a non-personal being to become a person (though persons and non-persons could in principle cease to exist). This is one reason for recognizing human zygotes and human embryos as genuine and full persons. Personhood is tied to the essence or nature of a being and cannot be acquired or lost—once a person, always a person. Further, personhood does not come in degrees; it specifies a kind of being, not an attribute of a kind, and only attributes vary in degree. A fish is never more or less a fish however fishy it smells or tastes. A human who exercises none of the characteristic capacities of personhood (who is asleep or in a coma) remains a person in the same sense as any other. The burden or proof is on those who would treat men and women as participating in personhood to a different degree, whatever their differences in brain function or alcohol consumption.

While the sexes are alike in their nature as human persons, we should also take seriously the meaning of embodiment. Instead of the Cartesian view of persons as minds which happen to live in bodies, experience supports Aristotle’s description of a human person as a soul/body unity. Neither aspect of the person (soul or body, form or matter) exists independently, though humans possess an immaterial soul that can neither be created nor destroyed by purely material causes. When the body ceases to live while the soul continues to exist, the resulting state is highly unnatural for humans and cannot, by itself, be called genuine survival of that human being. This explains the importance St. Thomas gives to the Christian doctrine of the resurrection of the body. Given the close relationship between soul and body in this theory, it makes sense that a bodily aspect as fundamental as being male or female will give rise to some sex-specific differences.

These implications of the Aristotelian theory of persons attracted the interest of the German philosopher Edith Stein, now St. Teresa Benedicta of the Cross, a Jewish convert to the
Catholic faith who entered the Carmelite Order in the 1930s. In 1942, she and her sister Rosa were taken from a convent in the Netherlands by train to Auschwitz, where both were executed. Edith Stein's influence on John Paul II is well known; both sought to combine insights from phenomenology and existentialism with the perennial philosophy of Aristotle and St. Thomas Aquinas, a marriage of ideas that continues to bear fruit in philosophy and theology today. Stein found rich resources in Aristotle's ontology of the human person, and she inclined toward the view that the male/female distinction resides in the form or soul of the person, not just in the body. She thought this would best explain the many obvious differences between men and women, and between boys and girls. (Stein worked for many years as a teacher in a school for girls and reflected deeply about whether the education of girls called for differences in curriculum or educational approach). Unfortunately, Stein's proposal of a difference at the level of the soul implies that men and women are not exactly the same kind of thing, since the form (soul) determines the kind and there is only one form per creature.

One can avoid this problem (call it the Men are from Mars, Women are from Venus dilemma) by allowing that the form is the same for both sexes, so the powers and capacities inherent in that form are the same. But since the form is realized in different bodily types in men and women, we might expect further differences in the way distinctively human powers and capacities are realized. These differences may be largely a matter of emphasis rather than of one sex holding a corner on toughness or sensitivity. Still, given that masculinity or femininity belongs to one's very essence or nature, there may be many significant general differences that follow upon this one.\(^{17}\) To allow this is to open the possibility of preferring male to female attributes or vice versa. But since moral value and dignity resides in persons as persons, there is at least no ontological basis for that kind of discrimination. Finally, given that males and females clearly complete one another in the natural order, there are grounds for hope that their gender-specific attributes will be likewise complementary (at least in principle).

John Paul II grounds the equal dignity of women and men philosophically in this way, but he provides theological grounds as well, especially drawing on the creation narratives in Genesis, with added support from teachings of Jesus and St. Paul on marriage. In texts where many have found justification for male primacy or patriarchy, he finds instead a reaffirmation of the free reciprocity of love intended in the state of original innocence. John Paul reads the second creation account in Genesis chapter two as revealing, “the fundamental truth … concerning man created as man and woman in the image and likeness of God…. The woman is another I in a common humanity. From the very beginning they appear as a ‘unity of the two,’ and this signifies that man's original solitude is overcome, the solitude in which he does not find a helper fit for him (Gen. 2:20).\(^{18}\) The “help” the woman brings is not only for the mission of “subduing the earth” but also as a life’s companion in answering the call to “be fruitful and multiply.” Their fruitfulness, forming a family out of this unity of the two, explains why the man and woman leave their original families to become “one flesh.”
Meditating on passages such as these, John Paul concludes:

The fact that *man “created as man and woman” in the image of God* means not only that each of them individually is like God, as a rational and free being. It also means that man and woman, created as a “unity of the two” in their common humanity, are called to live in a communion of love, and in this way to mirror in the world the communion of love that is in God, through which the Three Persons love each other in the intimate mystery of the one divine life.\(^{19}\)

Existing as male and female, and especially as coming together in the union of marriage, human persons are a window into the divine — an icon of the Holy Trinity. The doctrine that God is Father, Son, and Holy Spirit, a communion of persons, enables us to understand (at a distance) how God in himself is Love.

That the union of man and woman in marriage, becoming one flesh, also has a moral dimension, is shown by Jesus’ rebuke to the Pharisees in Matthew 19:

> Have you not read that the one who made them at the beginning “made them male and female,” and said, “For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh?” So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate.\(^ {20}\)

This vision of marriage and of the cosmic significance of fatherhood and motherhood resonates with some of our deepest longings, and sheds light on the roles of men and women in every time and place. The feminism of John Paul II is in fact the first truly global feminism.

### III. Practical Implications of Personalist Feminism

Is there a vocation for women? A vocation is a call, in its etymology and in its reality.\(^ {21}\) God is the giver of all our gifts, talents, and opportunities, and he calls us to fulfill ourselves by giving ourselves to others. Some aspects of the human vocation apply to everyone, since all are called to a life of service and all are called to cultivate the earth. Similarly, given the complementarity of women and men and the need of each for the contribution of the other, we can speak of a general vocation for women and a general vocation for men. We must keep in mind, however, that a vocation in this general sense does not tell us very much by itself about the specific roles of men and women in marriage, family and society. Even the fact that a woman is entrusted with new life in its vulnerable beginnings does not explicitly dictate how she should spend her day once the baby arrives.

John Paul’s apostolic letter *On the Dignity and Vocation of Women* claims that women exercise both a *prophetic* and a *priestly* role in the world. The prophetic role of woman resides in her femininity, the clearest expression of that receptivity which is the vocation of all human beings — to respond in love to God’s loving invitation. This receptivity is an exercise of her agency; it is not at all the same thing as passivity. The feminine is the archetype of the Bride, “the one who receives love in order to love in return.” The order of love enters the world through a woman, at the assent of Mary of Nazareth. In like manner, each human person enters the world by way of a woman, who is the first to accept and welcome that new life.
This **prophetic** role of a woman is expressed simply by who she is: “This concerns each and every woman, independently of the cultural context in which she lives, and independently of her spiritual, psychological and physical characteristics, as for example, age, education, health, work, and whether she is married or single.” Simply in virtue of their feminine nature, women are a sign of the greatest of all truths — that “every human being is loved by God in Christ.”

The **priestly** vocation of women is linked to this prophetic role, for love is received in order to be returned. Like man, woman can find herself only by making a sincere gift of herself. The first dimension of women’s priestly mission concerns the good of human persons, since women are especially attuned to the needs of individuals and to the dignity of each human life. “The moral and spiritual strength of a woman is joined to her awareness that *God entrusts the human being to her in a special way*. … *A woman is strong because of her awareness of this entrusting.*” Men are also entrusted with human persons, of course, and in a sense everyone is entrusted to everyone else in a mutual responsibility that calls us to the virtue of solidarity. But women (generally speaking) have particular strengths which enable them to understand and respond to persons.

Perhaps more than men, women **acknowledge the person**, because they see persons with their hearts. They **see** them independently of various ideological or political systems. They see others in their greatness and limitations; they **try to go out to them and help them**. In this way the basic plan of the Creator takes flesh in the history of humanity and there is constantly revealed, in the variety of vocations, that **beauty** — not merely physical, but above all spiritual — which God bestowed from the very beginning on all, and in a particular way on women.

The second dimension of this responsibility for persons is that women are called to **foster a civilization of love**, a culture that always keeps sight of the dignity of human persons. In a world increasingly focused on technical achievement and material possessions, women speak for the intrinsic and measureless value of persons. They speak on behalf of those who cannot speak for themselves, who are powerless to defend their rights. “In this sense, our time in particular **awaits the manifestation** of that ‘genius’ which belongs to women, and which can ensure sensitivity for human beings in every circumstance: because they are human! — and because “the greatest of these is love”*(cf. I Cor. 13:3).*” Every woman is a potential mother, whether or not she becomes a mother biologically or through adoption, since the essence of motherhood does not lie in purely biological factors. Rather,

A mother welcomes and carries in herself another human being, enabling it to grow inside her, giving it room, respecting it in its otherness. Women first learn and then teach others that human relations are authentic if they are open to accepting the other person: a person who is recognized and loved because of the dignity that comes from being a person and not from other considerations, such as usefulness, strength, intelligence, beauty or health. This is the fundamental contribution which the Church and humanity expect from women. And it is the indispensable prerequisite for cultural change.

Considerations like these have led many women, in and outside of academia, to rethink
their understanding of what it means to be a woman, and of what would truly promote the dignity of women as women. While human dignity requires respect for personal freedom, we also know that freedom cannot serve our good if it is cut off from the truth — the truth about what perfects us and what enslaves us. With this in mind, the Siena Symposium, a group of women meeting at the University of St. Thomas in St. Paul, Minnesota, has taken up a renewed appraisal of feminism in its previous incarnations, along with a careful study of the writings of John Paul II and others on women. Mary Lemmons, a philosopher at the University of St. Thomas, suggested the phrase “personalist feminism” for this new vision of women and women’s vocation (though others may have used it as well).

I have no illusions about how this form of feminism will fare either in the academy or outside it. As Claudia Winkler’s essay on conservative feminism warns, “Already it seems safe to conclude that conservative sexual ethics [likewise conservative feminisms] not sustained by a social consensus or anchored in religious beliefs have little staying power.”27 In today’s climate, there is neither a social consensus nor widespread religious conviction that would sustain personalist feminism. Further, even among those who sympathize with a new approach to women’s issues, many reject the feminist label altogether.28 I retain it on the grounds that it does draw attention to the need to defend women in a particular way, given their vulnerability and past experiences of injustice, abuse or contempt. A new understanding of women’s dignity and vocation can lead to a feminism that includes a cry for justice while preserving respect for men, marriage, family life, and for the unique contributions of women. Personalist feminism goes beyond justice to seek genuine compassion and good-will toward each person — man, woman and child. I propose the following as a working definition of this new form of feminism:29

**Definition of Personalist Feminism**

1. Personalist feminism affirms a **person-centered moral vision**, recognizing the *intrinsic dignity and inviolability of every human being at every stage of life and development*. All human rights find their support in this basic truth about human persons, a truth that gives freedom both its wings and its boundaries.

2. The **intellectual and spiritual resources of women should be welcomed** and respected in every corner of the public life, so women can bring to these settings their complementary gifts, perspectives, and priorities.

3. Justice demands that the **intrinsic and inviolable personal dignity of women** be upheld, repudiating all violence against women’s bodies, hearts or consciences.

4. Personalist feminism finds **positive significance in sexual differences**, in the fact that human persons necessarily exist only as male or as female. Men and women should live and work in a collaboration that is not hierarchical but ordered to **mutual help and enrichment**.

5. **Sexual acts speak the language of genuine (selfless) love**, of unconditional commitment, and of openness to new life. Personalist feminism calls on those who use this lan-
guage of the body to mean what they say. Respect for women and men requires honoring their fertility and refusing to treat them as a mere means to an end.  

6. Personalist feminism promotes the virtue of solidarity among men and women, among persons of every race, religion, culture and nation, and among workers in every trade and profession. Solidarity recognizes others as brothers and sisters in a common humanity and sincerely seeks to serve the common good.

7. As those completely entrusted with human life in its beginnings, women are responsible in a special way for persons, especially the most vulnerable, and for keeping in view the human implications of all work and all social policies. Personalist feminism repudiates every action, law, policy, and social structure that treats any human being as an object, as dispensable, or as unworthy of moral consideration.

8. Personalist feminism values all human work, especially work that serves the basic needs of others and calls for personal sacrifice. Work is a school of love and service, a share in the universal human vocation. All morally licit work bears the dignity of the worker and derives its value from the person, the agent of work, rather than from the object of work.

9. Personalist feminism calls for greater understanding, gratitude, and respect for motherhood and work in the home, and for a willingness to value the things woman value. It invites every woman, whatever her state in life, whatever her strengths and limitations, to rejoice in her personal riches as a woman and to help the world to recognize the priceless value of each woman, each man, and each child.

While these proposals will meet with resistance from some and incredulity from others, they do have some advantages over previous versions of feminism. Personalist feminism grounds itself in a richer theory of the human person, including an account of biological differences that supports the complementarity of man and woman without justifying patriarchy or encouraging power grabs. Marriage can and should perfect and fulfill both husband and wife without dissolving their individual identities, and children will perfect them both if they allow it. This model of feminism encourages women to enter the public sphere, while also calling for social policies that respect and reward the work involved in managing a home and caring for children, work which inevitably falls more heavily on women than men. Personalist feminism is family-friendly, child-friendly, and compatible with deeply held religious convictions.

IV. Conclusion: Making it Happen

Like many of its third-wave cousins, personalist feminism lacks a clear enemy to blame for the oppression of women and so lacks a specific agenda for action. When John Paul II writes about the ills of our culture, he traces most of them to a single cause: we have lost sight of the glory of man, because we have lost sight of the glory of God. The agenda is a very broad one: to recover our sight. If the problem is this pervasive, it affects women as well as men. Women often accept the same consumer mentality that undermines the dignity of persons, including women themselves, and promotes a culture of death. Insofar as women buy into such atti-
tudes, it is fair to say that we have met the enemy, and she is us.

When I first began to study John Paul II’s homilies and encyclicals, I was frustrated by what I took to be a lack of philosophical rigor in defending their important conclusions. But his strategy is not one of logical demonstration, since such philosophical arguments often fall on deaf ears or closed minds. Instead he begins from what we already know, or already believe, reminding us of deeper truths about ourselves and calling us to live out the implications of those truths. The appeal is to conscience, not primarily to the intellect. This approach parallels John Paul’s method for implementing the reforms of Vatican II; he seeks to persuade by proposing rather than by imposing, by helping us see the beauty of holiness rather than simply to act as if we saw it. In his discussions of women, John Paul II seeks to change attitudes by reminding us of how much we owe to women. He wants women to be cherished and honored, not just liberated.

When visiting the United States, John Paul frequently cited our own Declaration of Independence and the text enshrined on the Statue of Liberty to remind us of the community we always wanted to be. In spite of recent attempts to treat the use of God’s name in public as an obscenity, our nation still proclaims “In God we trust” on every coin and dollar bill and prays at every baseball game that God will bless America. Like St. Paul in Athens, John Paul stood up in public forums around the world to announce: “What you worship as unknown, this I proclaim to you.”

There are of course many legitimate ways to work for cultural change, and may a thousand flowers bloom on that front. But at least one way is open to each of us, to men as well as women, to single and married, to priests, religious and laity alike. We can offer the example of our own life and actions — a life of service to others, of joy in that service, of patience in suffering, and mercy for all those neighbors entrusted to us. This was John Paul II’s most persuasive argument, and we will create a civilization of love only by following his example.

1In speaking of the feminist movement, I do not mean to imply that there is any one set of beliefs held by everyone who calls herself or himself a feminist.


3Ibid.


6The best-known defense of this kind of dualism is found in Descartes’ Meditations.

7Each thing belongs to one natural kind, though the same kind may be described using different terms, and a thing may properly be called by any kind term (genus) that includes its species. Hence, Socrates is properly called both a man and an animal, but is not two kinds of thing.


12This position was advocated by Rutgers Law School professor Drucilla Cornell at a conference held at Rutgers in the 1990s on the growing crisis of fatherhood. She insisted that the crisis is not that children need fathers but that di-
vorced mothers often live in poverty; coercing economic support from deadbeat dads is the solution to this crisis.

13Elizabeth Fox-Genovese, *Feminism is Not the Story of My Life: How Today's Feminist Elite has Lost Touch with the Real Concerns of Women* (New York: Nan A. Talese, 1996).


16Volume 96, Number 2 (Spring 1997) of the APA Newsletters.

17It is not essential to a human person to be a male or to be a female, but it is essential that a human be male-or-female. John Paul II insists that there is deep significance in the fact that man (generic sense) exists “always and only” as a man or as a woman.

18*On the Dignity and Vocation of Women* (*Mulieris Dignitatem*), section 6.


21While my dictionary acknowledges the root of this term in the Latin *vocare* (“to call”), it bows to contemporary culture in defining vocation as “a strong feeling of suitability for a particular career or occupation.” Note the subjective turn in the current definition.

22*On the Dignity and Vocation of Women*, section 29.

23Ibid.

24Letter of Pope John Paul II to Women, section 12. (June 29, 1995)

25Ibid.


28See for example Elizabeth Fox-Genovese’s book, *Feminism is Not the Story of My Life*, cited above.

29The definition proposed here draws on discussions of the Siena Symposium at a conference on *John Paul II and the Vocation of the Professional Woman*, held at the University of St. Thomas in St. Paul, MN in June 2004. It represents my attempt to reflect upon and incorporate many of the ideas presented there. Any deficiencies are, of course, my own.

30I believe marital intimacy retains its message (I am wholly yours and you are wholly mine) only when unimpeded by (implicit or explicit) attacks on one’s spouse’s fertility. A contracepted sexual act fails to treat the other as my spouse, as the only one with whom I can welcome any children we conceive into an already-present union, or communion, of persons. I am aware that some who sympathize with other tenets of personalist feminism disagree with this claim.

31Acts 17:23.
The foundations of freedom are many, but it is clear that there can be no freedom of any kind without life. Freedom of speech, freedom of association, and freedom of religion are otiose for the dead. So the right to life is correctly seen by all as a fundamental right. Nonetheless, disputes rage in contemporary Western culture about when this right begins and ends.

One of the most sophisticated contributions to this debate is made by David Boonin in his book *A Defense of Abortion* (Cambridge University Press, 2003). Boonin argues that an individual cannot acquire the right to life without at least some present desires. It is his account of the right to life that I would like to first present and then critique. Much more could be said both explaining the rationale for Boonin’s view and in critiquing it, but I hope to lay out certain main lines of argumentation.

Modifying arguments first given by Donald Marquis in his article “Why Abortion is Immoral,” (Marquis 1999) Boonin holds that killing you or me is wrong because it thwarts our desires, especially the present, dispositional, and ideal desire to have a future-like-ours. Boonin writes: “For on the account of the wrongness of killing that results from this modification of the original future-like-ours argument, the existence of other individuals makes a legitimate moral demand on us in virtue of their having at least some actual desires about how their lives go” (Boonin 2003, p.125).

Boonin argues that rights arise from desires, but to understand his account one must distinguish various kinds of desires. For Boonin, the desire must be present and not future. If future desires were to count in establishing rights, then a normal human embryo or fetus, who will, given suitable conditions, have desires in the future, would count as having a right to life. Precisely this was what Marquis pointed to in arguing against abortion, that abortion thwarts a “future-like-ours.” Boonin’s reason for holding that present desires give rise to the right to life is that he believes his account provides a more salient and parsimonious explanation of the impermissibility of killing in uncontroversial cases than does Marquis’s appeal to future desires. So for Boonin, it is not future desires that make a difference in terms of rights but present desires. This desire can be dispositional or habitual, that is it need not be present or at the moment present in consciousness. Those who are sleeping or in temporary comas do not lose the right to life.

Further, the desire can be ideal rather than actual, that is, it can concern not what we actually want but rather what we ideally would want under optimal epistemic conditions, e.g. if we had full information, no chemical imbalances or depression, or did not overestimate short term pains. Otherwise a suicidal, lovelorn teenager or a brain washed cult follower would not have a right to life.
Implicit desires are the necessary conditions for the fulfillment of explicit desires. The human being in the womb doesn't explicitly desire to live but since no desires can be satisfied without existing, even the simple desires of a human fetus such as the desire to hear his or her mother's voice implicitly includes the desire to live. A being with an explicit or implicit desire to live and have a future like ours thereby attains a right to life. Until that point, the human fetus does not have a right to life, and so before this point feticide does not kill a being with rights.

So the desire that grounds the right to life must be present and not future, may be dispositional and not occurrent, may be ideal and not actual, and finally may be implicit and not explicitly concerned with continued existence.

However, until we have desires of some kind, desires whose realization requires that we not be killed, we do not have the right to life. When then does the fetus obtain these desires? Boonin writes:

I have argued that ... the fetus acquires the right to life that you and I have when it begins to have conscious desires, that this occurs when it begins to have a certain kind of electrical activity in its cerebral cortex, and that this occurs at some point from 25 to 32 weeks after fertilization (Boonin 2003, p.127).

Although there is some ‘gray area’ in determining the exact moment when this takes place, at some point between 25 and 32 weeks of gestation a human fetus begins to have conscious desires, including implicitly the desire to have a future-like-ours.

So what might be said by way of evaluation of Boonin’s argument? I intend to briefly present several objections to Boonin’s view, including (1) the Actual Goods Objection, (2) the Under-Inclusively Objection, (3) the Equality Objection, (4) the Premature Infants Objection, and (5) the Full Term Infants Objection.

The Actual Goods Objection
The distinction between ideal and actual desires makes sense, but a closer examination of why this distinction makes sense undermines Boonin’s argument. The distinction between ideal and actual desires presupposes the distinction between what appears to be good and what is actually good. The importance of respecting ideal desires arises from the importance of respecting what is actually fulfilling and good for a being. Further, as Donald Marquis put it: “The goodness of life is not secondary to our desire for it. If this were not so, the pain of one’s own premature death could be done away with merely by an appropriate alteration in the configuration of one’s desires. This is absurd” (Marquis 1999, p.53).

Desires are always desires of some good. An ideal desire is nothing other than a desire for what is actually fulfilling and good as opposed to what merely appears good to us because of an epistemic malfunction. As Roger Crisp notes, “we desire things, such as writing a great novel, because we think those things are independently good; we do not think they are good because they will satisfy our desire for them” (Crisp 2003). So, to derive rights from desires rather than from goods is to get the proper order confused. To paraphrase Marquis’s point, it is
the loss of the good of life, not the interference with the desire for that good, that constitutes the wrong done. And the good of life can be lost alike by the suicidal teenager, the brain-washed cult follower, and the human fetus at all stages of development.

**The Under-Inclusively Objection**
Moreover, Boonin’s account of who might be included as having a desire to live, and hence a right to life, is drawn too narrowly. One can imagine beings who are indisputably persons but would be excluded by Boonin’s understanding of the right to life. Consider alien, angelic, or divine persons who, given their vast differences from our fragile human physiology, have nothing that corresponds to what we experience as desire. Nor is it difficult to imagine alien, angelic, or divine persons who do not experience past, present, and future as we do and so have no present dispositional desires for a *future-like-ours*. Furthermore, even among human persons, there are those, such as Buddhists, who believe that the extinguishing of all desire is possible. If a human being achieved this goal, then she would have achieved Nirvana from a Buddhist perspective, but from Boonin’s perspective their no longer having a desire to live would thereby mean they no longer have a right to life.

Consider another case. A twenty-one year old contractor named Patrick walks up a flight of stairs holding a nail gun, slips on a stray bit of wood, and fires a nail straight into his skull. Luckily Patrick continues life much as before with only one important difference. Patrick notices that he no longer desires anything. He has entirely lost internal motivation for any action whatsoever. It so happens that the nail damaged exactly the part of his brain that registers feelings of desire, producing a medial frontal lesion in Brodmann area 10. So although he is fully rational, although he can speak, calculate, and move as he did before the accident, he no longer has desires of any kind. Poor Patrick clearly suffers a pathology, but it is absurd to claim that Patrick would also no longer be a being with a right to live.

Couldn’t we say that Patrick has an ideal desire to live and that his lack of desire is simply the result of his present bodily condition? No, says Boonin, “a particular ideal desire can meaningfully be attributed only to someone who has at least some other actual desires” (Boonin 2003, p.80). This condition, meant to exclude the fetus, also excludes Patrick and the other personal beings mentioned earlier. As in the case of space-aliens (Mary Anne Warren) and talking cats (Michael Tooley), whether or not Patrick, angels, heavenly persons, or Buddhist Masters actually *exist* is not essential to the argument. However, if they did exist, they would obviously and uncontroversially be persons, and if they are persons, the conscious desires account is clearly mistaken.

**The Equality Objection**
Boonin presupposes the equality of rights to life, in his often repeated phraseology, “the same right to life as you or I” (Boonin 2003, p.23; p.40). In this I agree. However, it is not clear how Boonin would justify this belief, for equality is not found in people’s desires. Just as there is wide diversity in human desires generally, it is undoubtedly true that people do not have
equal desires to live. In Victor Frankl’s book *Man’s Search for Meaning*, he notes that some people in Nazi concentration camps ended their own lives after just a few days while others were determined to live in spite of all obstacles. Even in less extreme circumstances, it is obvious that people value their lives differently. Some people absolutely minimize all risks to bodily safety; other people take great risks with their lives; and still other people take their own lives. From an unequal foundation, how can equality arise? Thus, Alan Gewirth speaks of the Principle of Proportionality:

When some quality Q justifies having certain rights R, and the possession of Q varies in degree in the respect that it is relevant to Q's justifying the having of R, the degree to which R is had is proportional to or varies with the degree to which Q is had (Gewirth 1978, p. 121).

Applying this principle to Boonin’s argument, it would follow not only that the human fetus does not have the same right to life as you or I, but also that you and I don't have the same right to life. Indeed, since no two human persons have exactly the same desire to live, no two human persons have equal rights to life.

One response to this objection would be to distinguish between harm and impermissibility. I cause more harm by stealing $50,000 than by stealing $50. The harm caused may be greater or lesser. However, I have no more right to steal $50 than to steal $50,000. In each case, I have no right whatsoever to steal, and therefore the property owners have equal rights to retain their property. In the same way, it does more harm (normally) to kill a young person than an old person, and more harm to kill a person who greatly wants to live than a person who is weary of life. However, although the amount of harm differs, all these persons have an equal right to life precisely because others have absolutely no right to kill them.

This response, however, proves too much. It shows not only that all people have an equal right to life, but also leads to the conclusion that all rights whatsoever are equal, for in every case of a violation of someone’s rights, the other person had no right to violate it. I have no right to kill you and no right to steal $5 from you, so the right to life and the right to keep $5 are equal rights.

This response is also not available to Boonin because although he wants to hold that all persons have an equal right to life, he does not believe (I think properly) that all rights whatsoever are equal. Your right to control your own body (say, by making fists and punching) may conflict with my right to bodily integrity (not to have my face bludgeoned by blows). My right to bodily integrity takes precedence over your right to move your fists where you would like. Thus, some rights trump others, some rights are more easily defeasible than others, or some rights “outweigh” others (as noted by Boonin 2003, p.136-37).

**The Infanticide for Premature Infants Objection**

Even if all these critiques fail, the conscious desires argument still is unsuccessful because it proves too much. Each year in the United States alone, nearly half a million babies, more than 10 percent of births, are born prematurely. According to the 2002 National Vital Statistics re-
port, more than 28,895 babies were born in the United States before 28 weeks and more than 48,624 babies were born between 28 and 31 weeks. If human beings do not have the desires which grant them a right to life until 32 weeks following conception, then more than 77,000 babies born during a single year in the United States alone would not have a right to live.

At one point, Boonin attempts to draw the line earlier. Citing the work of others (Morowitz and Terfili 1992), Boonin states that: “Adopting this very conservative estimate [of the right to life beginning at 20 weeks] seems advisable given our lack of more definitive knowledge” (Boonin 2003, p.128). The idea seems to be that when decisively definitive knowledge is lacking, when we do not have virtually certainty, we should err on the side of granting rights. But it is not at all clear why decisively definitive knowledge is not present, if it is also true, as Boonin writes, that: “there is no evidence to suggest that this [conscious desires] occurs prior to approximately the 25th week of gestation, and ample evidence to suggest that it does begin to occur sometime between the 25th and 32nd week (Boonin 2003, p.115, emphasis added).

We can generalize Boonin’s two claims into what might be called the “demanding standard.” Even if we have no evidence that a being has the property that grants the right to life and even if we have ample evidence that the being does not have this property, we still lack a sufficient justification for denying that this being has the right to life. If we endorse the demanding standard, we should also acknowledge that every human fetus has a right to life. For even if there were no evidence that the human fetus at all stages of development has whatever property is needed to have a right to life and ample evidence that the early human fetus does not have this property, we would still lack a sufficient justification for denying the right to life of every human fetus. Thus, Boonin faces a dilemma. If he gives up the demanding standard, his account nulls the right to life of tens of thousands of premature infants born alive each year in the United States alone. Boonin would then have no argument for protecting the right to life of infants born before 25 weeks. If he maintains the demanding standard and applies it consistently in other cases where (in his view) we have no evidence in favor and ample evidence against the right to life of some being, then the right to life of the human fetus through all stages of development is secured.

Even if the line were drawn at 20 weeks, at least some newborns would still not count as persons according to this theory. Although most of these extremely premature newborns die naturally, Boonin’s account would not grant such infants immunity from being intentionally killed. There have been reported cases of newborns surviving earlier than 20 weeks (Acorn 2000 p.85, Oderberg 2000 p.5), and there is no reason to think that premature infants will not survive earlier and earlier as the technology of neonatal intensive care units progresses. So depending on how the conscious desires account is construed, the theory excludes either thousands of newborns each year from the right to life or a lesser number, but it certainly excludes some newborns. For Boonin, this would appear to be a problem since he criticizes other theories for being, as he claims: “unable to account for the presumed wrongness of killing infants” (Boonin 2003, p.125).
The Infanticide for Full Term Infants Objection

One final argument against the conscious desires account is that it cannot secure the right to life of even full term infants. Boonin is correct that full term infants, as well as the human fetus at a certain stage of development, can experience pleasure and pain and may respond "positively" to certain stimuli such as hearing his or her mother's voice or being fed. He concludes that a newborn infant: "has a desire to enjoy the sensation of warmth, for example, and the experience of satisfying hunger" (Boonin 2003, p.83). However it does not follow from that fact that newborns enjoy certain sensations that they desire these sensations. A being may enjoy experiencing pleasure and may not enjoy experiencing pain, but it does not yet follow that the being desires pleasure or desires not to be in pain. In other words, merely enjoying sensations is not sufficient for having desires.

Minimally, we desire something that we believe we do not yet enjoy. If we believe we already enjoy something, we do not desire it (although we may desire to continue enjoying it). Unless suffering from gross misunderstanding, human beings do not desire to be members of the species *homo sapiens*. So, desires involve a modicum of belief. In addition, to desire involves a judgment that it would be good to have whatever is not yet had. As Aristotle said, "desire is consequent upon opinion" (Aristotle 1984, p.1694). We only desire what is, in our opinion, good, fulfilling, and perfecting of ourselves. To desire, in other words, requires a belief (that something is not the case), and judgment (that this same something is worth having).

Many philosophers hold that beings without language do not, properly speaking, have beliefs (Hartnack 1972, Malcom 1977, Davidson 1984, Stich 1983, 1979; Fellows 2000). If they are correct, and if desires presuppose beliefs, then Boonin's account would not accord a human being the right to life until months after birth when a child first learns to speak. This is much too late, even for advocates of infanticide such as Peter Singer and Michael Tooley.

However, even if one had a more modest account of what is required to have a desire, even if we believe that animals such as squirrels have beliefs and desires (MacIntyre 1999), Boonin's assertion that human beings 32 weeks following conception have desires may still run into difficulties. A squirrel may be said to desire the nut, since (a) the squirrel, in some sense, realizes that it does not yet have the nut and (b) judges, in some sense, that the nut, and not say the rock which it also does not have, would be good for it. However, there is no evidence that the healthy full term newborn has the requisite intellectual powers of belief and judgment exercised by the squirrel. The newborn experiences pain in being hungry, and then satisfaction in nursing, but these alternating experiences do not yet amount to desire. The healthy newborn does not have beliefs nor can the infant make judgments that something would be good to have. Only well after birth does a human child have the requisite powers of belief and judgment to have actual desires akin to even to a squirrel's, so given the conscious desires account healthy full term newborns would not have moral immunity from infanticide. If only the ability to experience pleasure and pain grants the right to life, if belief and judgment are not necessary for conscious desires, then Boonin's account appears to amount
to simply a version of the sentience model of personhood and rights — with all its own attendant problems.

In conclusion, Boonin does not establish that actual desires are necessary for the right to life. His view certainly does not succeed, as he hopes, on grounds opponents of abortion already accept, nor on grounds that he himself accepts. Of course, Boonin also holds that even if the human fetus is accorded the rights of a person, abortion is still morally permissible... but that argument is for another day.

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Basic approaches to international relations are typically divided into ‘realist’ and ‘liberal’ approaches. The ‘realist’ view holds that states pursue only their own interests in international relations, and follow moral and legal norms when doing so is in their interest; the ‘liberal’ view maintains that states can and should limit their pursuit of their own interests in accordance with moral and legal norms external to those interests. An example of the latter is to be found in the influential work of John Rawls, who develops his international political liberalism largely in terms of a “Law of Peoples” that would be agreed upon in a “second original position” by the representatives of liberal peoples and their fundamental interests — a law which constrains how those interests may be pursued. He sharply contrasts his view with the “realist theory that international relations have not changed since Thucydides’ day and that they continue to be an ongoing struggle for wealth and power.”

Those sympathetic to Aristotelian approaches to ethics and politics should view this dichotomy with suspicion, since a central Aristotelian idea — that the good of others to whom one is tied by bonds of friendship or citizenship is rightfully part of one’s own good — finds no place in this scheme; it is excluded by the terms of the debate. In this paper I will draw on the work of Francisco de Vitoria, often considered one of the founders of international law, and his accounts of the principles of proportionality and totality to explore a way of translating this Aristotelian moral claim into a third basic position in international relations. This third basic position is designated *integral realism* because it seeks to integrate states into larger wholes while at the same time maintaining the integrity of each state. It is, in essence, Aristotelian perfectionism writ large: as each agent should seek his own perfection *qua* part of his community, so each state should seek its perfection *qua* member of an international order. While my goal here is just to sketch the position in the hope that abler political thinkers may find it worth more detailed development, I will undertake a preliminary defense by responding to some important objections and close by considering how the position relates to Samuel Huntington’s “clash of civilizations” thesis.

**I. Vitoria on Proportionality.**

While the just war principle of proportionality is open to different interpretations, surely the primary meaning of it is that one should not go to war if it will cause more harm than good. This in turn is open to different interpretations, in particular: more harm simply — a more liberal reading — or more harm to one’s own state — a realist reading. Vitoria’s initial justification of the principle sounds realist: one goes to war for the good of one’s state, so that if more harm than good would result for one’s state, war cannot be justified. But shortly thereafter he
clarifies that Spain may not war against France, for example, if her doing so would result in more harm than good to Christendom (or for that matter to “the whole world”), and he does so without signaling any change in direction; in fact he simply says “I would go further,” i.e. further in the same direction. He does speak of such a war possibly being “useful” to Spain but still unjust and thus not to be undertaken. Now this might suggest a liberal reading, but this would be mistaken, for an action useful to some end does not necessarily move an agent, or a state, toward her final end.

The key to understanding his position is his claim that “any commonwealth is part of the world as a whole ... any Christian country is part of the Christian commonwealth.” Earlier he had drawn an analogy between a citizen’s relation to his state and a bodily member’s relation to its whole body. Clearly Vitoria thinks that this analogy can be extended to cover the relation between a state and a civilization or between a state and the world as a whole. Now the good of a part is largely defined by its contribution to the good of its whole. Thus, the good of Spain largely by the good of Christendom: Spain is not flourishing as a Christian nation if, in pressing certain claims against France, it thereby enables the Ottoman Empire to annex other provinces of Christendom. Thus we begin to see an Aristotelian approach to international relations open up. And yet a number of questions about just how to understand this analogy with the body and its parts also begin to emerge. Vitoria takes them up primarily in another work, his reflection On Homicide.

II. Vitoria on Totality.

Vitoria sets out his doctrine clearly in the course of arguing that man “is by nature inclined to the public rather than [or better, more than (plus quam)] to his private good.” He supports this claim with the more general principle that the part is for the sake of its whole, and indeed inclines naturally to seek the good of the whole even at the expense of the private good of the part. He is aware of the objection that a hand, for example, may have a tendency to withdraw from pain or amputation even when this is necessary to save the whole body, and that, likewise, a person may recoil from injury or death necessary to save his city. Allowing this, Vitoria argues that this in no way confounds his general principle: we tend to recoil from bitter medicine, but this hardly shows that we are not inclined to sacrifice the taste buds in order to be cured. Yet there is a difficulty with this and other similar examples he offers (such as amputating that hand). The whole decides to imbibe or amputate, not the part. What he needs is an example of a part that itself tends to sacrifice its own private good for the common good of its whole. He offers as his example that of water evaporating, thereby abandoning its proper place for the sake of the order of the universe. Surely, he asks, we are not to imagine that it does so only with the concurrence of the whole universe? This example is on target, but I think it does not speak to us today as convincingly as it might have to his contemporaries.

The trouble is that the analogy between members and body on the one hand and persons and states on the other is imperfect: the person is himself a whole, a deciding agent, where a foot or eye is not. So while the analogy can illustrate what Morris, following Maritain, calls the
principle of the common good, it cannot itself shed adequate light on the part-whole relations at the higher levels of national and international politics.

We know that men do sacrifice themselves for the common good of their cities; we know also that they do so with great difficulty. Vitoria argues that,

\[ \text{The difficulty comes from sense appetite itself and from the fact that even though it is more inclined to the good of the whole, it is however also inclined to other goods. And so a man does undergo hardship, as in the case of someone throwing merchandise into the sea [to save a ship in a storm].} \]

8

Here I think is how we should understand Vitoria. Reason tells me the common good is greater than my private good, and as a rational animal inclined to perfection, I tend, therefore, to serve the common good at the expense of the lesser good. But my appetite, especially my sense appetite, tends also to a number of other goods in accordance with its natural directedness — goods which in the usual cases are in line with the good indicated by practical reason, but which may diverge in unusual cases. 9 The case of sacrificing myself for the common good is a hard case indeed, and depending upon my level of virtue may be accepted with sad resignation, or made nearly impossible by fear and/or by private ambition. But in either case we should acknowledge that I am naturally inclined to serve the common good and I encounter some internal resistance varying inversely in intensity with my level of moral virtue. As a rule — and here I go beyond anything explicit in Vitoria — in case of a conflict of judgments or of judgments with desires, that one — the inclination to serve the common good — is an expression of natural inclination which is, and can be recognized by reason to be, more expressive of the true nature of the agent. If the agent is a part of a whole, then that judgment or that desire is natural which recognizes the agent’s subordinate status vis-à-vis the whole.

Now, in the wake of the totalitarianism of the past century, part-whole language can seem to threaten the integrity of the individual person. Vitoria is aware of the disanalogy, and is careful to avoid “totalizing” the person. Even though he often employs the analogy between a person and his community on the one hand and a bodily member and its body on the other, he is clear that sometimes it breaks down, especially when discussing the killing of the innocent: even “the sons of the Saracens” who will surely pose a threat to Christendom later may not be put to the sword; doing so would be “utterly wrong. It is never right to commit evil, even to avoid greater evils.” 10 Elsewhere, Vitoria holds that a state may put one of its citizens to death only if his life is harmful to the republic, and on condition that it is harmful because of his own freely chosen misconduct (propter peccatum eius). 11 I belabor this to make clear that the part-whole thinking essential to invocations of the principle of totality does not entail any totalitarian leanings: a point important at both the individual-state level and the state-world level.

It is this principle that allows Vitoria to formulate his principle of proportionality in such a way as to render consistent the claims that one may go to war only if it is good for one’s country and that one may go to war only if it is good for (in the case of 16th century Spain) Christendom, or even for the whole world. Spain can achieve her good — her perfection as a community — only by being a good member of Christendom and the world, both of which are

161
in some ways commonwealths. In the next section I will sketch in some more detail the position of Vitoria I designated integral realism.

III. Integral Realism.

The first tenet of integral realism is that political communities seek not merely power and wealth as the traditional political realist thinks, but primarily their own perfection as political communities. We may understand this perfection in terms of integrity — unified wholeness. If the integrity of a person is the concord of his character, thoughts, words, and deeds, then the integrity of a community will be concord of its real constitution, policy, diplomacy, and political activity. Of course something more is required for perfection (and whether we say this is part of integrity as well or is a requirement over and above integrity is not important): the direction toward, and ultimately, the attainment of the end. For Vitoria, that end or final cause will be the realization of one’s nature — whether as person or as community. The final cause of a generic state is to provide for man’s physical needs beyond his own individual capacity to secure, and more importantly to facilitate the partnership and friendship required by his rational and social nature (think of Aristotle’s “life and the good life”). But, of course, there are no generic states, only individual states comprised of a particular people with a concrete history, relationships of kinship with other peoples, and a character and purpose that goes beyond the generic final cause just described.

Such concrete, individual states — and this is the second tenet — are parts integrated into larger wholes. And this is not, for Vitoria, merely in the sense that some states have become parties to a social contract in the form of pacts or treaties. The part-whole relation is a reality to be recognized or discovered. As we have seen, Vitoria sees Christian states as parts of Christendom and all states as parts of the world.

From these follows the third tenet: that the integrity or perfection of an individual state then essentially involves recognizing and honoring its integration into a larger community. The following analogy may be helpful. An eye that stays closed to keep itself moist on a windy day does not just fail the body, but fails as an eye; in warring on France, in the circumstances Vitoria describes, Spain would betray its character and purpose as a Christian state, and thus, despite the immediate utility of so acting, hurt itself as well as Christendom. Conversely, in the same circumstances, in sacrificing its own private interests for the good of Christendom, Spain would be at the same time advancing in the pursuit of its perfection as a Christian state. It may well be difficult for political communities to keep this in view, but the difficulty need in principle be no greater than that of the individual citizen faced with a sacrifice for the good of his community.

Let this suffice for our sketch of integral realism. In the final section I will defend this theory against some important objections, but first let me note, briefly, how it differs from both liberalism and realism. Against liberalism, integral realism claims that a state or political community seeks its own good in all it does, and does not limit or constrain this pursuit in obedience to any norms external to the requirements of this pursuit itself. Against realism, integral
realism insists, first, that the good of a state is not limited to wealth and power, but is better seen in terms of perfection; and second, that the perfection of an individual state must be understood in terms of its role qua part of a larger whole. As indicated, this is essentially Aristotelian perfectionism writ large: as each agent should seek his own perfection qua part of his community, so each state should seek its perfection qua member of an international order. As Aristotle’s moral theory is perfectionist rather than egoist or impartialist, so the integral realism inspired by Vitoria (who was after all a Thomistic Aristotelian) is perfectionist rather than realist or liberal. Integral realism could be characterized as a synthesis of the two; but it would be more accurately described, being older, as the parent of these two (possibly illegitimate) children.

IV. Is Integral Realism Realistic?
The first worry is that integral realism, by integrating each state into a larger whole, destroys the integrity of the state, that is, that it does to political communities what totalitarian states do to their citizens. But this need not be the case. We have already seen how the advocate of the principle of totality responds to this objection at a “lower” level: A hand or eye is indeed “totalized” with respect to the body, and may be cut off or plucked out to save the whole that supplies its entire raison d’être. But when the parts are persons and the wholes states, things change because persons are no longer merely parts. Thus Vitoria insists that a person may be executed only for freely chosen offenses harmful to the community, and that the innocent may not be intentionally killed in war. We see this put even more emphatically by a later Thomist, Jacques Maritain: he insists that while the state may command the services of a mathematician, for example, it may not demand that he endorse a theory or proposition he believes to be false. In using parts who are persons, the state’s wide latitude is fenced in by the requirements of the integrity of each person. The integral realist can avail himself of the same strategy: it is one thing to say that the common good of Christendom demands of Spain that she renounce her claims against France, or that she help defend the eastern marches of Christendom against invaders; it is another to say that it can call for Spain to dissolve herself and submit her people to French government or direct imperial or papal rule. Vitoria also teaches that conquest and rule of a state by another can be licit only when, first, the subjected state has through some serious offense brought the war upon itself and, second, that the conquering state aims at enabling the conquered state to stand up again when reconciled to its neighbors and otherwise ready. So the integral realist treats the individual state more like a citizen than a bodily member, and, while certainly not endorsing an anarchic or libertarian international order, integral realism certainly can avoid the charge of totalizing states and destroying national integrity.

The second and third objections are closely related enough to take them up together. The second objection, what may be called the cynical realist objection, is that it is simply naïve to think that states will ever act for any other reason than self-interest, understood chiefly in terms of the pursuit of wealth and power. The third objection is found in the worry that even
if realism is false, liberalism is today the only viable alternative. This suggests that the Vitorian approach to international relations is outdated. Perhaps it made sense to speak of some states being parts of larger wholes when Christendom was a political reality, but Christendom was already beginning to break up in Vitoria’s day, and has been effectively defunct now for centuries. But a plausible answer to both worries can be found in a successor to Christendom that can fill a similar role. What I have in mind Samuel Huntington’s thesis about the role of civilizations in current and future international relations. A civilization is the “highest cultural grouping of people and the broadest level of cultural identity people have short of that which distinguishes humans from other species. … Civilizations are differentiated from each other by history, language, culture, tradition and, most important, religion.” Discussing what he calls “civilization rallying,” Huntington points out that violence is far less likely between fellow members of one civilization than between members of different civilizations, and that such fellow states are far more likely to support one another in war. This phenomenon, which Huntington admits to be limited thus far, but growing and with potential for unlimited influence, seems to be a clear case of particular states coming to see themselves as parts of larger wholes (the various civilizations) in pretty much the way Vitoria called for Spain to see herself in relation to Christendom. If Huntington is right about these trends, then the central claims of integral realism about what we might call the “psychology” of states are not only more realistic than the traditional realist allows, but also highly relevant to our contemporary international situation.

Still, supposing he is, this leaves questions about the “morality” of states as set forth in integral realism. According to Vitoria, states should not only rally to their civilization’s flag, but also to the flag of the world. Huntington’s work, as I see it, is mainly descriptive political science, but is located within a moral outlook. He not only describes, but alerts us to the dangers, and the promise, of the trend toward civilization rallying. The closing flourish of his book is worth reviewing. Having introduced, although not at all rigorously defined, the notion of Civilization over against civilizations (it has to do with a thin consensus of civilizations as to what makes for fully human life), he concludes

The futures of both peace and Civilization depend upon understanding and cooperation among the political, spiritual, and intellectual leaders of the world’s major civilizations. … In the greater clash, the global “real clash,” between Civilization and barbarism, the world’s great civilizations, with their rich accomplishments in religion, art, literature, philosophy, science, technology, morality, and compassion, will also hang together or hang separately. In the emerging era, clashes of civilizations are the greatest threat to world peace, and an international order based on civilizations is the surest safeguard against world war.

Whether or not we accept the particulars of Huntington’s basic claim (and he is stingy with them in any event), we can see in the general outline an extension and updating of a Vitorian scheme: as persons are parts (but not merely parts) of states, and states parts (but not merely parts) of civilizations, so civilizations are parts (but not merely parts) of the world — and the common good of the world essentially involves realizing, so far as possible, Civilization.
Wherever there is a common good, a community is both possible and needed. A number of states with a shared culture and history are a nascent civilization, a status to be fulfilled by shared acknowledgment of commonalities and shared work toward goals. Huntington's point is that, in the wake of the Cold War and the collapse of its ideologies, civilizations are coalescing and indeed are in line to dominate the international arena. But there is also, and here he agrees with Vitoria, a global common good — the preservation of Civilization. His concern is that no real global community is coalescing to attend to it. My hope is that integral realism may prove its worth as an alternative to realism and liberalism by providing a framework for thinking about these and other important issues.

1See John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), part I sections 3-4; the realist view is characterized thus on p. 46. Part of his response to realism is that democracies in commerce with each other will no longer want to go to war. Although the law may help shape the interests of peoples so that it ceases to “feel” like a constraint, it still is that in essence—it is primary, interests secondary.


4Vitoria, ibid.; my italics.

5Vitoria, ibid., q1 a4.

6For the idea of drawing on *De homicidio* to interpret Vitoria’s political theory, I am indebted to John Morris’s article, “The Contribution of Francisco de Vitoria to the Scholastic Understanding of the Principle of the Common Good” in *The Modern Schoolman*, LXXVIII (2000), pp. 9-33. Further, I am in substantial agreement with Morris in my interpretation of the text; but where Morris seeks to shine a Vitorian light on a number of particular issues, I am more concerned to show how Vitoria’s doctrine charts a via medii between liberalism and realism, reconciling the good of a country with the good of a civilization or of the whole world. What I call the principle of totality (following the custom in medical ethics) is very close to (if not identical with) what Morris, following Jacques Maritain, calls the principle of the common good.


8Vitoria, ibid., 79.

9Vitoria argues that the sense appetite is fitting in itself, yet sometimes tends accidentally to what is evil for the whole person; but sense appetite has further an inclination to obey reason. Cf. Vitoria, ibid., 71-75.


11Vitoria, On Homicide, p. 85.

12Vitoria, *On Civil Power*, q2, q3 a4.

13Vitoria, *On Civil Power*, q1 a2.


17This citizen analogy should not be read as implying that integral realism requires some sort of “world state.” Vitoria certainly did not call for one.


20Huntington, *The Clash of Civilizations and the Remaking of World Order*, 321. The notion of “Civilization” (capital C and opposed not to any particular civilization but to barbarism) is introduced on p. 318 with reference to Michael Walzer’s position on “thick” and “thin” moral discourse.
Introduction
In this paper, I will argue that drawing a distinction between therapy and enhancement requires an analysis of health as a property that is both objective and normative. I will first show how conventional usage of the terms “therapy” and “enhancement” assumes that there exists a physical state that qualifies as “health.” I will then describe some challenges to this characterization of health and show how theories of health which are purely descriptive or subjectively prescriptive fail. Finally, I will suggest how a conception of health that is both objective and normative might be realized, and how such a conception would resolve the previously discussed difficulties.

Therapy versus Enhancement
According to conventional wisdom, enhancement is what begins where therapy ends. While therapy aims at preserving life or repairing a disability or injury, enhancement aims at satisfying a desire or making a person feel better about herself. This conventional understanding typically correlates with beliefs that (a) enhancement is frivolous in comparison to therapy, and (b) whatever its moral status may be, enhancement lies outside the proper domain of medicine.

Intuitively, this distinction between therapy and enhancement is an appealing one. The distinction is traceable to the very origins of the words themselves: ‘therapy’ derives from the Greek word ‘therapeia’, which means “curing, healing,” while ‘enhancement’ comes from the French ‘enhaucier’, meaning to “make greater.” It is not surprising, then, that the distinction is manifest in common linguistic practice. We do speak of medical therapy as an art of healing, concerned with curing some defect or deficiency in a particular patient, and we do speak of enhancement as an attempt to improve or elevate the body beyond its “natural” capacities. Enhancement is aimed at producing something better than what we are, while therapy is aimed at preserving or restoring what we are. There is an air of contrivance about enhancement, whereas therapy connotes something that is sought reactively, in response to a deprivation or need.

But does this intuitively plausible distinction hold up under closer examination, and can it usefully be applied in policy or practice? My thesis is that there is a real distinction between therapy and enhancement that can be applied usefully, but its application requires a correct understanding of health as the well-functioning of the human organism.
What Is Enhancement?
Returning to etymology and customary usage, we get a working conception of what enhancement is: the endeavor of “making greater.” And since we are considering enhancement as it draws on the resources of medicine, we are discussing specifically the project of satisfying the desire to “making greater” the physical make-up of a human being, to be contrasted with repairing a disability or saving a life. But the apparent simplicity of this distinction is deceptive. In fact, any attempt to draw the line between “repairing disabilities” and “making patients feel better about themselves,” or between “healing” and “making greater,” is beset with difficulties.

This is because the distinction between therapy and enhancement assumes a standard of normal or adequate physical function, which serves both as the object of therapeutic interventions and as the line of demarcation between therapy and enhancement. I will call that standard health, since that is the conventional term for that state of being at which medicine aims. Incorporating this terminology, analysis of customary usage tells us that interventions designed to bring about or restore health would qualify as therapy, while interventions designed to help human beings attain something beyond or greater than health would be classified as enhancements. It still seems plausible enough, but such a definition really only defers the problem. The challenge now becomes to define health, which, as it turns out, is no simple task. The challenge before us is how to determine a generalizable standard for normal or adequate function — such as might be useful in drawing a conceptual line between therapy and enhancement — when actual physical capacities vary so widely among individuals. A couple of possible strategies come to mind.

What is Health?
First, we could define health as normal functioning, i.e. as the average of the various levels of functioning demonstrated by individuals. Such a definition has famously been proposed by philosopher Christopher Boorse. Using Boorse’s conception of health, therapy would include any measure taken to bring about the average level of functioning, while any intervention designed to bring about better-than-average functioning would qualify as enhancement.

This conception of health is borne out by certain clinical practices. The data with respect to physical indices such as height, stature, and bone mineral density, form distribution curves that center around statistical norms. In the clinical setting, one of these indices is considered “abnormal,” and therefore meriting concern, if it strays more than two standard deviations from that norm. For example, if a child’s “skeletal age” (i.e., the developmental status of her bones) is measured to be more than two standard deviations below her chronologic age, she becomes a candidate for treatment with human growth hormone. In other words, if her bones are underdeveloped relative to the average for children of her age group, she might be deemed in need of therapy. However, if her skeletal age is within two standard deviations of the average, she would not be considered a candidate for human growth hormone, no matter how badly she might want to play on the basketball team. Treating her with hormones would, under those circumstances, be enhancement, since it would be aimed at increasing her height.
beyond the norm.

In other contexts, though, using average functioning as the measure of healthy functioning seems problematic. What would determining the average weight of everyone in the world, for example, tell me about what weight I should strive for in order to be healthy? Not much, it would seem. One obvious way around this problem is to claim that this is only because people’s weights vary so much according to their stature and age that it would be ridiculous to think that there could be one standard for which all of them should strive. Instead, I should be aiming for the average weight of people who are of similar height, body type and age; that is the average that should serve as the standard for my own weight. The standard for health would still be a statistical norm, then, but only within the relevant reference class.

But there still seems to be something wrong with this story. Suppose there is an over-eating epidemic, or a sudden scarcity of healthy foods, or a new technology (e.g., the automobile) that drastically reduces the need for physical exertion, and consequently the average weight (or at least that of women in my age group who are 5’ 5” and of medium build) increases dramatically. Would the standard for a healthy weight also change? Probably not. Rather, physicians would likely point to the overall increase in weight as an “obesity epidemic” and encourage me and all other individuals to improve our eating and exercise habits in order to bring our individual weights (and, as a result, the average weight) back to a healthy level. So, we do not always take statistical averages to be standards for health. Often, we compare such averages to healthy measures in order to assess the severity or pervasiveness of such problems as obesity or malnourishment, then we provide therapy to help remedy those problems. This, we would not do if medical therapy’s goal were to bring about an “average” level of functioning. Thus, health cannot simply be defined as whatever the average within the relevant reference class happens to be.

In these observations, we might see a parallel to G.E. Moore’s “open question argument” against a conception of “goodness” as a natural property. Of any candidate natural definition of goodness, Moore points out, we can always coherently ask the further question, “yes, but is it good to have that property?” Hence, Moore concludes, goodness is not identical to any natural property, though the having of certain natural properties might be regarded as good. Similarly, of any natural physical property — let’s say being 140 pounds or 6’6” — we can meaningfully ask the question, “yes, but is it healthy to have that property?” Thus, the failure of a Boorsean view teaches not just that health is not identical to the statistical average, but also that health cannot be identical to any purely descriptive property; rather, it is a property which can be attributed to the having of certain physical properties. Health does not consist in being between 120 and 140 pounds; rather, we might say of being in that weight range that it is healthy.

Health as ideal or optimal functioning

The clearest alternative to a descriptivist view is the view that health is not a statistical norm, but rather a normative ideal. Health is a “norm,” but in a prescriptive not a descriptive, sense.
To say something or someone is “healthy” is to make a positive assessment, to express approval of its physical condition. It involves a favorable value judgment. Thus far, this view seems indisputably correct. However, problems arise in the articulation of the standards for that favorable assessment. For example, if health is an ideal, it seems like the standard for health with respect to a particular health determinant should be whatever we regard as the ideal or optimal manifestation of that particular quality. This conception also seems to be borne out by some common clinical practices. Take, for example, the treatment of poor eyesight. The standard for “healthy” eyesight cannot be an average, particularly one that is adjusted for one’s reference class. If it were, consider what would happen if an elderly woman were to visit her ophthalmologist to get a new prescription because she can’t read street signs. The ophthalmologist might reasonably respond with, “Well, I could give you a new prescription, but the old one gets you the average level of eyesight for people your age, so it ought to be good enough. Enhancement is not my business. Drive at your own (and everyone else’s) peril.” That doesn’t seem either likely or desirable. Instead, eyesight seems to be a case in which therapy aims at an ideal — the peak of human capacity. Not everyone is capable, even with medical treatment, of achieving “perfect” eyesight. Nevertheless, treatment aims at getting one as close to that standard as possible.

But this type of standard for health — that is, the ideal or peak of human capability — does not seem any more generalizable than the conception of health as a statistical average was. Take, for example, strength or agility. One need not have the strength of Arnold Schwarzenegger nor the agility of Michael Jordan in order to be healthy. Moderate strength is not regarded as a disability (requiring therapy) just because exceptional individuals are capable of lifting Herculean weight. The standards for health with respect to these capabilities are clearly not the peak of human achievement. Neither, I might add, do they seem to be averages. It seems possible that an entire society could go on a mad health frenzy, becoming, on average, much stronger and more agile. That does not mean that the degree of strength and agility required to be healthy would likewise increase.

And yet, even though the standard for health is neither the peak nor the average, the absence of a certain degree of strength or agility would be considered an impairment or defect. One who is especially weak or clumsy might be regarded as, to that extent, unhealthy. In each of these cases, there still seems to be some standard for healthy functioning — though neither the average nor the peak of manifest human capabilities — which could serve as the dividing line between therapy and enhancement.

**Health as functioning well**

So far we have determined that health is a prescriptive norm which we apply in some cases to average functioning, in others to peak functioning, and in still others to neither of these. It seems, therefore, that if we are to discover a general definition of health that applies in all of these cases, it must be something other than peak or average functioning, but must at times manifest itself as each.
What the above-mentioned clinical indices share, whether they be averages, peaks, or something else, is that they are indicators or ingredients of a physical specimen’s functioning well. In the case of height, drastic divergence from the normal distribution is a sign that something in the person’s physical constitution may be impaired or harmed. In observing that someone is of “average height,” we judge that there is nothing about his stature that suggests the presence of disease or disability. Similarly, we judge in the case of weight, being in the healthy range means avoiding those impairments that result from obesity or anorexia and in the case of eyesight, being healthy means being able to function independently without endangering oneself or others. In all of these cases, the normative notion health denotes a condition of functioning well, whether that involves the absence of a disability (normal height), the maintenance of a salubrious mean (healthy weight) or the achievement of an ideal (good eyesight).

What is functioning well?

But this definition hardly satisfies our desire for a real and identifiable line between therapy and enhancement. If health is just the condition of functioning well, then we would need to know what functioning well is. What is the relevant kind of functioning, and what how does one do it proficiently? Thus, the analysis of enhancement, understood in terms of health, must now turn to an analysis of human well-functioning. Unfortunately, such an endeavor faces formidable challenges.

First and foremost, before identifying or defining what human functioning is, one must overcome the objection that there is no such thing, at least in any real or objective sense. Such a view has much to recommend it. For example, standards for health or well-functioning of the human organism vary widely throughout history and across societies. Obviously, physical capacities have evolved over time. Modern society has achieved dramatic new heights of nutrition, fitness and freedom from disease and disability. Functioning well in modern society includes things like “low blood pressure” and “fully vaccinated,” which were completely unknown or unachievable in the past. There is a similar disparity between the capabilities and corresponding expectations related to health in industrialized and non-industrialized societies. While in some parts of the world, freedom from life-threatening disease such as AIDS and malaria may qualify one as “healthy,” in the United States, to be considered “healthy” requires quite a bit more.

There is also considerable variation among individuals’ standards for functioning well. With no training or preparation, Michael Jordan could probably jump higher than I could ever possibly jump, no matter how rigorously I were to train. And, as we saw above, we would not want to say that I am functioning poorly simply because I cannot jump that high (at least, I wouldn’t want to say that). On the other hand, if Michael Jordan were to awake one morning and find himself only able to jump as high as I can, he and his teammates and trainers would very likely consider him to be functioning poorly. The same vertical jump that constitutes well-functioning for me would signal a disability for him.
In view of this variation, it is tempting to conclude that any notion of health or well-functioning is ultimately just a construction of a particular society at a particular time, or that what qualifies as “health” depends entirely on an individual’s own expectations and interests. Many such theories have been advanced in the philosophical literature, specifically in response to such considerations as these. Not only do these views fly in the face of intuition, however, but they also undermine the possibility of a real distinction between therapy and enhancement. If each of us gets to decide for ourselves what our health requires, then all of medicine becomes enhancement under the description we started with; that is, its aim would be the satisfaction of some desire of the patient, rather than some other, objectively identifiable end. There would be no such thing as a “defect” or a “deficiency” that medicine sets out to remedy or cure; there would just be individuals in various physical states asking the medical community to use its techniques to further their individually chosen purposes. There would be no difference between the person who “lacks” a growth hormone and a person who wants to be a basketball star, no difference between the person who takes steroids to cure an illness and the person who takes them to make himself a better home-run hitter. We would be able to articulate no reason why there ought to be socially-supported programs to help people stop smoking, but no such programs to encourage people to get Botox.

The only way to avoid such self-defeating relativism is to provide an account of health that is not merely descriptive, that is, that takes into account the normativity of the concept, but which manages nevertheless to be objective. We need a conception of health that explains how it can be a normative concept, i.e. an ideal or standard for human functioning, and, at the same time, an objective property of individuals, rather than a socially or individually-constructed classification. We must discover and articulate a standard for human well-functioning that is not subjectively or socially constructed, i.e. a natural norm. This is no small task, since it involves advancing a robust ontology of human nature, making claims about our natural capacities and ends, and such views are not easy to defend in an intellectual climate that is hostile to objectivity and natural sources of value. Nevertheless, I will conclude by advancing, albeit crudely and incautiously, down the path toward such a conception.

**Fundamental Human Ends**

In order to assess the functioning of the body, one has to determine toward what purpose or end that function is directed. Even the most purportedly “descriptive,” value-neutral theories of health presuppose a purpose or “end” of physical human functioning, e.g. survival and reproduction. Particular biological functions are then empirically assessed according to how they contribute to this basic goal. The normativist critics of this view generally do not dispute its characterization of human functioning as goal-directed; rather, they deny that survival and reproduction exhaust the relevant goals. Being healthy, they argue, is not just a matter of having the physical capacity to survive and to reproduce, because important human ends are not limited to those that are given to us by evolution. Human beings are complex creatures, with the ability to set and pursue our own ends. Thus, judgments of health or unhealth ought to
take into account whether the individual has the capacity to pursue all of her important aims, not just the biological ones.\(^7\)

This removal of the human person from the narrow confines of biology is a salutary contribution to a theory of health. Health cannot be a simple quantitative standard because human functioning involves more than mere survival and reproduction. We would not count that person in good health who had the capacity to survive and procreate but not to pursue any other ends. A person with a significant cognitive impairment, for example, who lacks the mental capacity for sustained interpersonal engagement, intellectual activity or creative expression, but who can adequately conduct the business of daily life and whose reproductive capacities are intact, would not be considered the picture of good health. Human beings are psychological and spiritual creatures, in addition to being physical beings. So if being healthy means being well-suited for the pursuit of certain aims, and human beings have aims other than survival and reproduction, then whether one is healthy ought to take more than just survival and reproduction into account.\(^8\)

But here we begin to tread on dangerous ground. Goals and purposes vary from person to person. It is crucially important to Michael Jordan to be able to play basketball, while that is not important at all to me. Many of our important aspirations and aims are given to us by our social and cultural contexts, and many more derive from personal inclinations and preferences. Thus, those theorists who want to allow for non-biological aims in the conception of health frequently conclude that what constitutes “health” for a particular individual must vary according to that individual's cultural context and/or her personal inclinations.\(^9\) For Michael Jordan, health requires an enormous vertical leap; for me, it does not. On such a view, it would be coherent to say that for women in some cultures, health requires circumcision, while for most women in America, circumcision would gravely detract from health. But, as we can see from this example, such a conclusion would have disturbing ramifications for our ability to articulate a general standard for health, whether for the purpose of criticizing certain cultural practices as “unhealthy” or for distinguishing between therapy and enhancement.

Happily, the leap from the normativity of health to its thorough-going relativism is not unavoidable. First, the fact that an adequate characterization of human health must take into account more than merely biological ends does not entail that human health is relative either to cultural setting or individual inclinations and desires. It is certainly true that standards and expectations for medical treatment are sensitive to cultural differences; hence, people in the developing world might not regard a low PSA score as relevant to the health of a middle-aged man, while we in America certainly do. However, in both places, prostate cancer is equally detrimental to health. Thus, the question of what constitutes health must be separated from the question of what can or ought to be treated in a particular cultural or personal setting. We may be attending to the question of what health is partly for the sake of answering the question of what ought to be treated or at least have priority for treatment, but that does not mean that the questions are the same. The question of what merits treatment, it seems, is certainly
relative to individual preferences and cultural resources, but that doesn't mean that the question of what human health is similarly relative.

Likewise, the question of what health is must be separated from the question of what is important or valuable. I do not deny that Michael Jordan has greater reason to be concerned about his vertical leap than I do. It is (or was) certainly very important for him to maintain and cultivate his ability to play basketball; there are valuable goods at stake for him if he loses those capacities. However, I do deny that those extra skills and abilities that he needs in order to be a basketball star are constitutive of his health. Whatever values are at stake for him in the cultivation of those extraordinary capacities, none of them is his health. Thus, the fact that our important purposes and aims vary from person to person does not entail that what constitutes health similarly varies.

The fact that all human beings have non-physical ends doesn't entail that all non-physical ends are created equal. Human aims and aspirations do vary by person and society; they also vary in significance within the lives of individuals. Preserving one's life and being able to reproduce are more fundamental biological ends than being able to play basketball, even for Michael Jordan. These fundamental ends are also, not surprisingly, those ends which Michael Jordan and I (and, I would submit, all other human beings) share, giving us good reasons to conclude that they are tied to our nature, rather than socially or individually constructed.10

In the case of biology, our various functions are clearly integrated with one another and are collectively directed toward some few ends which might be called the organism's most fundamental or ultimate biological ends. These fundamental ends include life, growth and reproduction. The functioning of the circulatory, respiratory and neurological systems are mutually supportive and, typically, act in concert in such a way as to keep the individual organism alive and developing appropriately. We take innumerable particular actions to preserve the functioning of each of these systems. Someone might quit smoking to improve her respiratory function or take an aspirin to improve circulation, but in both cases, her more fundamental aims are to preserve her life and promote healthy future development.

In our psychological and spiritual dimensions, we similarly have a wide array of functions and ends that exist in complex interaction with one another, some of which are likewise fundamental and universally shared. Cognitive operations, emotional states, subconscious impulses and drives might all be seen as ingredients in one's mental life. And one can take particular measures to affect each of these components. Going on vacation, studying philosophy, undergoing psychotherapy, getting married and writing poetry might each serve to promote or preserve some particular psychological end such as, respectively, reducing stress, learning, maintaining one's emotional state, satisfying desires, expressing oneself. By serving these purposes, however, each of these activities also serves the more fundamental aims of human psychology. These are harder to identify with respect to psychology than they are with physiology, and there is undoubtedly room for debate, but fundamental human psycho-
logical ends would likely include: acquisition of knowledge, creativity, emotional equilibri-
um, interpersonal acceptance and support, and personal senses of self-control and self-worth.

Finally, the human being’s spiritual life can be analogously characterized. Our spiritual aims (e.g., self-understanding, knowledge of the divine, harmony with the natural world) are diverse and intricately interrelated. The pursuit of each of these aims might be seen as serving certain fundamental spiritual ends, e.g. finding meaning in one’s existence and appreciating one’s place in the world.

How does this (very rough) taxonomy of human ends help us in our effort to characterize health? By distinguishing ends that are both fundamental and natural, it becomes possible to accommodate both the insight that a healthy human being is one who is well-suited to pursue more than merely biological ends and the intuition that health is not synonymous with the capacity to satisfy one’s desires, whatever they may be. We can affirm that health is not a merely descriptive, value-neutral theoretical determination and at the same time affirm that health does not connote success at whatever an individual subjectively values. It is, rather, a state of physical well-functioning, where well-functioning consists in having the capacities necessary for the pursuit of fundamental human ends.

Two important caveats: First, being healthy, by this description, does not entail being successful in the pursuit of the fundamental ends; it entails having those physical characteristics that are required for activity in pursuit of those ends. In other words, having good interpersonal relationships is not constitutive of my health, but having the level of consciousness and cognitive capacity that is necessary for cultivating such relationships is. This is a crucial distinction, as it alone prevents the medicalization of everything. Medicine does not aim at providing for me all of the important human goods. It consists only in helping me acquire the physical capacities required for pursuing them myself.

And second, being healthy does not entail having the physical characteristics that conduce to any particular way of pursuing the fundamental human ends; it just entails being in a physical state that affords the possibility of pursuing those ends in some way. In other words, my being healthy doesn’t require my being six feet tall, no matter how much I think it would enhance my psychological welfare to have a successful modeling career. My being healthy does, however, require that I have those physical traits which make it possible for me to engage in productive work. I will never be a model; however, on my best days, I think I might have some potential to write a lucid philosophy paper. Such is my natural lot in life, and it is not the job of the health care community to alter my natural capacities to conform better with what I wish they were. However, if a mental or emotional disturbance or a physical disability significantly inhibited my pursuit of any fulfilling or productive labor, then I would indeed be unhealthy. Similarly, if some feature of my physical condition significantly impaired my pursuit of any one of the fundamental human ends — which, I have speculated, include life, growth, reproduction; knowledge, creativity, emotional equilibrium, interpersonal acceptance and support, personal senses of self-control and self-worth; meaning and an apprecia-
tion of my place in the world — then according to the analysis I have offered, I would be, to
that extent, unhealthy.

**Applying the “Fundamental Ends” Definition of Health**

To consider how this conception of health might be applied, let us return to our earlier exam-
plies. Diminutive stature, we saw, might in one case be a symptom of poor health, while in an-
other case, the same stature might simply be the result of one’s genetic endowment. In the
first case, the human growth hormone therapy would be recommended not because one is
not healthy if one is below average height but because we know from biology that human
growth and development require the presence of certain hormones in certain proportions.
Since growth is a fundamental human end, and the absence of a particular hormone impairs
the body's capacity to pursue that aim, then providing a hormonal substitute is an appropriate
therapeutic measure. On the other hand, if all of the species-typical hormones are present in
appropriate proportion, then short stature does not itself constitute poor health.

Weight, we saw above, is both an indicator and a determinant of poor health. Excess weight
can be the result of a hormonal or glandular malfunction or it may be the result of poor eating
habits and/or a sedentary lifestyle. Whatever its cause, though, excessive weight is itself a
cause of physical strain and disability. Obesity tends to impede one’s pursuit of both physical
and psychological fundamental ends. Thus, medical techniques designed to fight obesity and
to bring one’s weight to a level at which one’s pursuit of fundamental ends is not impeded
would rightly be regarded as necessary for health, and therefore, therapeutic. Measures taken
by individuals whose weight is not an impediment to the pursuit of fundamental ends to lose
weight in order better to conform to social standards or personal preference would not be re-
garded as therapeutic measures, and would not be required for health. The “fundamental
ends” definition of health explains why we might provide bariatric surgery for those who are
truly obese, but we would not provide diet pills to individuals whose weight is normal, no
matter how strongly they would prefer to be thinner.

Finally, in the case of eyesight, we aim again at a degree of sight which does not impede
the individual in pursuit of fundamental human aims, including productive labor and inter-
personal engagement. Eyesight being such a crucial function, virtually any noticeable vision
deficit can be regarded as such a burden; thus, the standards for “healthy” eyesight are quite
high. However, we still would not regard it necessary for everyone to have the eyesight of an
astronaut in order to be healthy. Such visual acuity might be necessary for certain kinds of
work, but it is not necessary for the pursuit of the fundamental human end of productive labor.

**Challenges to application**

Defining health in terms of a state of physical function in which one has the capacity to pur-
sue fundamental human ends raises questions not only of how such ends are to be recognized
and identified, which are difficult enough, but also how a physical state is to be recognized
and diagnosed as healthy or unhealthy. In other words, when does a particular physical con-
dition constitute a significant enough impairment of or impediment to those pursuits to constitute a departure from health and warrant therapy? Here we would do well to remind ourselves of the distinction between the question, “what is health?” and “when should we treat?” which, I argued above, are separable. However, even when we confine ourselves to the first of these questions, there is a legitimate question of when some particular physical state constitutes health or not. There are a number of factors which together constitute health and an even greater wealth of factors which affect it; it seems probable that, on the above definition, there will be cases in which it is impossible to say whether, all things considered, a particular being is healthy.

I would grant that in some cases it will be impossible to say, and not just because of epistemological difficulties. Rather, there will be true indeterminacy about whether or not something is in fact healthy. Nevertheless, I don't think this completely undermines the usefulness of the concept “health” in medical practice and policy-making. In most cases, it will be possible to tell whether a particular being, and in even more cases, a particular function of a particular being, is or is not healthy. And in all cases, considering whether or not a particular intervention would contribute to an individual's physical capacities to pursue fundamental human ends could be a useful heuristic for a physician who is trying to decide whether or not it is an appropriate therapeutic measure or whether it goes beyond the proper domain of medicine.

Conclusion

Finally, I do not mean to suggest that, because certain techniques are not necessary for health, they ought not to be undertaken. Health is only one among many goods. What I do mean to suggest is that scarce social resources ought primarily to be directed toward measures aimed at bringing about or preserving health, i.e. to therapies, and, further, that only a conception of health as both objective and normative makes it possible adequately to distinguish those measures from practices aimed at enhancement. Thus, when deciding which measures qualify as therapeutic, which practices belong appropriately to the domain of health care, and which techniques should take priority in the allocation of public resources, physicians and policy-makers ought to look first to those practices that promote or preserve an individual’s capacities to pursue fundamental human ends.

4We can see here shades of what Prof. Solomon last night called the ‘shallowness’ of liberal individualism.
5Boorse, 556.
6Kovacs, 35.
7Nordenfelt, 280.
8Kovacs, Nordenfelt.
9Kovacs, 36; Nordenfelt, 279-280.
10I recognize that I am here glossing over thorny philosophical questions of how we came to have these ends and how
to bridge the is-ought divide. I will here resort to what Prof. Ralph McInerny describes as "the common morality" to substantiate my claim that these few fundamental and universally shared ends are both natural and objectively valuable, and I will further submit that those who deny the objective normativity of these ends tend to be walking, talking practical contradictions.
The question I want to take up can be understood as a cousin of a more familiar problem, that of weakness of will. In standard cases of weakness of will, we find a person unable to perform an act that they know is right. Thus, in trying to understand such cases, the question is not whether one can provide some justification for the claim that a certain act is the morally correct act; what matters is finding some understanding of what is preventing this person, in these circumstances, from acting in the way that they would acknowledge they should. Thus weakness of will can be understood to be a practical problem (in the sense relevant to my purposes), a problem relative to a particular individual's being able to act in the way they should, rather than a theoretical problem having to do with our ability to provide some justification for a moral claim. When I speak about the practical importance of moral teleology, then, my primary interest is not directly the question of the justification of moral claims. Instead, I am interested in how teleological considerations can raise challenges to a person's ability to live a moral life, to act as even they might recognize they are morally required to act.

Of course this line between practical and theoretical moral problems is largely an arbitrary one. Practical challenges can point the way to theoretical challenges, and theoretical difficulties can give rise to practical difficulties for persons trying to live a good life. Nonetheless, the problem I want to focus on is, I believe, best thought of as a practical problem, it arises after questions of justification have been settled.

What, then, is the problem I have in mind? In typical cases where a person lacks willpower, we can see them as facing a choice between seeking two ends both of which can plausibly be seen as goods. When I cheat on my diet, it is not because I no longer see the end of good health as a genuine good; it is just that, at that moment, I find myself unable to focus on that long term good. The anticipation of the immediate pleasure that I would derive from the second slice of cheesecake overwhelms my better judgment. In short, the failure seems to be in me, in my ordering of goods at that particular moment in time. What if, however, the problem is not with me, or my ordering of goods at a particular moment, but fixed by the nature of the situation I find myself in? What if the action I believe I am morally required to perform does not seem to match up with any end that I can conceive of as being a genuine moral good? What if, as a matter of fact, when I do what I believe I should, I find that all of the ends that I seek, the genuine goods I pursue, end up falling outside my grasp? If such a situation is possible, then, I would argue, it can be morally debilitating. It can make it harder and harder to continue to live a moral life, to do the things that one believes one should do.

The problem is one of securing the intelligibility of the project of morality, of moral action...
as allowing us to achieve certain goods. If moral action cannot secure certain ends, ends that appear to be the best outcome of a given situation, then at what does moral action aim? What is moral action meant to secure for us if it cannot guarantee our fulfillment in this important respect? This thought, perhaps rightly, can lead to a rejection of the moral project as incoherent. Robert Adams comes to much the same conclusion, though from a different direction. Focusing on what we have to believe in order for us to act morally, he argues that it is important to believe that a moral life is “better for the world.”¹ We must believe that acting as we should does not, on balance, make the world a worse place. As Adams asks, “how else can we care about morality as morality itself requires?”² If morality can, and sometimes does, lead to disaster, how can we understand a universal call to be moral? In response to this question, I will, first, present Christine Korsgaard's attempt to answer this question through a refinement of Kant's moral view, then, I will present Kant's answer as found in text of his work, and finally, I will reflect briefly on what the difference between these two show about the consequences of different answers to this question.

To show how this problem can arise, I want to consider particular cases discussed by Christine Korsgaard. In “The Right to Lie: Kant on Dealing with Evil,” Korsgaard endorses the moral permissibility, at least in some circumstances, of lying and of suicide; two surprising claims for a professed Kantian.³ The reasons she takes these stands are connected to an objection she presents against Kant's own moral view — one which she believes can be solved by recognizing features of Kant's account that he did not appear to recognize. I believe that the roots of her objection are connected to the problem I identified above, and hence considering Korsgaard's position will help illustrate what I have in mind when I talk about the practical importance of moral teleology. Korsgaard's response to these cases shows how difficulties in understanding the ends of our actions can lead to the questioning of moral rules we appear to have every reason to endorse. In these cases we question, not because the cases appear to undermine the prior theoretical justification for how we should act, but because action in accord with what we believe is morally required cannot be made intelligible as a moral act in terms of the possible ends available in the relevant particular circumstances.

The objection that Korsgaard presses against Kant stems from the consideration of particular cases. She focuses her attention on the familiar case involving a murderer approaching one's door and asking if the person he intends to be his next victim is at home. The choice in this case is meant to be between telling the murderer the truth that the person he seeks is at home next door, which will lead to the victim's death, and lying to the murderer in order to save the intended victim's life.

This case, and others like it, can present a problem for non-consequentialist ethical views. What such cases rely on is the identification of circumstances in which the course of action normally considered to be morally forbidden (lying) is the only way to secure the outcome that a good person would most like to realize given the possibilities available (in this case, the goal being the saving of the potential murder victim). The problem is not one of providing
grounding for, or justifying, a moral requirement; the problem is maintaining the coherence of action in accordance with this moral requirement as seeking some genuine good.

Of course this is not a problem if one rejects exceptionless moral rules and accepts a thoroughgoing consequentialism. Such a view avoids the problem precisely by defining it out of existence. By making consequences definitive of right action there can be no separation of the two, and hence no lack of fit to threaten the intelligibility of moral action seeking good ends. What is moral is always good for the world (or at least as good as possible), by definition. Thus while Korsgaard agrees that such cases are a problem for a Kantian moral view and, in response, seeks to find a way to morally justify performing the normally forbidden action in these specific circumstances, she hopes to do so without falling into simple consequentialism.

The way that she construes the problem presented by such cases suggests that her concern is a species of the problem of ends. Consider how she presses her objection to Kant in these cases. She objects to Kant because he holds strong to certain moral rules even if horrible consequences result. Korsgaard appears to believe that his justification for doing this has to do with his claims about when agents can be held responsible for the outcomes that follow from their actions. She argues that Kant “defines a determinate ideal of conduct to live up to rather than setting a goal of action to strive for.” As such, he gives the individual a “definite sphere of responsibility” such that “if you act as you ought, bad outcomes are not your responsibility.” Korsgaard considers this suggestion in relation to the case of lying to the murderer at the door, and concludes that it is “grotesque” to argue that “I have done my part by telling the truth and the bad results are not my responsibility.” This appears to be, in Korsgaard’s view, the only response a follower of Kant can offer. It is this grotesqueness objection, then, that is at the heart of her rejection of Kant’s own understanding of his moral view and hence helps to explain her acceptance of exceptions to general prohibitions against lying and suicide.

Thus we can see that the grotesqueness objection is a result of the problem of ends identified above. Remember, the problem is that the morally required action in a specific set of circumstances appears to be incompatible with seeking a genuine good, or to be more precise the kind of good that a moral person would seek. Kant’s view ends up being problematic, in Korsgaard’s view, because it focuses only on the ideal (never lie) and does not address the often less-than-ideal particulars of real cases (the possibility of murder). She asserts that “The standard of conduct [Kant] sets for us is designed for an ideal state of affairs, we are to always act as if we were living in a Kingdom of Ends, regardless of the possible disastrous results.” Thus, though she does not put the point this way, Korsgaard finds it grotesque to limit one’s responsibility in the way that she believes Kant does precisely because it appears to make the goal for action in such a case the preservation, or perhaps promotion, of one’s own virtue at the expense of the well-being of many innocent persons. Put this way, it becomes obvious why a professed Kantian would object to such a position, it seems to fly in the face of the reliance on disinterested reason as the core of the Kantian system, replacing it, at least in such circumstances, with the pursuit of ends that can only be seen as self-serving. In short, the
only end that appears to be available to secure the intelligibility of the act is the pursuit of one's own virtue, but that end seems to be both incompatible with the general thrust of the Kantian moral view, and more importantly for the argument here, not what a truly virtuous person should seek regardless of what moral view one endorses.

Korsgaard takes the solution to the problem to be found in separating two different levels in the Kantian view. They are the “Formula of Humanity” and the “Formula of Universal Law” explicated as two separate levels of the Categorical Imperative. The former, she argues, is stricter, and thus defines the moral ideal, while the latter is more permissive and can provide practical guidance in the difficult actual cases that are her concern. Interestingly, however, she does not reject the general arguments that can be given under the Formula of Humanity. All she aims to do is provide some guidance as to when it is appropriate to follow the weaker requirements of the Formula of Universal Law. The problem, however, is that the reasons she gives for following the weaker formulation do not speak to the argument that can be given against the action in question under the stricter Formula of Humanity. Thus, she is left in the position of having a clear argument against the moral permissibility of the action she wishes to endorse, and no way of showing why that argument does not apply in the particular troublesome case, or at least no argument which undermines the force of the argument against the action which she already possesses.

Consider a further case, that of suicide, Korsgaard discusses. She argues that Kant’s argument against suicide under the Formula of Universal Law does not work, but that “Under the Formula of Humanity we can give a clear and compelling argument against suicide.” That argument is, simply, that “Nothing is of any value unless the human person is so, and it is a great crime, as well as a kind of incoherence, to act in a way that denies and eradicates this source of value.” She then claims, “it might be possible to say that suicide is wrong from an ideal point of view, though justifiable in circumstances of very great natural or moral evil.” In *The Sources of Normativity* Korsgaard further discusses the circumstances under which suicide becomes morally licit. It is when “The ravages of severe illness, disability, and pain can shatter your identity by destroying your physical basis, obliterating memory or making self-command impossible.” The question, then, is how these considerations can provide a reason to deviate from the ideal that does not lead to consequentialism.

Notice that none of these considerations undermine or are even responsive to the argument given under the Formula of Humanity. It simply does not follow from the fact that nature can rob us of our identity that we are then justified in acting to destroy it. If it is indeed a “great crime” and incoherent to commit suicide in ordinary circumstances, to deliberately “eradicate the source of all value,” then it still seems to be so in these special circumstances. To put the point another way, the fact that nature makes the achievement of a goal that we see as important impossible (in this case the preservation of our identity) simply does not make it coherent for us to act in a way that similarly makes the achievement of that goal impossible (committing suicide). The argument against suicide given under the Formula of
Humanity does not admit to exceptions in such circumstances because such circumstances are, ultimately, irrelevant to the argument that is the basis for the rule. Thus, in line with the argument of this paper, the problem is not one of the justification of a particular moral claim (the arguments for the rule are left untouched by Korsgaard). Rather, the problem is making intelligible how action in accord with a certain moral claim can be seen as aiming at some genuine moral good. Without this, there is a crucial sense in which the moral action remains unintelligible as a moral action. In cases such as those Korsgaard considers it is hard to see what the genuine moral good is that can secure the intelligibility of the action in terms of ends, and this (I want to suggest) is what leads to Korsgaard's grotesqueness objection.

In response she searches for a way to circumscribe the applicability of this strict moral rule to those cases where a genuine moral good can be found to serve as the end for the action that the rule requires. As we have seen, however, at least in the case of suicide, her attempt to do so fails precisely because she has a general argument against the morality of the action that she is seeking to endorse. In other words, she is trying to find a middle ground where none is available. Either the argument for the strict moral requirement fails (and should be rejected) or it succeeds and does not admit of the exceptions which Korsgaard would like to allow. Further, in allowing the outcome of the action an important role in determining when one can follow the weaker requirements of the Formula of Universal Law, she has taken a step towards consequentialism.

If I am right to see Korsgaard's grotesqueness objection as an example of the problem of ends I identified earlier and if I am right that the kind of compromise response that she attempts is always bound to be inadequate for reasons analogous to those presented here, then what, other than consequentialism, would provide an adequate response to this problem of ends? Since I don't believe Korsgaard has fully captured Kant's own response to this problem, and I believe that Kant's response highlights those features that any adequate response must possess, let me start by considering Kant's own arguments in more detail.

What, then, is Kant's answer to the problem? The way to solve the problem is to provide an end, something that can rightly be viewed as a good that is sought through moral action even if other, bad consequences also result. In this way, acting morally can still intelligibly be understood as seeking some good, even in such difficult circumstances. The place where Kant talks about the end of moral action in most detail is in the second Critique under the rubric of the highest good. There he claims that there is an end that we seek when we act morally. He calls this end the highest good and suggests it is constituted by both the requirements of the moral law and happiness, where the former is the condition for the achievement of the latter. Since he does not believe happiness and morality are connected by definition, since the concept of morality does not imply happiness, the only possible way these two could be connected is for them to be causally connected. For Kant, then, when we act morally we seek the highest good; we seek a world in which moral action is connected to the achievement of our ends as a causal condition for that achievement.
Importantly, then, Kant suggests that the moral rule is constitutive of the good that is sought in such a way that this good cannot be sought by any means other than moral means. We fall victim to irrationality if we seek a world where moral action is a condition for the achievement of our goals by acting immorally. In such a case we would be willing, at the same time, that we achieve our goal and that it be impossible for us to achieve our goal by the means we have selected. Thus, making the moral requirements constitutive of the end is critical, for otherwise the same problem can be reconstructed in cases where the end and the moral requirement again pull apart. In the same way it is important that Kant thinks this is the highest good. The end that is sought must be the greatest good, the complete, unconditioned end so that this end is always capable of securing the intelligibility of moral action in terms of ends. If some end could be higher than this, then the problem could be reconstituted in cases where an immoral act is the only way to secure some higher good. Thus, the candidate end must meet these two requirements if it is to solve the problem.

Unfortunately, simply asserting that moral action must have this relationship with the good that we seek does not solve the problem. As the cases Korsgaard considers suggest, there are some circumstances where moral action seems unable to achieve the goals we seek. More generally, there is no guarantee that living a moral life will lead to a good life. People who always act morally suffer calamities just as everyone else does. Why should someone who has faced one calamity after another when acting morally, continue to act morally when he can achieve other good ends by not doing so? Why can’t we lie to the murderer at the door, even if this seems the clear way to secure the lives of all those involved? So, while Kant recognizes that the moral law must be a causal condition for the achievement of our ends (it constituting our worthiness to be happy), he also recognizes that:

Any connection of causes and effects in the world … does not depend upon the moral disposition of the will but upon knowledge of the laws of nature and the physical ability to use them for one’s purposes; consequently, no necessary connection of happiness with virtue in the world, adequate to the highest good, can be expected from the most meticulous observance of moral laws.

Therefore, in Kant’s view, in seeking the highest good we are seeking a world in which there is a connection which is currently absent, and which we have no power of creating (for to do so would require the transformation of the basic rules governing the world). Thus, the end we are supposed to seek seems impossible to achieve, not just as a practical matter, but also in principle. While we might have identified a couple of requirements that the end for moral action must meet if it is to avoid the problem identified here, we have not yet shown that this end is a possible end that can be sought in all possible circumstances.

It is to this very real problem that Kant responds by introducing the practical postulates. We must, according to Kant, believe in God (or at least a god capable of securing the connection between moral action and the ends we seek) and the immortality of the soul (so that there is time for this connection to be realized). In this way, we can see the possibility of moral action connecting up with the ends that we seek, and the intelligibility of the project of
morality in terms of ends can be secured. In acting morally we are seeking such an ideal world, a world where virtue is the condition for happiness. Since moral action is constitutive of the end, we have no way to seek it but through moral action. In such difficult circumstances as those discussed by Korsgaard, our actions aim at this good, and are simultaneously a kind of prayer that the world be set right, a petition we could not make through any action contrary to our moral obligations.

Importantly, this does not simply amount to some kind of religious consequentialism. As I have tried to argue, the problem here is a practical problem, a problem that arises after questions of the justification of moral requirements have already been settled. The only question now is how the action that is required can be made intelligible as aimed at some genuine moral good. The end is not supplied to justify the course of action, only to make it intelligible in this way.

By responding to the problem in the way that Kant does, the difficulties with Korsgaard’s account can be avoided. It is not the case that a way needs to be found to get around a general moral requirement. Instead of changing our moral requirements the understanding of what ends are possible is changed. Since there is no end that can serve if we limit ourselves to the created world governed by the laws of nature, Kant takes this to mean that we have to believe in the possibility of transcendence and transformation, that our lives are not limited by death and the world can be transformed by God. In short, our understanding of our moral obligations forces us to accept a particular kind of metaphysical account if moral action is to remain intelligible. The only other approach, if I am correct in believing that all compromise accounts such as Korsgaard’s are bound to fail, is to accept some form of consequentialism. As suggested above, there is no problem of securing the intelligibility of action in terms of ends if one accepts a consequentialist account of our moral commitments.

It is worth noticing, however, how different the conception of the world is for the secular consequentialist. Instead of recognizing the possibility of transcendence and transformation, the world is, in its essential makeup, accepted as it is. Pursuit of a moral ideal, which may prove impossible given the world as it is, is replaced by pursuit of the best that is possible given the world as it is. If one sees our moral commitments as limited by the particular circumstances that confront us as we live our everyday lives, one is likely to have little difficulty accepting such a consequentialist view. If, however, one understands a moral view to be promoting an ideal, one which, as ideal, we may always fall short of and which may even be unachievable in this fallen world, then such a consequentialist view will always fall short. It will always be seen as, in a fundamental sense, giving up on the moral project itself.

What I have tried to argue in this paper is that if we consider the ends of the actions that we take, there can arise an interesting challenge for certain kinds of moral views. In certain circumstances, it seems hard, if not impossible, to see what the end is for an action we believe we are morally required to perform. No morally acceptable end seems to be present to secure the intelligibility of our action as seeking some good. Thus, even after we set aside the ques-
tion of moral motivation and of the justification of a particular moral requirement, there is still much work for moral philosophers to do. Considering the intelligibility of the moral system they advocate may, as I have argued here, commit them to very particular understandings of the nature of the world that we live in. Such consideration can only serve to sharpen the divide between certain kinds of secular moral views and those informed by some form of religious faith that leaves open the possibility of transcendence and transformation.

While I have made these arguments largely within a broadly Kantian framework, I think there is reason to believe that they are not limited to that framework. The key to generating this problem of ends is the recognition that the world of our immediate experiences is not sensitive to our moral worth. Given this, the achievement of good ends can pull apart from virtue, giving rise to the potential for the kind of unintelligibility that has been at the core of the problem that is the subject my paper. If I am right about this, then we can recognize that consequentialist moral views operate on a very different understanding of the world (not just of our moral commitments) than other moral views, and we need broaden the range of consideration relevant to evaluating different moral views.

2Adams, page 80.
4See TRL, page 150.
5TRL, page 150, original emphasis.
6TRL, page 150.
7TRL, page 150. I do not deny that Kant makes claims about responsibility that suggest this conclusion, what I object to is the thought that these passages can be taken in isolation, apart from arguments Kant gives elsewhere concerning the end of moral action.
8TRL, page 149.
9She suggests that Kant’s argument relies on a certain teleological claim, that our instinct to improve our lives “cannot universally be used to destroy our life without contradiction” (TRL, page 158n20). She does not believe such teleological claims have any place in the test associated with the Formula of Universal Law, and hence does not find his argument convincing. Further, she does not see any other way, given her understanding of this test, to argue suicide is morally illicit (TRL, page 158n20).
10TRL, page 152.
11TRL, page 152.
12TRL, page 152.
14Immanuel Kant, Critique of Practical Reason (Cambridge, Cambridge University Press, 1997), 5:110-111. Page references to Kant will be to the standard German Academy edition pagination.
15Kant, 5:111f.
16Obviously, “a good life” is taken to mean something more than doing what is morally required; it also implies happiness or fulfillment.
17Kant, Critique of Practical Reason, 5:113-114. There is much more that could be said here, in particular about the requirements that any candidate end must meet. Notice, for example, that it is important that the end be some kind of common good, good we can all share, to avoid the self-centeredness that is at the heart of Korsgaard’s grotesqueness objection. This means, among other things that the immortality of the soul is crucial, because as a common good it must be good for those most affected by my acting (or failing to act). Since death is one possible outcome, death cannot prevent the candidate end from being a genuine good for those affected. Thus death must not be final.
18Kant, Critique of Practical Reason, 5:122ff.
19Here we see the connection to Adams’ arguments concerning what we must believe in order to be moral mentioned above.
SECTION 5

CATHOLIC THINKERS
In 1964, at the age of 34, Jean Vanier, a former naval officer, embarked upon a new kind of voyage he called 'l'Arche' (the Ark). The voyage was dedicated to communal living with two men whom the world had securely segregated, earmarked, categorized and classified: they were individuals with developmental disabilities. Vanier has often said of these men, named Raphael and Philippe, that they were his teachers, his best teachers. He never tires of saying how these remarkable persons, and the countless, but always named, number of individuals who have followed them in l'Arche, have taught and instructed those who came to share their lives with them. These named persons are beloved disciples of Jesus who teach a way of deepening the heart's concerns. The work Vanier and his teachers Raphael and Philippe began in a ramshackle house in Trosly-Breuil, France, has prospered for more than 40 years and is now an international movement which involves 103 communities in 30 countries. Its message and meaning are the same now as they were in its beginnings: that the poor, the excluded, the wounded are beloved disciples who teach a fuller humanity through a deepening of the heart's concerns. In 1988, after nearly a quarter century of the communal life that l'Arche is, Vanier wrote *The Broken Body*, a book especially written for young people with whom he had worked and come to admire. The book identifies the great secret at the epicenter of the l'Arche movement:

> This book is written to show a way, a little way, that has been given to me by Jesus and to many others all over the world who are followers of Jesus. It is a way that is very simple and very healing; a way that leads us into the love of Jesus and of his Father, through a covenant of love with the poor, the weak and the oppressed (p.1).

Vanier's text tells those who would reflect on, or join themselves to, l'Arche that they will first have to overcome some instinctual responses and that the reward for so doing will be a remarkably enlarged and deepened vision of what is at work in their human nature:

> These pages are to tell you, my brother, my sister, not to run away from people who are in pain or who are broken, but to walk towards them,
to touch them.  
Then you will find rising up within you the well of love,  
springing from resurrection.

Vanier still lives in Trosly-Breuil, but his work these days also involves him in much counseling, travel, and spiritual direction throughout the world. The day-to-day operations of l’Arche are now in the hands of co-workers who have taken over most administrative and organizational duties there and world-wide since 1981. Among or associated with these co-workers and collaborators over the years have been many gifted individuals who are almost as skilled in the art of communication as Vanier himself. The best known of these, perhaps, is Henri Nouwen. Others include the Dominican Father Thomas Phillipe, Vanier’s spiritual father, the English theologians Frances Young, Donald Allchin and David Ford, the philosopher Ronan Sharkey, S. Sue Mosteller C.S. J. of l’Arche Canada, Michael Downey, a theologian currently teaching in Los Angeles, the Jesuit Bill Clarke, Pamela Cushing, a Canadian who has written a doctoral dissertation on Vanier, Kathryn Spink, and the tectonic plates scholar, Xavier Le Pichon. This list is only a representative list and in no way exhausts the number of thinkers and collaborators who have attached themselves in a special way to l’Arche or reflected on its meaning.

Even more remarkable, perhaps, than the large number of the collaborators, theologians, thinkers and writers who have sought to explore the wisdom of l’Arche and discover its particular meaning in our contemporary society is the significant cadre of young people who have, over the years, lived the daily life of l’Arche as Assistants. These young people, to whom Vanier is especially attached, have offered a year or more to l’Arche and then gone on either to work in l’Arche as leaders or administrators or to work in other professions and callings. Those joined in strong solidarity to the l’Arche movement include some who stay and grow with l’Arche all their lives and Assistants who will give a few years of service there. Collaborators and co-workers in l’Arche include celibates and families, lay people and priests. Each of these co-workers and collaborators adds a distinctive contribution to l’Arche’s program of joyful celebration and vibrant community in which the way of the heart is deepened and its concerns enlarged.

Like workers in Dorothy Day’s Catholic Worker Movement, participants in Taize or former volunteers in the U.S. Peace Corps or similar volunteer organizations, this ever growing number of former workers carries an important heritage from their work at l’Arche into their life’s work in other areas. Put most simply, this heritage is a deepened awareness of the heart’s concerns and ways of acting. It is as impossible to measure l’Arche’s influence as it is impossible to measure the deepening of understanding which occurs daily in l’Arche communities as Vanier and others who follow in his footsteps seek to live out a covenant relationship with the successors of Raphael and Phillipe — teachers of what Vanier calls via cordis — the way of the heart.

Vanier’s genius, which is tied to the spirituality he learned from Father Thomas Phillipe, is resident, in part, in the relentless and thorough soul searching, reflection, and introspection.
he has engaged in since, if not before, his founding of the l'Arche community. The engine for
this introspection is the love of Jesus which is discovered more richly as one comes to a deeper
and fuller understanding of who one is, of who we all are and are all called to be. The words
of the Jesuit poet, Gerard Manley Hopkins provide, perhaps an apt summation of the fruits of
the kind of reflection and introspection that Vanier encourages, in the following:

... — for Christ plays in ten thousand places,
Lovely in limbs, and lovely in eyes not his
To the Father through the features of men's faces.

Vanier's special attentiveness to Christ's salvific presence in vulnerability, weakness, and
even in the uglier parts of our own nature must also be noted. As it has matured and contin-
tues to mature, his reflection has come to focus in significant measure, not only on ways in
which the human heart can come to deeper understanding and fulfillment, but on ways in
which community can be fostered and developed and communal growth engaged through
knowledge of the heart's ways.

In recent years, but always in the shadow of Raphael and Philippe, Vanier's reflective
power has turned increasingly toward an encounter with the contemporary world and issues
such as peace, development, global understanding and spiritual encounters with other reli-
gions. This last concentration has roots at least as far back as 1970, when Vanier opened a
l'Arche community in India and immersed himself in Gandhi's life and thought (ABW, pp 51-
54). Even while he has sought to immerse himself in the spiritual genius of other religions
and cultures, Vanier has also sought to come to deeper and deeper understanding of his own
Catholic Christianity. He feels himself called to increasingly intimate study, exploration and
exposition of St. John's Gospel and its lyrical exposition of the mystery and meaning of Jesus.

Because of the graced depth of the experience of living with and with reflecting on his life
of sharing with those who have developmental disabilities and, secondarily, because he has
so thoroughly examined his own psychic and spiritual development and been alert to insights
from psychology and psychiatry as well as to insights in the spiritual and theological realm,
Vanier has become a wise and seasoned mentor, advisor, and counselor to young people who
have worked as Assistants in l'Arche. He has also exerted a profound influence in the lives of
mixed generations through retreats, conferences, and larger movements such as World Youth
Day. Vanier has been a valuable co-worker with the late John Paul II in work with young people.
He delivered a major meditation on the occasion of the Pope's visit to Lourdes shortly be-
fore the Pope's death and has frequently been invited to Rome to represent and speak of
l'Arche's vision and work.

In addition to l'Arche, Vanier has founded or co-founded three important associations
which proclaim a vision of faith's place in sustaining and enlarging the sense of community.
The Faith and Light (Foi et Lumiere) communities co-founded by Vanier and Helen Matthieu in
1971 now number 1500 in nearly 80 countries. Members of these communities are co-dream-
ers and co-celebrators of a vision which fully incorporates those with disabilities into commu-
nity life and communal activities such as a now legendary pilgrimage to Lourdes in 1971. An
earlier movement called the Faith and Sharing movement began in 1968 and involves an annual retreat and monthly sharing open to all. A more recent movement, what we might call Vanier’s 21st century movement, is active at the present moment in both France and Canada. The organization, called Intercordia as a reminder of the power of the heart which Vanier seeks to elicit and develop in all his endeavors, prepares and forms university students for service in under-developed countries and grants them academic credit for their work. In all of these movements, prayer, faith, sharing, celebration, cultivation of joy in community, spiritual and/or human formation in the via cordis and communal and personal development play a significant role.

In addition to its own communal structure, a l’Arche community sees itself as witness and sign for the modern world in a number of ways. Each l’Arche community is a community in which faithfulness and fidelity to a covenant relationship, inclusive joy and communal celebration are practiced, and work is shared. Each is a community in which the uniqueness and giftedness of each individual who belongs to the community is recognized, lived, and proclaimed. And each is a community which offers a vision of change to the larger community. The foundation of such change is the deeper learning, the love and hope, which the community lives on a day-to-day basis. The spirituality of l’Arche has its foundation in the Beatitudes but is open to depth of commitment in Jewish, Buddhist, Hindu and Muslim traditions.

L’Arche encourages members of other traditions to develop their gifts and deepen their understanding within the boundaries of their own faith tradition. This ecumenical outreach is a cherished part of Vanier’s vision and is evident in the variousness of the religious traditions evident in the list of sponsors of his recent Intercordia outreach.

Throughout the years, Vanier has invited a number of theologians to join with him and his co-workers at Trosly-Breuil for a series of dialogues and colloquies which seek to come to a deeper understanding of the theology implicit in the l’Arche movement and to identify and enlarge the initiatives that this movement might fruitfully embark upon to make its mission of even greater service to the modern world. The effort is an important and significant one, Charles Taylor in The Making of the Modern Self has gently suggested that the vision of the human which lies at the root of both the l’Arche movement and Mother Teresa’s work should be brought to the attention of “rational, emancipated moderns” who should ask themselves "whether or not we are living beyond our moral means in continuing allegiance to our standards of justice and benevolence." Taylor wonders if we moderns and post-moderns “have ways of seeing-good which are still credible to us, which are powerful enough to sustain these standards” of justice and benevolence. He continues:

Is the naturalist affirmation conditional on a vision of human nature in the fullness of its health and strength? Does it move us to extend help to the irremediably broken, such as the mentally handicapped, those dying without dignity, fetuses with genetic defects? Perhaps one might judge that it doesn’t and … perhaps efforts shouldn’t be wasted on these unpromising cases. But the careers of Mother Teresa or Jean Vanier seem to point to a different pattern, emerging from a Christian spirituality (p. 517).
Vanier's daily work in l'Arche has been accompanied by an important body of work which seeks to flesh out some of the features of a vision of the nature of justice and benevolence which Taylor sees as needed in our contemporary world. This work of Vanier has covered the gamut of topics from the nature of the benevolence in the kind of community to which L'Arche is committed (to be found in *Community and Growth*) to a plea, following the tragedy of September 11th, for global peace, justice, and mutual understanding (to be found in *Finding Peace*). Over the years, Vanier has also returned to two important roots of his own spirituality and understanding: Aristotle and Saint John the Evangelist. The first is to be found in *The Quest for Happiness* and the second is to be found in *Drawn into the Mystery of Jesus through the Gospel of John*. Each of these works, those written by Vanier and those by others committed to or attracted by his vision, may be read as explorations of the fundamentals of the kind of vision Taylor has asked for in *Sources of the Modern Self*.

What vision of the human and of the meaning of justice and benevolence and freedom emerge from the teaching of Raphael and Phillippe? How are we to characterize Vanier's reflection and introspection on the little way of the heart which has been revealed to him? Perhaps an unusual but fruitful place to start is at some distance from l'Arche, as a way of testing the global appeal of l'Arche's insights.

At the National Park at Little Big Horn, a monument has been erected by America's indigenous peoples. Native Americans won the battle at Little Big Horn but have been sadly marginalized in America's cultural fabric. So extensive has been their marginalization that the very presence of a monument to their cultural dreams is an unexpected feature of the National Park at Little Big Horn. Here is a speech of Chief Crazy Horse inscribed on one of the panels in the monument to indigenous peoples:

> Nature's law applies to all mankind, no matter what race. The nations present have their own Cultural Language, Traditions that guide their everyday life. Our grandfathers protected our sacred pipe because it was given to us by the Creator God believing that all mankind was given the power of Truth, Justice, Wisdom. All the warriors at the battle that were killed believed in this way of living life.

Chief Crazy Horse's conviction that there is a law which applies to all of human kind and transcends racial or cultural values even while it manifests itself in a rich and generous diversity of cultural languages and traditions is also Vanier's conviction. The Chief's equally strong conviction that the Creator God has given humankind the power to arrive at truth, justice and wisdom is a conviction Vanier also holds. In point of fact, this conviction is, Vanier increasingly feels, a significant part of l'Arche's contribution to the modern world — once the world comes to see the meaning of the sign l'Arche is for the world.

It is revealing of depth of soul that the Indian chief ascribes to those members of his tribe who laid down their lives at Little Big Horn. Their conviction was that a Creator God had given them the power of reaching truth, justice and wisdom through their own cultural language and that their deaths were freely offered for such a conviction. It is also remarkable that he understands that a law of nature can be discerned in all cultural traditions and this law
promotes the acquisition of truth, justice and wisdom. It is not, he is claiming, savages and killers who are commemorated at Little Big Horn but warriors who saw that a cultural language which reached for true justice and wisdom was being unfairly persecuted and curtailed. Vanier does not use the word warrior to describe those who join with him in the movement called l'Arche, but he does see in those who join him a willingness to engage themselves deeply. And he sees in the experience of l'Arche the possibility of so forming the heart and mind as to call forth the power of truth, justice and wisdom in each person's life and in the world's life. The battle to overcome inauthentic versions of ourselves as we reach, at the hands of our teachers, for deeper and more authentic visions of who we are, is a battle as real as that at Little Big Horn even though engaged in small increments and on a daily basis. The two edged sword of Paul's Epistle to the Hebrews is mysteriously and quietly at work in the daily life of l'Arche, "piercing even to the dividing asunder of soul and spirit, and of the joints and marrow, and is a discerner of the thoughts and intents of the heart" (4:12).

In Becoming Human, Vanier himself cites the words of the Noble Peace Prize winner Aung San Suu Kyi of Burma to support his conviction that there are elements of our nature, deep well-springs within ourselves, which need to be awakened if the world is to survive:

All barriers of race and religion can be overcome when people work together in common endeavors, based on love and compassion. Together we can help to develop a happier, better world, where greed and ill will and selfishness are minimized. This is not impractical idealism; it is a down to earth recognition of our greatest needs (p. 103).

Although this passage seems to have an emphasis different from the speech of Crazy Horse, it actually parallels that speech and adds a new dimension to it. Cultural and racial and religious traditions, although they have access to a natural law which recognizes universal access to truth, justice and wisdom, also develop, for a complex number of reasons, barriers and walls which forbid the entrance of other rich languages into their own vision. Aung San Suu Kyi's response to these barriers and walls is to create common endeavors where love and compassion — universal human characteristics — can have full play. l'Arche, a movement dedicated to what Vanier has called the full development of the world's most oppressed peoples — those born with serious disabilities — offers the possibility of daily and quietly engaging in such a common endeavor and of calling into pre-eminent relief the human characteristics of love and compassion. While the world at large exercises its daily life in competition, acquisition, economic and social development and educates its young to perform in such an environment, Vanier quietly urges another way because, as Aung San Suu Kyi also argues, that other way is "our greatest need." He sees powerfully inscribed and embedded in his l'Arche movement an important global vision with great educative power. This vision is built on insights remarkably similar to, and congenial with, those we have acknowledged in an indigenous leader and in a peace activist. Vanier wants true freedom for all humanity and he asks in Becoming Human, that his readers understand that true human freedom is resident in the recognition that wisdom, truth and justice are our gift from a loving Creator if we will but
discipline and grow beyond baser needs: “To be free is to put justice, truth and service to others over and above our own personal gain or our need for recognition” (108). The idea is remarkably simple and yet involves a total transformation of the human person. What is needed is a turning away from personal gain and a surprising turn toward the pain of others.

There is a subtle and invidious enemy to be encountered in the process of personal transformation. This obstacle to growth is resident in the complex and protean number of maneuvers we all engage in to achieve recognition from others and to be noticed by others. The subtle need for recognition we all experience has to be replaced by a deeper desire within us, a desire far deeper than the need for recognition, the desire to see justice done, truth achieved, and, most profoundly perhaps, others served. In moments of quiet, all of us would agree that seeing justice served is more important than personal recognition. It is the special gift of teachers like Raphael and Phillipe to engage us in a process where the desire to see justice served and truth achieved becomes our ruling desire.

The simplicity of Vanier's vision is like the simple elegance of those laws of physics which are known to be true, physicists claim, because of their elegant simplicity but which are achieved and identified only through great effort and rigorous thought. But unlike the elegant laws of physics which, once discovered, are enshrined in textbooks, elegant human behavior can only be maintained through constant and sustained self-discipline and concentration on the path of the heart's deepest longings. A goal in that service which reveals the heart's deepest longing is to discover how one's humanity is most profoundly grasped — to touch it at its inmost core — and to come, as a transformed Lear does in the play which bears his name, to take upon ourselves 'the mystery of things' in loving and caring for another.

Service to others in Vanier is always one side of a mathematical equation. The other side of the equation is a joyful acceptance and realization of the education which those we serve offer to us. This equation is a rigorous and persistent one in Vanier. Serving others is a means of placing ourselves in close proximity to them in order to learn from them. It is this learning so inadequately paid for by our service which frees us to find our deepest and most authentic self. This equation has a parallel in Teilhard de Chardin's paradoxical conviction that it is by what is most deeply and intensely personal in ourselves that we make the fullest and most profound contact with others. For Vanier, the approach through service to a person in need offers the server the opportunity to recognize the depths of personhood in both server and served and to learn and be educated by that depth. Vanier puts it more simply: “To treat each person as a person means that we are concerned for them, that we listen to them, that we love them and that we want them to become more, whole, free, truthful and responsible” (BH p. 86).

In treating each person as person, we are fully present and active on their behalf. We love when we seek the good of the other as person. Charles Taylor has argued for the power of such love in his detailed and nuanced study of three legacies of 19th century thought. He writes of standing “in the stream of love:"

One could say that seeing good empowers, and that it thus functions as what I have been calling a moral source. We have here a further step in the process I have
called the internalization of moral sources. Alongside the sense of our dignity as disengaged, free, reasoning subjects, alongside our sense of the creative imagination as a power of epiphany and transfiguration, we have also this idea of an affirming power, which can help realize the good by recognizing it (p. 454).

Taylor's standing in the stream of love also calls to mind Hannah Arendt's evocation in her magisterial study of the life of the mind of Augustine's great definition of love (amo: volo ut sis). Love is the determination that another might more fully be. When one loves, one becomes determined that another become whole, free, truthful and responsible—all that a person might be. Although expressed more simply, Vanier has found a love of similar force and affirming power at work in the love with which those with wounds and disabilities love us. Certainly, for Vanier, as for Augustine, and for that 19th century legacy which Taylor describes, love has an enormous affirming power which calls the good in us into greater existence. Such love, Augustine did not hesitate to tell us, is the love God has for each person. The Christian life is a response to this affirming love of the Creator who wills our good. This love is also a part of l'Arche's gift and testament to the world at large. What it does on a daily basis for those who come to its portals and enter into the heart-enriching process which service sets in motion, l'Arche also means to offer as a sign to the world:

We bring each other to birth as we respect and love one another and as our value is revealed to us through the love of others.... We need other people who will call forth what is most beautiful in us, just as we need to call forth what is most beautiful in others.... (BH p. 95).

Nothing is more typical of Vanier than his recounting of simple stories in which the generosity of the server is matched, enlarged, and educated by the depths of true personhood in the individual being served. The education, discovery, and formation of the true self is a quiet grace or illumination given to those who put themselves heart and soul in service to others. Simple stories are often the best way to see this grace at work. All members of l'Arche are encouraged to tell such stories. The gradual realization of quiet grace or illumination is an ever-deepening recompense for service as an Assistant at l'Arche. Another stage in the process which l'Arche awakens is the discovery of an inner passage to that part of our being in which we discover the meaning of human freedom: “It is the truthful acceptance of self, and the desire to live in truth, in justice, and in love, that is the basis of freedom” (BH, p. 117). This truthful acceptance of self is one in which we recognize our weaknesses as easily as our strengths, our failures as well as our successes, our need for others as well as our personal uniqueness. In the truthful acceptance of self, we also recognize that we are often prone to the creation of a self which dramatizes our own efforts or seeks recognition from others. This self must be overcome. Finally truthful acceptance of ourselves involves our understanding that we can be loved because God loves us as we are with all our flaws and failures. Vanier argues that it is through the agency of those we serve that we come to see ourselves as God sees us. The process is a life long process because of the way God ordinarily reveals truth to us: “Truth is not a set of fixed certitudes but a mystery we enter into, one step at a time. It is a process of
going deeper and deeper into an unfathomable reality” (Ibid). Implicit in this theory of process is the development and thinking Vanier himself has undergone: 40 plus years living in community in the house in Trosly-Breuil, 40 plus years shaping and forming and being shaped and formed by assistants and co-workers from all earth’s places and corners, 40 plus years of being educated by those whom the world categorizes and classifies and increasingly marginalizes as persons, 40 plus years of self-giving and reflection in conferences and retreats and in writing.

*Intercordia*, Vanier’s latest effort, is his outreach to the world’s marginalized, and a fitting next step in the voyage Vanier began nearly 40 years ago in Trosly-Breuil. He is once again navigating some other ocean than the ocean to which he was committed as a naval officer. This ocean is one which touches the globe wherever there are those who are wounded or marginalized. This ocean is God's love and can be touched wherever and whenever a human being desires to know self and world more deeply and more mysteriously through service to others. *Intercordia* is not a substitute for l'Arche communities but an extension of their spirit and meaning. Vanier does not mean for the kind of training ground l'Arche has become to go unnoticed or limited. His deep desire is that the world might come to understand the encounter with our deepest humanity that l'Arche encourages. Vanier knows that, in many ways, the education he fosters in l'Arche and other of his works is counter-cultural. It is not the pathway to success as the world envisages success. In fact, to those who see education as an initiation into personal autonomy and self-development, Vanier’s work must be something of a puzzle. But Vanier sees in the experience he recommends in *Intercordia* and in l'Arche as momentary exile destined to provoke the affirming discovery of a promised land to which all humanity is called:

Becoming a friend to a marginalized, excluded person is an act of self-imposed exile from most of the world. It is liberating, an act of freedom. It is a path to personal growth where one proclaims a new set of values. It is the first step towards living new values but it does not in itself constitute a transformation (BH 96).

The transformative process which begins with our becoming a friend to the marginalized involves a renunciation of that self which is dependent on the recognition of others for its happiness. Recognition is not enough of an answer — only love is. The transformative process also renounces efficiency and management skills in favor of a loving encounter of persons. It is “a way of approaching each individual, of relating to each one with gentleness and kindness” — it sets itself against the quick, the efficient, the competent (BH p 88). A l'Arche community is not an efficient and well run home for people with developmental disabilities. It is a place of celebration, love, and human warmth in which spiritual and human values are cherished, meals taken in common, and work shared. It is a home in the same sense that our own family life creates a home of delicate and ineffable relationships. Above all, it is a community in which communion is continually the way of all action and practice:

In this communion, we discover the deepest part of our being: the need to be loved and to have someone who trusts and appreciates us and who cares least of
all about our capability to work or to be clever and interesting. When we discover we are loved in this way, the masks or barriers behind which we hide are dropped; new life flows (BH, p.90).

Perhaps no phrase in Becoming Human better describes the process of transformation Vanier would have us understand than the simple phrase which Vanier uses to encapsulate the via cordis. In serving those with developmental disabilities “we welcome into our hearts those who already love us.” It is a simple and elegant formula — one which contains great reservoirs of power and strength for the voyage of transformation. “We welcome into our hearts those who already love us.” The phrase provokes echoes of the great act of faith of the Roman centurion who achieves immortality in Matthew's gospel with the proclamation of a faith which finds its way into the Eucharistic celebration: “Lord, I am not worthy that you should enter under my roof, but simply say the word and my servant will be healed.” That great statement of faith and humility is a powerful synopsis of a human response to God's entry into our lives and living. God's gracious welcome is present in the outreach to the Roman centurion, a member of an oppressing force. It called forth spectacular faith from him.

Vanier's simple phrase also has echoes of the great poem of George Herbert which Simone Weil, at a time of great trial and pain, once heard in her inmost depths: “Love bade me welcome!” This welcome is often recognized in the midst of intense pain, and works itself deeply into a French woman's soul through the words of an English poem. The centurion, contemporary to Christ, and the 20th century French mystic both felt that welcome. God's welcome is also imaged, in different ways, in the foundational stories of the Prodigal Son and of the Good Samaritan. Recently, the Jesuit ethicist John Keenan has interpreted that welcome as mercy. Mercy, says Keenan, is the willingness, God's willingness and our own, to enter into the chaos of another.

The welcoming into our hearts of those who already love us alerts us to the spontaneity and immediacy of God's welcome in all these other stories and events. Welcome is simple, direct, and unadorned in Vanier's phrase. Perhaps a story will suffice better than analysis in making clear the simple elegance of the phrase. Many years ago, in a school in which I served, some parents asked permission for their daughter, a child with Down Syndrome, to visit the school once a week for social interaction. At that time and in that school there were no facilities for special education and the parents had lovingly and effectively taken that responsibility on themselves. Although infrequent, the days of the child's visit were extraordinary events. I recall once standing with the principal at one end of a long hallway when the young girl, having just entered the school, spotted the principal and her face and body ignited as she raced down the corridor to greet the principal and hug him. That greeting provided a riveting image to accompany Vanier's phrase — “to welcome into our hearts those who already love us.” In my own mind, the phrase and the image are inseparable. The principal became the learner and had only to recognize that the immediate, palpable, and physical love of a child expressed through body, energy, and spirit was an overwhelming welcome which invited love in return. The child's love was immediate, joyful and spontaneous. As such, it
called for a return of a similar love. The child's welcome was also simple and complete; the only proper human action in response was one of simple and complete reciprocity of welcome. One was in the presence of St. Exupery's stunning “When the mystery is overwhelming, one dare not disobey it." Not only was a small child's love palpably made present in this event, but there was also present there a revelation of God's love for us — we have only to welcome into our hearts a Love which has already declared itself welcoming of us and has rushed at us from the creative depth and center of all that is. Once we have learned this mystery, our lives can wondrously become an elaboration of it. In the face of a simple, and yet extravagant and loving welcome, we return the welcome. Because we have been so simply and extravagantly loved, welcomed, and received, we are taught in a wondrous way to say a word of love and welcome in return. And then, as we reflect on what has happened to us, we awake to the wisdom of making our own lives and living such a welcome for others. Repentance and humility have their part to play in this return, but the first step Vanier would call to our attention is the overwhelming joy and recognition of the experience that we are loved and that we are graced. Sooner or later in our lives, this experience overwhelms us with its simplicity and beauty. It is no wonder that Vanier sees foundations like l'Arche as offering the most remarkable of educations, an education in the wonder, joy, and unexpectedness of a love which oh so simply overwhelms us and welcomes us into the depths of its mystery.

For Vanier, the Jesus present in and disguised in the rejected and the wounded, calls to us to be free, to take our gifts of justice, truth, and wisdom from the broken treasury of the weak and the wounded. The tradition is an ancient one — Lawrence, when asked to produce the treasury of the Church, produced the lame and the blind and the poor. Vanier is open to the great mystery that others, in other faith traditions, may see the beauty resident in "welcoming into our hearts those who already love us." Such a mystery enchants and delights him. But he would have those of us who are called to Jesus to recognize again with surprise and joy the great gift, the mysterious gift, hidden in the womb of the Church since the Gospel events themselves:

Jesus came to lead us all into a society that is a body, where each part, weak or strong, able or disabled, finds its place and is free. This vision for humanity, which is a vision of goodness and compassion for each person comes from a God of love, who wants to change our hearts of stone into hearts of flesh ... brings with it a secret, gentle ecstasy of love, a new peace of heart, an inner liberation (BH, p. 133).

Cushing, Pamela. An annotated bibliography of writings about l'Arche is available on the web at http://www.pamelacushing.com/index2.html?thesis.shtml. (Dr. Cushing's Ph.D. thesis Shaping the Moral Imagination of Caregivers: Disability, Difference and Inequality in L'Arche is available on the same site though a password is required.)
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Young, Frances ed. *Encounter with Mystery: Reflections on l’Arche and Living with Disability*, 1997. (This work contains essays on l’Arche written by Young, Ford, Allchin and others.)
At the beginning of the Cold War, Thomas Merton wrote of the proponents of a just war theory: “... the trouble is that the tradition in which they sit ... is a boat that has slipped its moorings and is now floating off in mid ocean a thousand miles from the facts. But within that boat everything is logical, all right, and in apple pie order.”¹ This assessment seems out of step with the experience of American Catholics in the period after World War II. Charles Morris remarks that the public image of the church in the 1940s and 1950s “...was nothing short of spectacular.” All battlefield chaplains were Catholics and Catholic chaplains were fixtures at labor union meetings, at least if the movies were to be believed. Bishop Sheen was the most successful public lecturer in the history of television and “Our Lady of Fatima” made the Hit Parade. Morris concludes that “a team of alien anthropologists would have reported that 1950s America was a Catholic country.”²

Yet beneath the surface it would appear that “a revolution in Catholic attitudes was building steam in the 1950s, presaging a catastrophic collapse in institutional confidence.”³ Gary Wills has argued that Vatican II “... let out the dirty little secret. It forced upon Catholics, in the most startling symbolic way, the fact that the Church changes.”⁴ The story of the church in the years after the council has been well told elsewhere and is familiar to everyone: decline in the number of clergy, women religious, parochial schools and Catholic colleges. There has been a dramatic increase in the number of Catholics living on the margins of the church. One recent study suggests that as many as one-third of the Catholic population in the United States, about twenty million people, are not affiliated with a parish. That is, while they may consider themselves Catholics, they are unaffiliated with the institutional church.⁵

The object of this paper is to highlight some essential elements of that paradigm shift in Catholic life and thought and to place Thomas Merton within that larger historical and theological context. I hope to suggest that Thomas Merton was an “icon of Christian wholeness” in that difficult period and that he embodied that revolution in Catholic life. Both his writings and his life challenged a generation of Catholics to understand and articulate their experience.

I. The Nature of the Paradigm Shift

Much has been written about the nature of the revolution which shook the Catholic community in the second half of the twentieth century. Thomas Berry argues that, “we are in trouble just now because we do not have a good story. We are in between stories. The old story, the account of how the world came to be and how we fit into it, is no longer effective.”⁶ Philosopher of science Thomas Kuhn has argued that the collapse of scientific narratives happens in a predictable pattern and points to a number of useful parallels in the worlds of
physics and the natural sciences. Pope Benedict XVI maintains that, “the small boat of thought of many Christians has often been tossed about by ... waves-thrown from one extreme to the other; from Marxism to liberalism, even to libertinism; from collectivism to radical individualism; from atheism to a vague religious mysticism ....” For the sake of brevity I would like to focus on some selected insights from Gregory Baum, Elizabeth Johnson, Bernard Lonergan and Karl Rahner to highlight some significant elements of this revolutionary shift.

**A. Gregory Baum**

Gregory Baum argues that, “today the crucial question about God has changed.” He suggests that this change is rooted, in part, in a change in humanity's self-awareness. As a result of the Industrial Revolution and the French Revolution, he argues, the consciousness of people was dramatically transformed. “While at one time the social reality was a given,” he argues, “now reality was experienced as unfinished, as something that still had to be built, as a social process.” Baum maintains that, “reality came to be looked upon as a process, a development, an ongoing creation, which was not fully determined by static laws but passed through ... free decisions and activities.”

What impact did this new awareness have on an understanding of truth and knowledge? Truth is not a personal achievement of the mind. This emerging consciousness consists not in the mind's conformity to a reality outside of it but rather it came to be looked upon as “... an essential element in the production of the world and the on-going self-constitution of ... humanity.”

**B. Elizabeth Johnson**

Elizabeth Johnson argues that, “three shifts in the modern intellectual history of Europe stand out as having particular influence on Catholic theology since the council ....” The first is “the turn to the subject.” Johnson describes this shift as placing “attention on the human person as a free subject in the process of becoming.” She suggests that, “human experience becomes an important norm for human becoming ....” Such a move inevitably leads to a challenge to authority and tradition. This shift leads to an active interest in history and historical method. The second shift which Johnson highlights is “... the turn to the negativity of so much human experience.” The evils experienced in the past century — two world wars, the Holocaust, torture as an instrument of state policy, the ecological crisis — have led thoughtful people to focus their attention on the suffering of people in history and on those who are history’s victims. Johnson argues that, “a new sensitivity both to the irrational and to human pathology, individual and social, now affects thinking.” Robert J. Starratt points to three elements which mark this shift to negativity: the disenchantment of humanity, the disenchantment of nature and the myth of progress. Our alienation from others, from the natural world and even from our hope, serves to undermine any realistic optimism that we might hope to foster. The third major shift which Johnson identifies is “... a turn to the whole globe as one small and interconnected world.” Increasingly every person and every living thing is affected by
the actions of everyone else. Structures have not yet emerged to support the interdependence that we experience every day. In this context, the religions of the world are newly encountering one another. They are becoming increasingly aware of the wisdom of each other. The experience of suffering and destruction in the world has served only to heighten this awareness among and between the world’s religions.

C. Bernard Lonergan
Near the end of his life Bernard Lonergan would say, “All my work has been introducing history into Catholic theology.”19 Reflecting on the work of a lifetime he noted, “the whole problem in modern theology ... is the introduction of historical scholarship.”20 Even in his old age he was hopeful about the contribution of Vatican II to this problem. He resolutely maintained that, “the meaning of Vatican II was the acknowledgement of history.”21 Lonergan spoke of the problem of history within the context of renewal. He noted that the term “renewal” was being used in a novel sense. That is, while ordinary Catholics viewed it as “… a return to the olden times of pristine virtue and deep wisdom,” Lonergan suggests that, “… good Pope John has made ‘renewal’ mean ‘aggiornamento,’ bringing things up to date.”22 He suggests that “obviously, if theology is to be brought up to date, it must have fallen behind the times.” He locates the point of this falling behind in the year 1680 with the origins of modern science. It was then, he argues, that “… theologians began to reassure one another about their certainties.”23 This is the point at which “dogmatic” theology was introduced. “Dogmatic” in this sense was used in opposition to scholastic theology. Lonergan argues that, “it replaced the inquiry of the quaesatio by the pedagogy of the thesis. It demoted the quest of faith for understanding to a desirable, but secondary, and indeed, optional goal. It gave basic and central significance to the certitudes of faith, their presuppositions, and their consequences.

Lonergan argued that theology, which had become a deductive science, now has emerged largely as an empirical one. He maintains that, “it was a deductive science in the sense that its theses were conclusions to be proven from the premises provided by Scripture and Tradition. It has become an empirical science in the sense that Scripture and Tradition now supply not premises, but are part of the data. The data has to be viewed in its historical perspective.”24 He was convinced that this shift from a deductivist to an empirical approach has come to stay. When one gets down to reading the historical work being done in almost any area of theology, it becomes clear, he argues, that “… the old dogmatic theology had conceived history on a classicist model, that it thought not in terms of evolution and development, but of universality and permanence.”25 A careful reading of the history now leads to an overall view that “… tends to be either a tentative summary of the present state of research, or a popular simplification of issues that are not really simple at all.”26

This new empirical theology has invoked a new vocabulary, new imagery, and new concepts to express its thought. The Aristotelian language of the past has given way to biblical words and images, as well as to ideas worked out by historicist, personalist, phenomenological, and existential reflection. The new paradigm for theology “… is not limited to investigat-
Lonergan argues that all that is needed but more must be done. This is true because “… revelation is God's entry into man's making of man, and so theology not only has to reflect on revelation, but also it has somehow to mediate God's meaning into the whole of human affairs.” Consequently, he concludes, “… a contemporary Catholic theology has to be not only Catholic but also ecumenist. Its concerns must reach out not only (to) Christians but also (to) non-Christians and atheists.” Lonergan concludes that, “a normative structure that was deductivist has become empirical. A conceptual apparatus that at times clung pathetically to the past is yielding place to historicist, personalist, phenomenological, and existential notions.”

**D. Karl Rahner**

Karl Rahner's essay, originally entitled *Chalcedon: End or Beginning*, points to his concerns regarding the condition of theological research in 1951 and appears to echo some of Lonergan's concerns. Rahner argued that the use of manuals which explained Christ in deductive logic gave the impression that Christ was known thoroughly and definitively. This prevented new insights from arising. Rahner argues that a theological formula exists as “… an end, an acquisition and a victory….” But, he reminds us, “… if this victory is to be a true one the end must also be a beginning.”

The paradox attached to any dogmatic formula is that “we shall never stop trying to release ourselves from it, not so as to abandon it but to understand it, understand it with mind and heart, so that through it we might draw near to the ineffable, unapproachable, nameless God, whose will it was that we should find him in Jesus Christ and through Christ seek him.”

In order to do this, however, we “… must see that neither the abandonment of a formula nor its preservation in a petrified form does justice to human understanding.”

Rahner is concerned that this manual approach tended to ignore or greatly diminish the importance of the meaning of scripture with its narration of the events of Jesus’ life, such as his baptism, prayer to the Father and abandonment on the cross. He argues that, “… as far as soteriology is concerned, the average theology current in our schools today is only interested in the formal value of Christ's redemptive act, not in its concrete context, the inner structure of the redemptive process in itself.” The net effect of this was a vision that largely ignored the humanity of Jesus Christ.

Rahner uses the criterion of controversy as one of his arguments for the poor quality of contemporary Christology. The failure of contemporary theology to dive into history has led to a situation in which “one has only to consider how few really living and passionate controversies there are in Catholic Christology today which engage the existential concern of the faithful (is there a single one?).” He concludes that, “unless someone is inclined to regard this fact simply as a mark of superiority, a proof of unruffled orthodoxy and crystal-clear theology, he will listen with patience and good will to the most modest attempt … to depart from the Chalcedonian formula in order to find a way back to it in truth.” At the root of the problem, Rahner finds, is the awareness that “a theology of history, and what is more a Christocentric one, is almost entirely lacking.”
E. Elements in a Theological Revolution

This summary discussion is an admittedly impressionistic sketch of a complicated landscape. Some of the key elements of this revolution would include:

1. A loss of meta-narratives and a focus on smaller ones.
2. A belief that reality is unfinished, in process, and a matter of on-going creation.
3. A turn to the subject.
4. A more clear-eyed awareness of evil and suffering.
5. A heightened awareness of the interconnectedness of humanity and all creation.
6. A renewed and heightened awareness of history.
7. A deeper appreciation for the sources of the Christian tradition and their role in contemporary life.

II. Thomas Merton and the Paradigm Shift

Donald Grayston, who wrote a particularly insightful study of Merton’s development as a spiritual theologian, has made the case that he became “very much the same kind of ikon of Christian wholeness to his own age that Bernard of Clairvaux had been to his.” Further, the case has been made that he became an icon of Christian wholeness because his life was “one of those events that … as in a flash of lightning, illuminate a whole landscape, throwing even the obscurest features into a sharp and dramatic relief.”

The object of our discussion will be to advance those insights a little by looking at Merton’s writing in the light of the theological shifts which he both articulated and embodied.

1. Merton and Meta-Narratives

Although Merton wrote voluminously, his works can hardly be called systematic or consciously comprehensive. He was led by the spirit of the time to look towards questions ranging from patristic texts on prayer and contemplation to contemporary moral theology of war and peace to the poetry of the Beats and of Latin America. Thought there was little that was hurried or slap-dash; there was no particular attempt to shape his pensées or conjectures into a comprehensive meta-narrative. His readers came to appreciate this approach and in most cases to look forward to the broad liberal arts education which Merton’s writings both offered and rewarded.

While making final corrections for *The Secular Journal*, Merton himself admits what it had taken him so long either to discover or accept: “Galley proofs of *Secular Journal* make it clear to me that my best writing has always been in Journals and such things-notebooks.” He cherished the “disorganized spontaneity” of this type of writing preferred it to the “… edited and doctored version.”

2. A belief that reality is unfinished, in process, and a matter of on-going creation.

Even the casual reader of Thomas Merton cannot help but notice the profound sense in which the reader is being invited to look at one pilgrim’s spiritual journey from the inside. Admittedly this journey is observed through the prism of a consciously crafted literary life. Nonetheless it is an authentic life in which Merton describes himself and his search, warts
and all. This very openness led Mary Jo Weaver at once to describe Merton as “… neurotic, over-published, and extraordinarily self-centered” and later to conclude that “the very things that irritate me about Merton … make him paradoxically attractive ….”\textsuperscript{43} For example, Merton admitted that he knew that he needed to revise his \textit{Seeds of Contemplation} when “… I got a letter from a man in Pakistan who is an authority on Sufism and realized I couldn’t send him the book because of an utterly stupid remark I had made about Sufis ….”\textsuperscript{44} He explained his reasons for a new revision in his preface:

When the book was first-written, the author had no experience in confronting the needs and problems of other men. The book was written in a kind of isolation, in which the author was alone with his own experience of the presence of God. And such a book can be written best, perhaps only, in solitude. The second writing has been no less solitary than the first: but the author's solitude has been modified by contact with other solitudes: with the loneliness, the simplicity, the perplexity of novices and scholastics of his monastic community: with the loneliness of people outside any Church.\textsuperscript{45}

Merton commented upon the changes which he knew he underwent throughout his life. Humorously he remarked on a recent physical examination: “… I discovered that I was in better health than last year, weighing a hundred and eighty-five pounds, which is certainly too much. As an ikon, I am not doing too well.”\textsuperscript{46}

3. A \textit{turn to the subject} 
It can be argued that Merton was a major influence in legitimizing this approach for Catholics of his generation. He signals the beginning of this shift after the publication of \textit{The Ascent to Truth} which he judged to be his “worst book.”\textsuperscript{47} He wrote in the prologue to \textit{The Sign of Jonas}:

I have here and there attempted to write, as best I can, about spiritual things. In doing so, I have of course tried to put down my ideas in my own words, avoiding all technical terminology. I have attempted to convey something of a monk's spiritual life and of his thoughts, not in the language of speculation but in terms of personal experience. This is always a little hazardous, because it means leaving the sure, plain path of an accepted terminology and traveling in byways of poetry and intuition. I have found in writing \textit{The Ascent to Truth} that technical language, though it is universal and certain and accepted by theologians, does not reach the average man and does not convey what is most personal and most vital in religious experience.\textsuperscript{48}

He concludes, asking that “… I may be pardoned for using my own words to talk about my own soul.”\textsuperscript{49}

Noted Merton scholar William Shannon remarks that \textit{The Seeds of Contemplation} “is a kind of halfway house in which Merton shows himself cautiously poised on the brink of moving from a strict adherence to dogmatic formulas handed down from the past … toward a kind of thinking and writing that will give greater play to experience.”\textsuperscript{50} A revised edition of \textit{Seeds of Contemplation} appearing in December 1949 highlights his lack of interest in meta-narratives and makes the point that “the author is talking about spiritual things from the point of view of experience rather than in the concise terms of dogmatic theology or metaphysics.”\textsuperscript{51}
This increased recognition of the primacy of the self and of personal experience opened new possibilities for dialogue with Eastern religions and with all those outside of the Catholic citadel. His study of the Greek and Latin fathers, along with the great mystics, left Merton firmly rooted in the thought of the theologians of experience. Anne Carr puts it this way: “In a retrieval of the early traditions of Eastern Christianity, he sought to explore a form of thought which did not separate the head from the heart …. Thus, his writing speaks to a need, felt by so many, to explore a personal realm of experience that includes but goes beyond the intellectual and is sometimes spoken of as the realm of imagination, intuition, and wholeness.”

4. A more clear-eyed awareness of evil and suffering

Thomas Merton declared himself “deeply in sympathy with … the traditional religious culture of the West.” At the same time he recognizes the value which this tradition places on a self-critical approach and holds that awareness up as one of its strong, though increasingly threatened, virtues. In the end, Merton is fundamentally optimistic about the notion of God’s presence in other cultures. He argues that “God speaks and God is to be heard, not only in Sinai, not only in my own heart, but in the voice of the stranger ….” He does not, however, attempt to canonize the experience or world-view of any culture. Merton sees that no single cultural moment fulfills the expression of infinite reality. Consequently he maintains that: “For a Christian a transcultural integration is eschatological.”

Against this background, Merton’s vision of society and his particular brand of clear-eyed attentiveness is a particular value for the Christian community. His concern for civil rights, highlighted in his particular response to the Birmingham bombings, is best understood against this larger background. While the nuclear threat produced dread and reasoned debate, the acts of violence in the racial struggle produced more immediate fears and a more visceral reaction. After the death of four black children — blown up in Sunday school — two other blacks were killed in a protest provoked by the bombing. Merton feared “that the racists in the Deep South are trying to provoke violence so as to let loose a general slaughter.”

It became disturbingly clear to Merton in October 1961 that he was, perhaps, “one of the few Catholic priests in the country who has come out unequivocally for a completely intransigent fight for the abolition of war and the use of non-violent means to settle international conflicts.” He possessed and articulated a clear sense that the struggle for peace and non-violence “… is the great Christian task. Everything else is secondary, for the survival of the human race itself depends upon it.” He does not lose sight of the human person in pursuit of this larger cause. Rather, he constantly reminds those involved in the struggle for non-violence that, “in the end … it is the reality of personal relationships that saves everything.”

5. A heightened awareness of the interconnectedness of humanity and all creation

No one who reads Thomas Merton’s The Seven Storey Mountain can help but notice its triumphal tone. Some have argued that his broad cultural background, embracing Dionysian, Victorine, Franciscan and Thomistic elements and leading him to proclaim: “The sign of Paris is on me, indelibly,” made it almost impossible for that triumphalism to last for long. By 1958, largely
as a result of his contemplative experience, Merton was eager to enter into dialogue with others and began meetings with Protestant groups that came to Gethsemani. Writing of his *New Seeds of Contemplation* he remarked that, “it is not intended for all religious people. It is not addressed primarily to Catholics ....” Merton was aware that “there are very many religious people who have no need for a book like this, because theirs is a different kind of spirituality.” Moving beyond those who are formally religious, he addresses “people without formal religious affiliations who will find ... something that appeals to them. If they do, I am glad, as I feel myself a debtor to them more than to the others.” Ultimately, Merton has come to consider his audience not as the community of Catholics but rather, as Donald Grayston calls them, “the holy commonwealth of contemplation.”

Merton’s openness to the world was not, however, the “professional” ecumenism of those who look to meet over doctrinal language. Rather he focused on a vision of unity that existed at the level of religious experience. This desire to focus on what unites people led him to comment humorously to a British teacher: “My concept of Christianity is far from being an old-maidish theology of hiding in the corner of the house and standing on chairs for fear of heretical mice.”

His desire was to seek out the true and the beautiful in all religions. Merton remarked: “If I can unite in myself the thought and the devotion of Eastern and Western Christendom, the Greek and the Latin Fathers, the Russian and the Spanish mystics, I can prepare in myself the reunion of divided Christians.” Commenting upon his journey from the triumphalism of *The Seven Storey Mountain* to his embrace of “the holy commonwealth of contemplation,” Merton suggested that he had moved from being a “theologically conventional member of a conservative order in a conservative church” and had become, instead, a “transcultural believer” or what he would term a “universal man.”

6. A renewed and heightened awareness of history

Jean Leclercq points to the way in which Merton sketched out his understanding of “historical consciousness” in the months before his death: “God has revealed Himself to us in history by becoming man. Christ, the Man-God, is the Lord of History.” He argued that an “awareness of Christ implies therefore some awareness of history, not in the abstract academic sense, but in the concrete” an awareness of the crisis of our times’ relation to Christ’s plan for the salvation of man. He carefully makes the point that, as a result of this, “a Christian consciousness is therefore a special kind of historical consciousness: an awareness of ‘kairos’ (the providential time of crisis and judgment) and of ‘choice.’” Merton pointed to the *kairos* in which the Church is deeply involved and observed that, “she faces an historical changeover of decisive importance.” That is, “the domination of Western and European culture is at an end, and for better or for worse. A whole new world is in formation.”

7. A deeper appreciation for the sources of the tradition and their role in contemporary life.

Much of Merton’s early writing reflects the dominant scholastic theology of the time. Later he maintained that biblical, patristic, and intuitive approaches to theology were better suited to
the contemplative in the contemporary situation. In his preface to the French edition of The Ascent to Truth, published in 1950, he indicated that if he were to take on the same subject again, he would approach it quite differently. Merton noted that he “... would prefer to draw more upon Scripture and the Fathers and to concern (himself) a little less with scholasticism which is not the true intellectual climate for a monk.” Jean Leclercq, writing about Merton’s developing attentiveness to the sources, observed that “when he went back to the sources, Merton shook off the hampering shackles of the very recent past which grew out of the nineteenth century, and he did much in the way of liberating his immediate background from such various confines.”

Merton’s vocation to the world led him “… to retrieve for modern readers some of the richness he had himself uncovered in his studies of the writings of the church and monastic fathers, especially those of early Christianity, and the contemplative traditions of the mystics ....” Merton believed that a retrieval of the sources of the tradition “… should by (its) very nature contribute to our contemplation … and contemplation in turn should be able to find expression in channels laid open for it and deepened by familiarity with the Fathers of the Church.” He concludes: “This is an age that calls for Augustines and Leos, Gregorys and Cyrils.”

This return to the sources caused Merton to look even more warily upon the manual tradition which he inherited. He summed up this new awareness in a letter written in 1949:

I have suddenly woken up to the fact that somebody needs to be teaching theology the way St. Augustine did and not the way textbooks in seminaries do. Someone should be able to find the living God in scripture ... and then lead others to find him there and all theology properly ends in contemplation and love and union with God—not ideas about Him and a set of rules about how to wear your hat.

III. Unpath’d Waters, Undreamed Shores

Thomas Merton looked critically at a tradition that was sailing blissfully off to sea and growing increasingly out of touch with the modern world and with the ancient faith. Standing in contrast to a church that was increasingly out of touch and defensive in its relationship with the world, Merton stood with one foot deeply rooted in the culture of the modern world and another deeply critical of that world. It was his embrace of the world in profound love that led him to make connections with so many in such a variety of ways. Merton embraced Shakespeare’s challenge to meet the world with “a wild dedication of yourselves to unpath’d waters, undreamed shores ....”

Not everyone would appreciate Merton’s attempt to articulate this emerging vision of Christian faith. English Benedictine Aelred Graham criticized Merton’s “mysticism for the masses.” Mary Jo Weaver was quick to note the many irritations of which Merton was capable, but she also placed them within a larger context in which they “… give him power to move into a new space, to explore new territory and to bridge the Eastern/Western monastic abyss.” She notes that his failure to write a more traditional spiritual autobiography “… may be the source of his attractiveness to modern readers who believe that you need not flee the
world to discover sacred space, and that political acts need not diminish the depth of one’s prayer life.”

Merton came to see the world itself and the holy commonwealth of contemplation as sacred space. In doing so he anticipated Karl Rahner’s description of the future: “The Christian of the future will be a mystic or will not exist at all.” For the moderns of Merton’s world, his fellow passengers, equipped only with a wild dedication to unpath’d waters and undreamed shores; mysticism is simply “a genuine experience of God … bursting out of the very heart of human existence and able to be experienced there.” The echoes of Merton’s experience on the corner of Fourth and Walnut resonate in this moment and this description.

1 Michael Mott, The Seven Mountains of Thomas Merton (Boston: Houghton Mifflin, 1984), 375.
3 Ibid., 275.
4 Gary Wills, Bare Ruined Choirs (Garden City, New York: Doubleday, 1971), 21.
6 Thomas Berry, The Dream of the Earth.
10 Ibid., 50.
11 Ibid.
12 Ibid., 51.
14 Ibid.
16 Ibid.
18 Consider Jesus, 13.
19 Cited in Frederick E. Crowe, Lonergan (Collegeville, Minnesota: The Liturgical Press, 1992), 103.
20 Ibid., 98.
21 Ibid.
23 Ibid.
24 Ibid., 37.
25 Ibid., 38.
26 Ibid., 39.
27 Ibid., 41.
28 Ibid.
29 Ibid.
30 Ibid.
32 Ibid., 149.
33 Ibid., 150.
34 Ibid.
35 Ibid., 192.
36 Ibid.
37 Ibid., 152-153.
38 Ibid., 200.
39 For one preliminary and evocative attempt at a more detailed consideration of this landscape, see Hans Kung and David Tracy, (eds.), Paradigm Change in Theology: A Symposium for the Future (New York: Crossroad, 1989).
41 Fred Herron, No Abiding Place: Thomas Merton and the Search for God (Lanham, Maryland: University Press of America, 2005), 4.
42 Cited in The Seven Mountains of Thomas Merton, 310.
43 Mary Jo Weaver, “Conjectures of a Disenchanted Reader,” Horizons 30/2 (Fall, 2003), 285, 296.
49 Ibid.
53 Conjectures of a Guilty Bystander, 293.
54 Ibid., 62.
57 The Seven Mountains of Thomas Merton, 389-390.
60 Hidden Ground of Love, 294.
61 Ibid.
62 Conjectures of a Guilty Bystander, 163.
63 Hidden Ground of Love, 396.
64 Thomas Merton’s Rewriting, 8.
65 Thomas Merton: The Development of a Spiritual Theologian, 177.
66 Hidden Ground of Love, 390.
70 Ibid.
71 Ibid.
72 Ibid.
73 Ibid.
76 Jean Leclercq, “Merton and History,” 227.
77 Anne Carr, A Search for Wisdom and Spirit, 26.
79 Ibid.
81 William Shakespeare, Winter’s Tale, IV, iv, 566-567.
83 “Conjectures of a Disenchanted Reader,” 296.
84 Ibid.
86 Ibid.
SECTION 6:

INTERDISCIPLINARY WORK
George Bernard Shaw declared, “England and America are two countries separated by a common language.” The same could be said of academics from among different disciplines. As an experimental physicist who uses lasers to capture and trap atoms, the language I speak is somewhat different from that of educators whose interests routinely intersect the realm of social justice issues. Nonetheless, in a world that is increasingly technologically sophisticated, science educators can and must take seriously their obligation to connect scientific knowledge in practical ways to the broader questions and challenges we face as a society. For that reason, I have begun to explore ways to incorporate social justice themes into the courses that I teach and the structure of the education I provide for science students.

Involvement in this venture has transformed the way that I think about teaching. It has caused me to more deeply consider physics and its connection to the liberal arts, and to ask the question: “What should a science or engineering graduate from a liberal arts college look like?” To be sure, courses for physical science majors enhance their scientific knowledge and prepare them to be excellent analytical problem solvers. On a good day, they even fuel our students’ curiosity about the natural world. When a student encounters the answer to questions like “Why is the sky blue?” this encounter can serve to enhance the student’s sense of wonder about the world in which we live.

The questions I have begun to consider lately are more global. Among them are: “Do I expect the liberal arts nature of my students’ education to come exclusively from their core courses?” and “What role do the courses I teach play in bringing an interdisciplinary worldview to my students?” and “To what extent do we teach physical science courses in a way that provides historical context or philosophical import?” and “How can my teaching aid students in drawing connections between themselves as scientists or engineers and their role as citizens?” and, finally, “Do science literacy and technical expertise make a difference in the personal and societal decisions that we make?”

Beginning in 1985, the National Council on Science and Technology Education undertook the comprehensive task of compiling a set of recommendations from leading U.S. scientists defining science literacy for American K-12 schools. The definition of science literacy developed by the American Association for the Advancement of Science during this study reads as follows:

Science literacy—which encompasses mathematics and technology as well as the natural and social sciences—has many facets. These include being familiar with the natural world and respecting its unity; being aware of some of the important ways in which mathematics, technology, and the sciences depend upon one an-
other; understanding some of the key concepts and principles of science; having a
capacity for scientific ways of thinking; knowing that science, mathematics, and
technology are human enterprises, and knowing what that implies about their
strengths and limitations; and being able to use scientific knowledge and ways of
thinking for personal and social purposes.¹

These goals reflect the professional opinion of a collection of our nation’s leading scientists
regarding characteristics of a scientifically literate general population. The final criterion,
that regarding the use of science for social purposes, should certainly be an even greater goal
for university science students and science majors.

In recent years, there have been a number of efforts aimed at improving the quality of uni-
versity-level science teaching. And while university level physics education has been success-
ful at teaching technical content and at promoting the development of analytically-based
problem solving skills, it has been much less apt to provide science students with tools to re-
late their scientific knowledge and technical expertise to the social, economic, or political
arena. In varying measure, some “Science and Society” courses offered for non-science ma-
jors explore connection to societal issues. These courses typically include less technical con-
tent and aim to provide a view of science in the larger context. However, it is much less
common to incorporate such discussions into physical science courses taken by science and
engineering majors.

This paper is organized into two distinct sections. In the first section, I will examine the
connection between a scientifically-informed worldview and social justice issues.
Specifically, how do science and engineering graduates make informed contributions to dis-
cussions pertaining to social justice? And, perhaps more significantly, how might their contri-
butions be distinctive as a result of their scientific training and expertise?

In Section II, I describe my initial efforts to incorporate social justice themes into an upper-
division course in Thermal and Statistical Physics. The activities developed for this course are
then used as a springboard for a discussion of globally relevant social justice themes applica-
table to other courses in the physical and life sciences.

Section I
Connecting the Physical Sciences and Social Justice Issues
The lack of attention physical science faculty place on exploring intersections between sci-
ence and society is due in large part to the structure of the academic scientific enterprise. The
majority of university physical science faculty acquired their professional training in a uni-
versity research laboratory or at a national laboratory. The vast majority of the research car-
rried out in these arenas would be classified as basic research, the goal of which is to gain a
better understanding of the nature of the physical world. Gerhard Sonnert describes the situa-
tion well in his recent book *Ivory Bridges: Connecting Science and Society*, where he character-
ized basic research in the following way:

Basic scientific research is, in most cases today, curiosity-driven; it is undertaken
mainly in pursuit of intellectually challenging problems. The promise of socially useful by-products is not the foremost consideration, as one realizes quickly when glancing through the leading professional journals ... in astronomy, mathematics, the physical sciences, and much of biology.²

He goes on to mention that even though the National Science Foundation has included questions regarding the broader societal impact of the research in the criteria to be addressed by grant reviewers since 1977, these questions are typically ignored by the reviewers.

In general, many university physical science faculty members are not accustomed to asking questions about societal impact or social relevance. Most physical scientists entered the field out of an innate curiosity about the nature of the physical world. Their academic training is most often carried out under the direction of research scientists whose view of the world is, in large part, defined by the ideal of basic research (or “pure” research as it was called in earlier days). We are inclined to teach students as we were taught. And, though we may only have a few students in a class who go on to do basic research in a university or laboratory setting, we tend to train them all according to this model. To change the paradigm requires an intentional choice on the part of the faculty member, and a willingness to venture into largely unfamiliar and uncharted territory.

One need only look to recent advances in biomedicine, genetics, telecommunications, or the semiconductor industry to appreciate the extent to which basic research and the resulting technological innovations transform our society. Moreover, the challenges we face as a nation, and a planet, as a result of industrial pollution, fossil-fuel consumption, and nuclear weapons development and proliferation are all indicators of the capacity for technical innovation to have significant consequences for society. Our collective response to these challenges is vital. Moreover, since these critical issues have scientific underpinnings, it is crucial that we have scientists and engineers with an informed scientific worldview and technical expertise to be participants in the conversation.

Dr. Joseph Rotblat, winner of the 1995 Nobel Peace Prize, echoes the increasing importance of scientific expertise in societal discourse. Dr. Rotblat, a biophysicist told the scientific community,

You are doing fundamental work, pushing forward the frontiers of knowledge, but often you do it without giving much thought to the impact of your work on society. Precepts such as ‘science is neutral’ or ‘science have nothing to do with politics’ still prevail. They are remnants of the ivory tower mentality, although the ivory tower was finally demolished by the Hiroshima bomb.³

More recently the need to enhance the level of scientific expertise in the political arena was noted by Congressman Vernon Ehlers, who is a nuclear physicist by background and a former university professor. In July 2004, Dr. Ehlers, Chair of the U. S. House of Representatives Science Committee’s Subcommittee on Environment, Technology and Standards provided testimony at a hearing regarding the issue of appointments of scientists to Presidential and federal advisory committees.⁴ Dr. Ehlers testified that “[Science and technology] drive our
economy, secure the nation, and improve our daily lives. They also frequently pose significant ethical and societal questions that may require regulation or policy decisions." He also states, "Since science is an important component of policymaking, it is imperative that government officials and lawmakers have access to the best technical advice and expertise.” Because of the key role scientific expertise can play in informing policy decisions, the impetus for his testimony was to encourage efforts to identify and eliminate roadblocks that prevent scientists from entering government service. A significant comment that he makes regarding the challenge of bridging this gap is that,

> The political and scientific fields are very divergent, and, unfortunately, very few people understand the intimate workings of both. While we have done a poor job of educating one another about the thought processes and value systems that govern our respective fields, we appear to have learned even less about their intersections and boundaries. This gives rise to misperceptions and missed opportunities to work together to create good science policy.

Whether the pursuit is developing national science policy, designing technological innovations, conducting basic research, or simply interacting as a citizen in our world, the science community has an opportunity and an obligation to participate by bringing their scientific training and knowledge to bear in addressing social issues of global importance.

**A Scientific Worldview**

A basic underpinning of a scientist's worldview is that the nature of the physical world is understandable — knowable at some level — through exploration and investigation. It is by fundamental investigation, i.e. basic research, that many discoveries about the physical world are made. The goal of basic research, in the mind of many scientists, is simply discovery to gain understanding of the working of the physical world. The state of knowledge in science is dynamic, not static. Theories or models are put forth which characterize our best description of phenomena given the available data. The idea that evaluation of a model is a collective responsibility, superintended by authorities in a field, is a cornerstone in the contemporary scientific enterprise. By consensus, through the process of peer review, the state of scientific thought is advanced.

Because people, private foundations, and governing bodies are all involved in the process of science, science cannot be completely objective. Even for basic research, the determination of which questions warrant exploration (and are thereby fundable) reflects in some measure, the values of a society. Moreover, in the areas such as technology development and implementation, environmental stewardship, land and resource usage, and human health, societal values and competing priorities factor greatly into decisions that are made. Thus basic science and its applications to the realm of technological innovation or public policy must be viewed in context as a human enterprise, one in which personal preference, national interest, and corporate profit all have impact.

In view of all this, what unique perspectives can scientists and engineers bring to issues of social justice? Critical thinking and analytical problem solving skills are *the* fundamental tool
in the toolbox of a physical scientist. Scientists are trained to ask questions, to look at data from different angles in order to find patterns — truth — in the details. Those skills, coupled with technical expertise, can provide valuable insight into social justice issues, particularly as they pertain to use of resources, applications of technology or technological expertise, and the environment.

Scientists have a strong foundation of skills from which to participate in discussions pertaining to social justice. The primary challenge, as an educator, is to investigate how to develop in students the ability to ask the types of questions, both personally and on a larger scale, that maximize constructive involvement. I will describe my initial efforts in this arena in the next section.

Section II: Application
Incorporating Social Justice Themes Into Physical Science Courses

Thermal and Statistical Physics is an upper-division physics elective course taken by physics, engineering, and mathematics majors. The format for the course is primarily lecture/discussion. The objective of the course is to examine the fundamental principles of thermal physics from both microscopic (statistical) and macroscopic (thermodynamic) viewpoints and to apply these principles to thermodynamic systems. The course explores applications of thermal and statistical physics to the fields of chemistry, biology, engineering, low-temperature physics, solid state physics, and environmental science.

Thermal and statistical physics is a challenging subject to teach well at the undergraduate level; the topic is both mathematically sophisticated and very broad, encompassing many topics and branches of physical science. In this course, I introduce students to the elegance of a statistical (microscopic) description of physical phenomena, while simultaneously making connections to the physically observable (macroscopic) world they are more familiar with. The textbook for the course provides a blend of statistical and thermal physics and is also very practical, with many “real-world” examples and homework problems.5

The unique objective that I had for this course (which I taught for the first time spring semester 2004) was to explore avenues in which students could draw connections between their developing scientific understanding of thermal physics and their application to societal issues. To that end, I developed activities where students could use their understanding of thermal physics to develop an informed position regarding an issue related to social justice. The types of issues that arise most naturally in thermodynamics relate to the production and use of energy, so my initial efforts focused there.

Case Study: SUV Fuel Economy Standards
In one in-class activity we examined the question “Should auto fuel economy standards for sport utility vehicles be tightened in order to reduce dependence on foreign oil?” The technical content of the course leading up to this activity included study of the basic operation of an engine, comparison of different engine designs and their efficiencies, and discussion about the science of hydrogen fuel cells.
The SUV fuel economy activity began with reading a short excerpt of testimony presented at a U.S. Senate sub-committee hearing in December 2001, which provided succinct pro and con arguments regarding the question. We then discussed the compelling points of the arguments, talked about evaluating the statistical information presented, questioned how bias — social, political, financial — might influence the opinions that were presented, and explored how our recently acquired scientific expertise would help inform our opinion regarding the issue.

Students were enthusiastically and passionately involved in the conversation. It was exciting to observe how articulate many of the students were at expressing their opinions regarding this complicated issue. I was also encouraged by the ability of many students to integrate information from other disciplines into their argument. Several students also recognized and commented on their own difficulty in reconciling their scientific opinion with their personal preferences.

One question that warrants reflection is “Does the content of a discussion of this topic among upper-division physics students differ from what it would be among upper-division students in another discipline?” In this example it does. In particular, a certain level of mathematical expertise is required to process and draw conclusions from the statistical information presented. Additionally, the argument against raising the fuel economy standard for SUVs put forth by General Motors Corporation was based on the testimony that they were “investing significant engineering resources to create a completely revolutionary technical capability,” namely vehicles powered by hydrogen fuel cells, and that new legislation for SUVs would be an obstacle to achieving this goal. They state in their comments that “Hydrogen fuel made from renewable sources of energy can be used to power fuel-cell vehicles that are more than twice as energy efficient as today’s vehicles and emit only pure water.” On the surface, this statement sounds very compelling. However, the students’ background regarding some of the technical aspects of fuel cell technology gave them a better understanding of the inherent challenges (such as the lack of a readily available source of hydrogen), byproducts, and processes involved in such a venture. Without this background, the reader might not possess the technical foundation required to critically analyze the arguments presented.

**Case Study: Cape Wind**

In another activity students discussed a current debate over plans by the Massachusetts company, Cape Wind, to construct a 130 turbine, 420-megawatt wind (windmill) farm on public lands off the coast of Cape Cod between the islands of Nantucket and Martha’s Vineyard. Prior to considering the arguments regarding this issue, we discussed various alternate forms of energy production in class and talked about wind power, giving limited consideration to design issues and energy production capabilities. Prior to the in-class discussion, the students were provided with some articles to review from the popular press regarding Cape Wind and the wind farm proposal. I selected this topic, in part, because wind power is generally considered to be relatively uncontested compared to other alternative energy sources. As such, the activity provided a valuable opportunity to illustrate how an issue that seems relatively un-
controversial from the standpoint of the basic science, rapidly becomes complicated when factors such as environmental impact, public land usage, public welfare, and impact on wildlife habitat are incorporated. This topic was particularly interesting in regard to social justice, as it provided the opportunity to dialogue about issues like the responsibility for stewardship of public lands and the lobbying power of a wealthy community as compared to the less affluent.

Research Paper
A handful of in-class activities and select homework activities provided a foundation for student research papers in which the students applied their knowledge of thermal physics to examine in detail some socially relevant issue. The students were provided with a description of the paper requirements. Then they selected a topic, either from a list of possible topics provided or their own topic, and prepared a short proposal detailing the nature and scope of their project. One student chose to study mass transit and took a detailed look at the societal framework for our current transportation situation in addition to examining technological issues. The majority of the other students selected topics related to alternative forms of energy production and considered both the physical basis for their operation and environmental and societal impact issues.

Reflections on the Thermal Physics Course
Student response to the course activities and term paper was uniformly positive. They appreciated the opportunity to bring their scientific knowledge to bear on practical issues. Moreover, it was personally enjoyable to see students having lively, passionate discussions about how physics impacts their opinion on societal and environmental issues. Feedback from the students indicated that they viewed this component of the course as helpful in aiding them in the making connections between their major and their core courses. A few select student evaluation comments are provided below.

- This particular course brought together many ideas and concepts that had been presented, but not linked in my previous 5 years of physics classes. It was a good “last course.”
- As far as physics goes, it's great to have an upper division course that relates the actual observable phenomena — that impact on a macroscopic level. I thought it was great, especially the effort to relate material to our society/politics/environment, etc.
- Liberal arts additions to course (environmental essay) were very effective.
- I really felt that incorporating a research paper was an excellent decision — it not only allowed me to explore something I was curious about, but helped me understand how thermodynamics are illustrated in modern applications.

Future Plans: Exploring Social Justice Themes in Other Science Courses
Thoughtful consideration of environmentally-related issues is crucial in the realm of social justice, and a key arena where technical knowledge plays a significant role. There are other important global questions with explicit connections to social justice issues that would benefit from consideration and discussion among science and engineering students. For example, de-
veloping case studies to explore questions related to the personal and societal impact of technological development would have widespread relevance. The wind power case study provides a good example of a framework for such a discussion, as it allows for explicit consideration of questions such as who might be the benefactors of technology development as well as who might not. This type of discussion has application to the implementation of any new technology or biomedical advance. In a course where development of smaller-scale (personal) technology or the application of medical advances is discussed, one could consider a number of questions related to the accessibility of new technology. Exploring how factors such as cost, availability, or how one’s socioeconomic status or national origin might limit access to new technology would be interesting considerations. In conjunction, students could discuss possible disadvantages associated with limited access to a new technological or medical advance, and possible societal ramifications of such a deficit. These questions are not likely to be answered conclusively given the available information. However, there is inherent value in simply asking the questions, as it encourages a habit of thought that can subsequently be carried into the engineering workplace, research laboratory, political arena or other public venue as well as into the students’ personal lives.

Another arena of general relevance to the physical and biological sciences is discussion of issues related to public policy and social justice. Below I describe a case study related to the electronics industry, suitable explicitly for a course in physics, electronics, computer science, electrical engineering, or computer engineering. More generally, the questions raised in this case study are relevant to science policy issues in the physical and life sciences.

**Case Study: New Environmental Regulations and their Impact on the Electronics Industry**

Environmental regulations taking effect in Europe will have a significant impact on the electronics industry in the United States. Two articles of legislation in the European Union (EU): RoHS (Restriction of Certain Hazardous Substances) and WEEE (Waste from Electrical and Electronics Equipment) place significant restriction on the use and disposal of a number of hazardous substances and technological devices that contain them. Waste from Electrical and Electronics Equipment (WEEE) legislation, scheduled to become law in August 2005, places requirements on the disposal of electrical and electronics equipment. California legislation, modeled after WEEE, known as The Electronic Waste and Recycling Act of 2003, is scheduled to become law in California on January 1, 2007. It prohibits the sale of items covered under RoHS and imposes a recycling tax on the disposal of computer monitors and television sets.

Restriction of Certain Hazardous Substances (RoHS) legislation bans the use of lead and a number of other hazardous substances in new electrical and electronic equipment. Scheduled to become law in the EU on July 1, 2006, RoHS requires that certain electronics components and assemblies constructed in or imported into Europe be lead free. Lead is a common component in the solder on electronic circuit boards, and thereby is inherent in items such as computers, monitors, consumer electronics, and many electrical appliances. At present, no federal legislation is in place in the United States that parallels the European Union’s environ-
mental regulations regarding the ban on lead and other hazardous substances. Nonetheless, new legislation in the European Union and other countries such as Japan and China will certainly have significant impact on the United States’ electronics industry. While lead-free alternatives exist, they are not the current industry standards; as such companies will be required to modify production capabilities, examine product reliabilities, and document compliance in their endeavor to comply with environmentally motivated legislation.

My motivation for using this example as a case study in physics is two-fold. First, it provides an opportunity to talk with students about the formation of environmentally-motivated science and technology legislation, and to discuss the impact of such legislation on the science and engineering industry. Secondly, from the standpoint of social justice issues, it provides a platform for considering more general questions related to the impact of technology on the environment and public health, two crucial arenas for dialogue in the 21st century. Encouraging students to consider whether there are known or potential risks to public health or the environment as a result of developing, implementing, or disposing of a proposed technology provides relevant connection between technology development and the impact on society. One could also have students give consideration to whether the anticipated benefit of a proposed technology justifies the risks or whether there might be an alternative viable means to achieving the same technological goal. Finally, consideration of whether the poor, under-represented, or minority population assume the bulk of the risk (due to factors such as processing waste disposal), while the wealthy or the majority population enjoy the benefits will help to develop scientists and engineers who can promote responsible and forward-thinking technology development.

**Conclusion**

The crucial questions we face as a society are increasingly multidisciplinary, yet our students’ educational experiences tend to be primarily discipline specific. Many of the significant challenges we face for the 21st century are both scientifically sophisticated and ethically complex, yet science and engineering students have little opportunity to explore global ethical question in the context of their discipline. My experience in *Thermal and Statistical Physics* provided me with the opportunity to explore avenues of intersection between the physical sciences and social justice issues. The initial activities developed provide a platform for discussion of issues of social justice, particularly as they relate to environmental issues, and provide a starting point for the exploration of a broader range of socially relevant questions with scientific underpinnings.

6. Pro argument: David Friedman, Union of Concerned Scientists, from testimony before the Senate Commerce, Science and Transportation Committee, Dec. 6, 2001. Con argument: Thomas Davis, General Motors Corp. from testi-
In 1968 Pope Paul VI began a series of annual messages, eleven in all, for the World Day of Peace (WDP), on January 1st each year. Pope John Paul II continued this tradition, for a total of twenty-seven WDP messages of his own. The geopolitical context of these messages has often occasioned their precise content. For instance, John Paul’s 1981 and 1988 messages pointedly called for religious freedom, obviously with his homeland Poland and the rest of Eastern Europe under Soviet domination as targets. Similarly, his 1995 message, “Women: Teachers of Peace,” looked forward to the Beijing conference on women that year. His 2004 message, “An Ever Timely Commitment: Teaching Peace,” was explicitly pedagogical, calling attention to the whole series of these messages as “a synthesis of teaching about peace” and “a kind of primer.” There he writes, “My words are addressed to you … Teachers of the young, who on all continents work tirelessly to form consciences in the ways of understanding and dialogue!” It is no accident, then, that his last message should be an apt pedagogical tool.

This year’s “Message for the Celebration of the World Day of Peace,” dated January 1, 2005, is richly magisterial in several senses. It invites the world’s attention to the magisterium’s rich contribution in addressing contemporary global concerns. But it is also a wonderfully rich paradigm of pedagogy, both in form and in content. In form it exemplifies how practical reason, informed by faith, proceeds from the first principle that “evil is never defeated by evil” to incorporate five mid-level principles: (1) personalism; (2) subsidiarity; (3) solidarity; (4) universal destination of goods; and (5) preferential love for the poor. Then it indicates how these principles can be applied to “the judiciary system, the defence system and the network of highways and railways,” to globalization and to “climate change and disease control,” to the “foreign debt of poor countries” and “Public Aid for Development” and to the continent of Africa in particular.

In content it is an excellent overview of Catholic Social Doctrine, by bringing together these six principles (the first principle and the five mid-level principles) that are scattered throughout Part III of the Catechism (“Life in Christ”) as follows:

<table>
<thead>
<tr>
<th>Principle</th>
<th>Catechism Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Personalism</td>
<td>1929-1933</td>
</tr>
<tr>
<td>(2) Subsidiarity</td>
<td>1883, 1885, 1894, &amp; 2209</td>
</tr>
<tr>
<td>(3) Solidarity</td>
<td>1939-1942; 2437</td>
</tr>
<tr>
<td>(4) Universal destination of goods</td>
<td>2402-2406</td>
</tr>
<tr>
<td>(5) Preferential love for the poor</td>
<td>2448</td>
</tr>
</tbody>
</table>
Conversely, the Catechism can be used for a fuller development of the import of these principles, so that the message can be used as a systematic overview and the Catechism an ample commentary on them. To illustrate this pairing of WDP05 with the Catechism, I'll juxtapose passages from both documents in discussing the six principles.

**Just Means**

WDP05 states the first principle in the first paragraph: “Evil is never defeated by evil,” basing this principle on St. Paul’s imperative: “Do not be overcome by evil, but overcome evil with good” (Romans 12:21). The next paragraph links this Pauline imperative with a neighboring one: “[F]lee what is evil and hold fast to what is good (cf. Rom 12:9). We may further link these two passages with the rhetorical question in Romans 3:8, “And why not say—as we are accused and as some claim we say—that we should do evil that good may come of it?” The Catechism turns this rhetorical question into a rule that applies “in every case:— One may never do evil so that good may result from it” (1789). For brevity, let’s call this the principle of Just Means (JM hereafter). I take it to be a close cousin of Aquinas’s formulation of the first precept of natural law or ethics: “Good is to be done and pursued, and evil is to be avoided” (ST I-II.94.2).

The Catechism teaches that some “concrete acts” are intrinsically evil, for example fornication (1755), blasphemy, perjury, murder, and adultery (1756), so that JM is not merely a formal principle. WDP05 specifies “violence” as intrinsically evil: “…violence is an unacceptable evil and… never solves problems. ‘Violence is a lie, for it goes against the truth of our faith, the truth of our humanity. Violence destroys what it claims to defend: the dignity, the life, the freedom of human beings.’ The wrongness of violence is thus clarified by an appeal to the first mid-level principle concerning the rights and dignity of persons. I call this the “Personalist Principle.”

**The Personalist Principle**

This principle is introduced almost immediately: “At its deepest level, evil is a tragic rejection of the demands of love. Moral good, on the other hand, is born of love, shows itself as love and is directed towards love” (WDP05, 2). Later, JM is further linked with personalism in similar terms: “When good overcomes evil, love prevails and where love prevails, there peace prevails. This is the teaching of the Gospel, restated by the Second Vatican Council: ‘the fundamental law of human perfection, and consequently of the transformation of the world, is the new commandment of love’” (WDP05, 12).

The Catechism amplifies the incompatibility of personalism with violence, even on the part of civil authorities: “Respect for the human person entails respect for the rights that flow from his dignity as a creature. These rights are prior to society and must be recognized by it…. If it does not respect them, authority can rely only on force or violence to obtain obedience from its subjects” (1930). Without explicit reference to Marxism and consumerism, WDP05 appeals to the personalist principle to critique them: “Certain reductive visions of humanity tend to present the common good as a purely socio-economic state of well-being lacking
any transcendent purpose, thus emptying it of its deepest meaning" (5).

**Subsidiarity and Solidarity**

Although WDP05 does not mention the principle of subsidiarity by name until its application to foreign aid in section 9, the principle itself is invoked much earlier, in section 5, in discussing the common good, which is said to concern "every expression of [an individual’s] social nature: the family, groups, associations, cities, regions, states, the community of peoples and nations." In this section, subsidiarity is closely linked with solidarity: "Every social group must take account of the needs and legitimate aspirations of other groups and the common good of the entire human family" (quoting Vatican II’s Pastoral Constitution, *Gaudium et Spes*, 26). This second principle (solidarity) is named in the following section (6): "The condemnation of racism, the protection of minors, the provision of aid to displaced persons and refugees, and the mobilization of international solidarity towards all the needy are nothing other than consistent applications of the principle of world citizenship." It is named again in section 10 in reference to Africa: "[N]umerous armed conflicts, pandemic diseases aggravated by extreme poverty, and political instability leading to widespread insecurity ... are tragic situations which call for a radically new direction for Africa: there is a need to create new forms of solidarity, at bilateral and multilateral levels."

(It is noteworthy that Pope John Paul’s focus on Africa was immediately taken up by his successor, Benedict XVI. In his audiences — the general audience of May 25, 2005 ("Africa Day") with three African heads of state in attendance, as well as his *ad limina* audiences with African bishops, e.g. those from Rwanda.)

**Universal Destination of the World’s Goods and Preferential Love for the Poor**

Quoting *Gaudium et Spes* 69, WDP05 introduces the principle of the universal destination of the world’s goods. It says,

> God intended the earth and all it contains for the use of everyone and of all peoples; so that the good things of creation should be available equally to all, with justice as guide and charity in attendance! ... The good of peace should be seen today as closely related to the new goods derived from progress in science and technology. These too, in application of the principle of the universal destination of the earth’s goods, need to be put at the service of humanity’s basic needs (6&7).

The Catechism also quotes the same section of *Gaudium et Spes* to explain this principle: "In his use of things man should regard the external goods he legitimately owns not merely as exclusive to himself but common to others also, in the sense that they can benefit others as well as himself" (2404).

In the next section (8), this principle is explicitly applied to the “foreign debt of poor countries” and then linked to the principle of preferential love for the poor in the following section: “What is urgently needed is a moral and economic mobilization, one which respects agreements already made in favour of poor countries, and is at the same time prepared to review those agreements which have proved excessively burdensome for some countries” (9).
A Pedagogical Difficulty and a Challenge

In using these documents with my students, however, I face this pedagogical difficulty: the lack of concrete solutions in papal teaching frustrates young people who are impatient for practical results. It takes some effort to convince them that a clear grasp of principles is a necessary component of moral reasoning, even when it is hard to see how to apply the principles in particular contexts. I’ve found myself using the occasion to exhort the students to be the ones to find the solutions as they pursue their careers. I suggest to them that it is worth long years of patient study, for example, in fields such as international finance, to see how to apply principles such as solidarity, preferential love for the poor, and the universal destination of goods to debt relief for developing countries.

In this regard, Pope John Paul’s founding of the Pontifical Academy of the Social Sciences also serves to make this point. In the work of the Academy the Church actively supports the development of expertise in the various social sciences precisely so that her ethical teaching can be appropriately applied. At the same time, the Church should not appear to align herself with a program or policy associated with one political party over another. For this reason she teaches principles but exhorts the laity to apply these principles prudently in their own secular spheres of influence.

Perhaps the most pedagogically fruitful dimension of the 2005 message, though, comes at the end. It integrates its global vision with the supernatural virtue of charity which has the Eucharist as its source and summit. In other words, the document turns from principles to virtues, from the natural order to the supernatural order of grace, from the social sciences to the theological, from policies to the sacraments, above all the Eucharist. One might conclude that any ethical or political teaching that does not lead the learner finally to grace is in some sense a failure.

1Here is a complete list of their titles, as compiled in the endnotes of the 2004 message:
Paul VI:
1968: 1 January: World Day of Peace
1969: The Promotion of Human Rights, the Road to Peace
1970: Education for Peace Through Reconciliation
1971: Every Man is My Brother
1972: If You Want Peace, Work for Justice
1973: Peace is Possible
1974: Peace Depends on You Too
1975: Reconciliation, The Way to Peace
1976: The Real Weapons of Peace
1977: If You Want Peace, Defend Life
1978: No to Violence, Yes to Peace
John Paul II:
1979: To Reach Peace, Teach Peace
1980: Truth, the Power of Peace
1981: To Serve Peace, Respect Freedom
1982: Peace: A Gift of God Entrusted to Us!
1983: Dialogue for Peace, A Challenge for Our Time
1984: From a New Heart, Peace is Born
1985: Peace and Youth Go Forward Together
1986: Peace is a Value with No Frontiers North-South, East-West: Only One Peace
1987: Development and Solidarity: Two Keys to Peace
1988: Religious Freedom, Condition for Peace
1989: To Build Peace, Respect Minorities
1990: Peace with God the Creator, Peace with All of Creation
1991: If You Want Peace, Respect the Conscience of Every Person
1992: Believers United in Building Peace
1993: If You Want Peace, Reach Out to the Poor
1994: The Family Creates the Peace of the Human Family
1995: Women: Teachers of Peace
1996: Let Us Give Children a Future of Peace
1997: Offer Forgiveness and Receive Peace
1998: From the Justice of Each Comes Peace for All
1999: Respect for Human Rights: The Secret of True Peace
2000: Peace on Earth to Those Whom God Loves!
2001: Dialogue Between Cultures for a Civilization of Love and Peace
2002: No Peace Without Justice, No Justice Without Peace
2003: Pacem in Terris: A Permanent Commitment

1 All English translations of Scripture and other texts are taken from the Vatican website (www.vatican.va) unless otherwise noted.
2 Hereafter WDP05. The italics are in the original.
3 By “mid-level principle” I mean a proposition that may serve as a universal premise in ethical reasoning, although it is not self-evident and therefore requires some further justification—in this case, the authority of the Church’s magisterium.
4 This repeats the same principle stated earlier as: “One may not do evil so that good may result from it” (1756). Note that in the later formulation, “not” is intensified as “never.”
6 Here I am following Karol Wojtyla’s language in Love and Responsibility (San Francisco: Ignatius, 1993), where he defines the “personalistic norm” as the principle that persons are to be loved, not used.
GLOBAL CLIMATE CHANGE
AND THE CHURCH
IN THE MODERN WORLD
A SIGN OF THE TIMES

BY RUSSELL A. BUTKUS
AND STEVEN A. KOLMES

Introduction: Forty Years Later: Gaudium et spes and Global Climate Change
Considered by many to be one of the most distinctive achievements of the Second Vatican Council, Gaudium et spes signaled a pastoral and methodological shift in the Church's approach to the modern world. Perhaps best identified by the phrase, “signs of the times,” arguably a primary expression of the focus and intent of this remarkable document, Gaudium et spes punctuated a genuine shift toward the world and the Church’s commitment “to cooperate in finding the solution to the outstanding problems of our time.”

Nevertheless, when Gaudium et spes was promulgated in 1965 the deterioration of earth’s bio-physical environment was just beginning to emerge as a scientific concern and was not, consequently, identified by the Council as a “problem with special urgency.” For example Part II, Chapter III, on Socio-Economic Life, is an insightful and critical anthropocentric analysis on the economic disparities and social inequalities of modern existence, but makes no mention of the environmental impacts of economic growth with the exception of the observation that the “modern economy is marked by man's increasing domination over nature....” Forty years later, as humanity moves into the 21st century, it would be impossible to critically reflect on “The Common Purpose of Created Things” without a serious discussion of the range of environmental problems that threaten creation, chief among which is the critical and growing concern over global climate change. Consequently, this paper argues in the spirit of Gaudium et spes that global climate change is a major sign of the times and must be given special urgency by the Church and the human community it serves if potential devastating consequences are to be avoided. Within the global community, this issue is magnified by the continued refusal of the United States — the world's leader in fossil fuel consumption and producer of greenhouse gas pollution — to endorse the Kyoto Protocol and participate in the global effort to reduce greenhouse gas emissions.

From a perspective of interdisciplinary collaboration between Catholic theology and environmental science, this paper provides a summary of the scientific foundation for climate change based on the most recent scientific data available. Secondly, this analysis will focus on the social and economic impacts of this phenomenon with special attention to those human populations considered most vulnerable and least able to mitigate and adapt to the negative and rapid changes in global climate. Thirdly, this paper will discuss how climate change and other environmental conditions have challenged Catholic Social Teaching to expand and re-
define key aspects of this social theology. Finally, the paper will conclude with the proposal that, given the complexity of climate change, a reasonable and successful response to this problem will require an interdisciplinary approach and the collaboration of many fields providing Catholic universities with a unique opportunity to assist humanity in facing this threat.

**The Specter of Climate Change: The Current Scientific Basis**

In spite of its cautionary approach to contemporary science and technology, *Gaudium et spes* recognized that, “scientific study and strict fidelity toward truth in scientific research, the necessity of working together with others in technical groups, a sense of international solidarity...,” are positive values of modernity. In light of this positive affirmation of scientific research and international collaboration, this section draws upon the work of the Intergovernmental Panel on Climate Change (IPCC) established in 1988 by the World Meteorological Organization and the United Nations Environmental Programme, and upon recent analyses of the technical literature by other authoritative sources.

The IPCC, composed of three technical working groups of approximately 2000 international scientists, has produced the most comprehensive and current scientific and social analysis of global climate change to date. Their Third Assessment Report (TAR, 2001) provides a voluminous and detailed scientific basis for climate change and re-affirms the judgment that global warming and climate change are anthropogenic. More recent IPCC documents that are additionally informative include the IPCC Working Group I Workshop on Climate Sensitivity, Workshop Report (held in Paris, France, 26–29 July 2004) and the IPCC Workshop on Describing Scientific Uncertainties in Climate Change to Support Analysis of Risk and of Options Workshop Report (held in Maynooth, Ireland, 11–13 May 2004). More recent publications, while supplying some new information, have been consistent with the conclusions and supportive of the findings of TAR. The challenging findings of TAR — that anthropogenic climate change is pollution-initiated, accelerating, and threatening to the conditions we have come to depend upon to support our civilization — are withstanding the test of further scrutiny.

“Pollution” is a term that encompasses several things, including: (1) production and release — either intentional or unintentional — and accumulation of novel human invented materials (industrial chemicals, synthetic organic pesticides, cosmetics and pharmaceuticals) in ecosystems; (2) physical products of an increasing human population (biological waste materials); (3) augmented levels of naturally occurring materials well beyond levels previously seen (e.g. increasing concentrations of gases that are natural constituents of the atmosphere, salinization of soil, soot from fires). Global climate change is being driven to a small extent by human-invented chemicals (chlorofluorocarbons in the atmosphere, which should decrease in concentration gradually due to the CFC ban following the Montreal Protocol) but primarily by anthropogenic augmentation of naturally occurring gases beyond historical levels (carbon dioxide, methane). Global climate change goes beyond what we typically think of as pollution, because the initially released materials begin processes of amplification that we call positive feedback loops, which further accelerate climatic destabilization, much like the growth
of a cancer from an initially small number of aberrant cells can develop into a widespread and ultimately fatal biological process.

The principle gas driving global climate change is carbon dioxide (CO$_2$), which is the major product of combustion for all fossil fuels, wood, and biofuels (such as ethanol and biodiesel). The ever accelerating rate of fossil fuel consumption over the last 150 years, combined with extensive burning of wood (both as the most common fuel used by humans for heating their homes and cooking, and as part of slash-and-burn agriculture and tropical deforestation) has raised atmospheric CO$_2$ levels from 280 parts per million (ppm) to roughly 375 ppm. This increases global heat retention, since CO$_2$ (like all greenhouse gases) allows incident solar radiation to reach the earth's surface from the sun, but as its atmospheric concentration increases, it increasingly blocks the natural escape of infrared radiation re-radiated from the earth's surface to space. More energy arriving and less energy escaping results in a steady buildup of energy on the earth, which we experience as climatic destabilization and directional overall warming. Human economic activity is producing CO$_2$ in an accelerating fashion, and despite the efforts made by some nations to reduce CO$_2$: output in compliance with the Kyoto Protocol, at this point in time more CO$_2$: is released into the atmosphere every year by human economic activities than was released in the preceding year. Despite what we already know about the perils of excessive CO$_2$: emissions, we are still in an era of ever accelerating CO$_2$: release. If only the CO$_2$: we released were driving global climate change, the prospects would not be so frightening, but processes exist that make global climate change a self-accelerating destabilization of our planet. These positive feedback loops make future prospects potentially much more dire. As the planet warms, ice melts to expose dark surfaces beneath it on mountain ranges, in Antarctica, and on the Arctic Ocean, and the dark surfaces absorb more heat than the reflective ice did, which causes further warming driven by this new change to occur. As the oceans warm, more water evaporates from them into atmospheric water vapor, which is itself a greenhouse gas, and this begins a self-perpetuating cycle of warmer air making more evaporation occur making moister air which means there is an additional increase in the greenhouse effect. Clouds might either retard or accelerate global climate change, if they eventually form high in the atmosphere they will add to the greenhouse effect by trapping heat beneath them; if they form low in the atmosphere they might shade the surface of the earth like a thick cloud passing overhead on a hot summer day casting a cool shadow, and this might slow CO$_2$: driven global climate change (the latter is the one possible negative feedback loop that has been described, and far from the most likely one to occur). We have no way of being certain which of these processes will occur with what strength since we have never destabilized a planet's climate before or observed anyone else do so, but in common parlance we are “playing with fire.” Very few scientists are comfortable relying on that chance to protect us from potentially catastrophic consequences, or at least consequences catastrophic to those humans with the least capacity to protect themselves.

Methane is a less prevalent greenhouse gas than CO$_2$, but it is 23 times as effective in pro-
moting global warming molecule-by-molecule. The concentration of methane in the atmos-
phere has approximately doubled since high levels of human economic activity began to im-
pact our planet. The methane produced by human activities has as its main sources cattle and 
sheep rearing, rice growing—because of the biological processes in marshes, and forest burn-
ing in slash-and-burn agriculture. Cattle and sheep produce methane gas in their digestive 
processes, and the enormous number of cattle now reared globally means that the gaseous 
products of their digestion are a significant element in global methane levels. Approximately 
20% of global methane emissions are due to farm animals. Efforts are underway to remediate 
the problems caused by the most approachable of these contributory factors, farm animals.² A 
team from the Commonwealth Scientific and Industrial Research Organisation in Perth, 
Western Australia, is developing a vaccine against the microbes that produce methane in 
sheep rumens. Vaccinated sheep have been shown to burp 8 per cent less methane over a 13-
hour period.³ Future vaccine development will attempt to reduce methane production even 
more by including more problem microbes in the protection they afford. Rice production and 
slash-and-burn agriculture are methane sources that it is more difficult to see a technological 
“fix” for. Methane has a short atmospheric residence time of about 12 years (as opposed to pe-
riods measured in centuries for carbon dioxide) and so there may be a relatively rapid pay-
back to anything we can do to reduce methane emissions.

Soot is a combination of carbon black and various organic compounds. Soot is a complex 
material that is involved in various processes that might influence climate, but on overall bal-
ance soot contributes to global warming and loss of ice.⁴ Soot settles from the air onto snow or 
ice and makes it dark, which causes the darkened surface to trap more solar energy than 
clean white snow. This contributes to global climate change, by shifting the global energy bal-
ance towards increasing temperatures, and it also contributes specifically to heating the snow 
or ice which helps explain why sea ice and glaciers are melting even faster than expected as 
surface temperatures increase. Soot emissions may be easier to reduce than carbon dioxide 
emissions. Increased efficiency of equipment to more cleanly burn fossil fuels without releas-
ing large amounts of soot would provide one avenue to help slow global climate change, while 
we attempt to find ways to reduce the more intractable carbon dioxide gas emissions. Green-
house gases are the primary cause of global warming, but soot also contributes to the process.

According to Working Group I (WGI) of the IPCC, the most recent scientific analysis indi-
cates that “There is new and stronger evidence that most of the warming observed over the 
last 50 years is attributable to human activities.”⁵ This assertion is based, in part, on scientific 
observation and analysis during the later part of the 20th century and indicates the following 
changes.

- Global average surface temperature has increased since 1861, when record keeping began, 
  and during the 20th century the increase has been 0.6°C +/- 0.2°C.
- Globally the 1990s were the warmest decade and 1998 and 2005 were the warmest years 
  since 1891.
Data analysis indicates that for the Northern Hemisphere temperature increase during the 20th century is likely to have been the largest during the last 1000 years.

Snow cover, ice extent and glacier coverage has decreased during the 20th century.

Global average sea level has risen between 0.1 and 0.2 meters and ocean heat content has increased.

During the 20th century precipitation has increased by 0.5 to 1% per decade over most mid and high latitudes of Northern Hemisphere continents and has likely increased by 0.2 to 0.3 % per decade over tropical land area."\(^6\)

In addition to observed changes during the 20th century, Working Group I analysis indicates that concentrations of greenhouse gases (e.g. carbon dioxide, methane, nitrous oxide, CFCs) have continued to rise and that these anthropogenic emissions will “continue to alter the atmosphere in ways that are expected to affect the climate.”\(^7\) This assertion is partly based on the increased confidence in computer generated climate models and their capacity to project future climate scenarios. Accordingly, WGI asserts that human activities — particularly the burning of fossil fuel — will continue to alter atmosphere composition throughout the 21st century and will, consequently, contribute to increase global warming and accelerate climate change. According to the IPCC Special Report on Emission Scenarios (SRES) global average temperature and sea level are expected to increase in the future. On the matter of temperature the projections are significant. In the Second Assessment Report (1994), WGI predicted that average global temperature would likely rise in the future between 1.0 to 3.5 °C. That projection was upgraded in the TAR to reflect a range of increase from 1.4 to 5.8 °C over the period of time between 1990 and 2100. Consequently WGI concluded that “The projected rate of warming is much larger than the observed changes during the 20th century and is very likely to be without precedent during at least the last 10,000 years…”\(^8\) In addition to rising average global temperature, WGI expects precipitation to increase, snow and ice to decrease with retreating glaciers and ice caps accompanied by rising sea levels. It is expected that between 1990 — 2100, sea level is projected to rise by 0.09 to 0.88 meters.\(^9\) WGI’s level of confidence on the cumulative impacts of these changes on extreme weather and climate events during the 21st century is shown in the following table."\(^10\)
A more recent assessment of the possible range of temperatures that make up the reasonable range of possibilities as the planet warms was published by climateprediction.net,\(^1\) a unique distributed computing approach to climate change modeling in which tens of thousand of volunteers have downloaded software that makes their home computers part of a vast network running climate change scenarios when not otherwise fully in use by their owners. The climatechange.net article reported 2,017 unique simulations of future climates, representing over 100,000 simulated years. Their results expanded the range of climate sensitivities beyond the previously reported 2-6 °C, to between 2 and 11 °C. The upper end of this range cannot be ruled out as a real possibility according to their calculations, and it represents a scenario that would involve a truly apocalyptic sea level rise. The climatechange.net project continues to calculate constantly worldwide, and their results will be incorporated into the Quantifying Uncertainty in Model Predictions (QUMP) project that will form part of the UK contribution to the IPCC fourth assessment report.
The level of consensus among the scientific community about the reality of global climate change cannot be overstated. In a recent article in the most widely read scientific journal in North America, *Science*, Naomi Oreskes analyzed 928 abstracts of papers published in refereed scientific journals between 1993 and 2003 that were listed in the ISI database with the keywords “climate change.” She categorized the papers into six groups. The first three groups combined (“explicit endorsement of the consensus position; evaluation of impacts; mitigation proposals”) accounted for 75% of the published works. The next two categories (“methods; paleoclimate analysis”) accounted for the remaining 25% of the publications, and these categories are technical ones that take no stand on the reality of global climate change. Dr. Oreskes’s sixth and last category (“rejection of the consensus position”) contained no publications.

There is a small group who speak loudly as “greenhouse skeptics,” but not one of them has mustered arguments sufficient to merit a publication in a refereed journal over that ten year span, and the best known of them have not actually published any scientifically refereed article on climate change for decades. Dr. Fred Singer is a member of this last group.

Dr. Singer was originally an atmospheric scientist. It has now been over 18 years since Dr. Singer succeeded in publishing any paper on global climate change in a rigorous peer-reviewed scientific journal. In 1990, he founded the “Science & Environmental Policy Project,” a fully industry-funded global warming skeptic think tank. Singer has done consultant work for GE, Ford, GM, Exxon-Mobil, Shell, Arco, and others. The distance between Dr. Singer’s words and the scientific realities of decreased snowmelt for Pacific Northwest rivers, loss of Alaskan forests due to warmer winters preventing native bark beetle winter die-offs, desertification of previously agricultural landscapes throughout Northern China, and loss of tropical island nations as sea levels rise, is difficult to ascribe to an honest misunderstanding. As Dr. Singer said in a PBS interview:

We have to ask, what is the impact of a warmer climate? It's not the warming itself that we should be concerned about. It is the impact. So we have to then ask: What is the impact on agriculture? The answer is: It’s positive. It's good. What's the impact on forests of greater levels of CO₂ and greater temperatures? It's good. What is the impact on water supplies? It's neutral. What is the impact on sea level? It will produce a reduction in sea-level rise. It will not raise sea levels. What is the impact on recreation? It's mixed. You get, on the one hand, perhaps less skiing; on the other hand, you get more sunshine and maybe better beach weather. Let's face it. People like warmer climates. There's a good reason why much of the U.S. population is moving into the Sun Belt, and not just people who are retiring.

Returning to reality and the critical analysis published in *Science* by Dr. Oreskes, she noted as well that other organizations that have published reports concluding that global climate change is occurring due to anthropogenic atmospheric modifications include the National Academy of Sciences of the United States, the American Meteorological Society, the American Geophysical Union, and the American Association for the Advancement of Science. Global climate change is real, and the time has come for the United States to take responsibility for the potential consequences instead of hiding behind the prevarication of uncertainty. We
have indisputably destabilized the global climate; we understand the physical processes of the greenhouse effect clearly. We are uncertain — if the consequences will be uniformly catastrophic or merely damaging to those least able to afford the results — due to the relative strengths of the positive feedback loops and the sole negative feedback loop that may come into play.

Moreover on the issues of impacts and vulnerability, the TAR is clear that the negative impacts will affect the most vulnerable populations (human and non-human) on the planet. In the Summary for Policymakers, Working Group II (WGII) states that “Those with the least resources have the least capacity to adapt and are the most vulnerable,” particularly those communities “under pressure from forces such as population growth, resource depletion and poverty.” The impact and vulnerability scenarios projected by WGII clearly indicate that human populations in developing nations will suffer disproportionately the negative affects of climate change and, given the excessive consumption of energy resources by developed nations, the climate change issue presents humanity with an acute intersection of ecological and social justice.

**Climate Change: Impacts and Vulnerability**

Building on the scientific basis for global warming and climate change, WGII was assigned the daunting task of assessing the sensitivity, vulnerability and adaptive capacity of natural and human systems to climate change and the projected consequences to these systems. In their analysis *sensitivity* refers to “the degree to which a system is affected, either adversely or beneficially;" *vulnerability* refers to “the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change,” and *adaptive capacity* refers to “the ability of a system to adjust to climate change."14 It is expected that both natural and human systems will be impacted by global climate change. According to WGII, natural systems are particularly vulnerable and some will be irreversibly damaged."15 Furthermore it is projected that many human systems will be sensitive to climate change and some will be vulnerable. What is important to remember is that WGII impact projection on natural and human systems is grounded in the expected range of average global temperature increase. As noted above WGI projected an increase in global mean temperature from 1.4 to 5.8 °C by 2100. The future impact scenarios of WG II are based on a lower range of temperature increase, in large measure because the literature investigating impacts of climate change at the higher range of warming is unavailable. In spite of this lack of research the TAR “Synthesis Report” argues that “the larger the change and rate of change in climate, the more the adverse effects predominate.”16 In other words, should global average temperature increase to the high end of the projected range — say to 5.8 °C — it is reasonable to assume that the adverse impacts on many natural and human systems could be catastrophic. As in natural systems, the impact of climate change on human systems should be considered a positive feedback loop. In other words social instability and environmental degradation constitute a positive feedback loop for human societies. As a society destabilizes, a scramble for scarce resources, not moderated by prior so-
cial controls, accelerates. This, in turn, will lead to greater resource depletion, and eventually the further disintegration of any society reliant on those resources. This feedback loop is as problematic as any described under the auspices of the natural sciences.

WGII assessed the sensitivity of climate change to human systems in six areas: 1) Hydrology and water resources, 2) Agriculture and food security, 3) Coastal zones and marine ecosystems (fisheries), 4) Human health, 5) Human settlements energy and industry, and 6) Insurance and financial services. While some beneficial impacts are expected (e.g. potential increase in crop yields in some mid-latitude regions, reduced energy demand for heating due to higher winter temperatures, etc.) the following represents a summary of adverse affects.

- A general reduction in potential crop yields in most tropical and sub-tropical regions for most projected increases in temperature.
- A general reduction in potential crop yields in most mid-latitude regions for increases in annual average temperature of more than a few °C.
- Decreased water availability for populations in many water scarce regions, especially the sub-tropics.
- An increase in the number of people exposed to vector borne (e.g. malaria) and water borne diseases (e.g. cholera), and an increase in heat stress mortality.
- A widespread increase in the risk of flooding for many human settlements from heavy precipitation and rising sea level.
- Increased energy demand for cooling due to higher summer temperature.  

A key component of WGII’s analysis is that increased global warming and climate change will render human settlements more vulnerable to extreme weather events. The following table provides a sample of the largely negative impacts of simple and complex weather extremes in WGII’s impact assessment:

<table>
<thead>
<tr>
<th>Projected Changes during the 21st Century in Extreme Climate Phenomena and their Likelihood</th>
<th>Representative Examples of Projected Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Simple Extremes</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Higher maximum temperatures; more hot days and heat waves over nearly all land areas (very likely) | • Increased incidence of death and serious illness in older age groups and urban poor  
• Increased heat stress in livestock and wildlife  
• Shift in tourist destinations  
• Increased risk of damage to a number of crops  
• Increased electric cooling demand and reduced energy supply reliability |
| More intense precipitation events (very likely over many areas) | • Increased flood, landslide, avalanche, and mudslide damage  
• Increased soil erosion  
• Increased flood runoff could increase recharge of some floodplain aquifers  
• Increased pressure on government and private flood insurance systems and disaster relief |

239
Complex Extremes

<table>
<thead>
<tr>
<th>Event</th>
<th>Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased summer drying over most mid-latitude continental interiors and associated risk of drought (likely)</td>
<td>- Decreased crop yields&lt;br&gt;- Increased damage to building foundations caused by ground shrinkage&lt;br&gt;- Decreased water resource quantity and quality&lt;br&gt;- Increased risk of forest fire</td>
</tr>
<tr>
<td>Increase in tropical cyclone peak wind intensities, mean and peak precipitation intensities (likely over many areas)</td>
<td>- Increased risks to human life, risk of infectious disease epidemics, and many other risks&lt;br&gt;- Increased coastal erosion and damage to coastal buildings and infrastructure&lt;br&gt;- Increased damage to coastal ecosystems such as coral reefs and mangroves</td>
</tr>
<tr>
<td>Increased Asian summer monsoon precipitation variability (likely)</td>
<td>- Increased flood and drought magnitude and damage in temperate and tropical Asia</td>
</tr>
</tbody>
</table>

While all societies are expected to be sensitive to climate change, many are considered vulnerable, especially for those human communities where population density is greatest and economic development is weakest — what the world usually refers to as developing nations. The TAR measures vulnerability and adaptive capacity in direct proportion to a society’s social, economic and technological infrastructure. Consequently a weak socio-economic infrastructure means greater vulnerability and lesser adaptive capacity to global warming. Accordingly WGII states that:

Populations and communities are highly variable in their endowments with these attributes, and the developing countries, are generally poorest in this regard. As a result, they have lesser capacity to adapt and are more vulnerable to climate change damages, just as they are more vulnerable to other stresses. This condition is most extreme among the poorest people.

Regarding this assessment of vulnerability and adaptive capacity among developing nations, four consequential points should be considered. 1) Increases in average global temperature will likely produce net economic losses in many developing societies and the greater the degrees of increase the greater the potential for economic damage. 2) It is likely that the expected economic impacts of climate change will exacerbate the existing disparity between developed and developing nations with the caveat that global mean temperature at the higher end of the projected spectrum (e.g. 4-5.8°C will further increase economic disparity). 3) Due to weaker resources for adaptive capacity, developing countries will suffer more adverse impacts than developed nations and within developing nations more people are expected to be harmed rather than benefited from climate change. 4) Finally, it is projected that developing countries will suffer the greatest in terms of loss of human life.
In their regional assessment of impacts, vulnerability and adaptive capacity, Working Group II identified three continental areas that are particularly worrisome: Africa, Asia and Latin America. The following table is a representative sample of impacts and key concerns in those regions:

<table>
<thead>
<tr>
<th>Region</th>
<th>Adaptive Capacity, Vulnerability, and Key Concerns</th>
</tr>
</thead>
</table>
| Africa | - Adaptive capacity of human systems in Africa is low due to lack of economic resources and vulnerability high as a result of heavy reliance on rain-fed agriculture, frequent droughts and floods, and poverty.  
- Grain yields are projected to decrease for many scenarios, diminishing food security, particularly in small food importing countries. 
- Extension of ranges of infectious disease vectors would adversely affect human health in Africa. 
- Desertification would be exacerbated by reductions in average rainfall, runoff, and soil moisture, especially in South, North, and West Africa. 
- Increases in droughts, floods, and other extreme events would add to stresses on water resources, food security, human health, and infrastructures, and would constrain development in Africa. |
| Asia   | - Adaptive capacity of human systems is low and vulnerability is high in the developing countries of Asia; the developed countries of Asia are more able to adapt and less vulnerable. 
- Extreme events have increased in temperate and tropical Asia, including floods, droughts, forest fires, and tropical cyclones. 
- Decreases in agricultural productivity and aquaculture due to thermal and water stress, sea level rise, floods and droughts, and tropical cyclones would diminish food security in many countries of arid, tropical and temperate Asia. 
- Human health would be threatened by possible increased exposure to vector-borne infectious diseases and heat stress in parts of Asia. 
- Sea level rise and an increase in the intensity of tropical cyclones would displace millions of people in low-lying coastal areas of temperate and tropical Asia; increased intensity of rainfall would increase flood risks in temperate and tropical Asia. 
- Climate change would increase energy demand, decrease tourism attraction, and influence transportation in some regions of Asia. 
- Climate change would exacerbate threats to biodiversity due to land use and land coverage and population pressure in Asia. Sea level rise would put ecological security at risk, including mangroves and coral reefs. 
- Poleward movement of the southern boundary of the permafrost zones of Asia would result in a change in thermokarst and thermal erosion with negative impacts on social infrastructure and industries. |
Latin America

- Adaptive capacity of human systems in Latin America is low, particularly with respect to extreme climate events, and vulnerability is high.
- Loss and retreat of glaciers would adversely impact runoff and water supply in areas where glacier melt is an important water source.
- Floods and droughts would become more frequent with floods increasing sediment loads and degrading water quality in some areas.
- Increases in intensity of tropical cyclones would alter risks to life, property, and ecosystems from heavy rain, flooding, storm surges, and wind damages.
- Yields of important crops are projected to decrease in many locations in Latin America, even with the effects of carbon dioxide are taken into account; subsistence farming in some regions of Latin America could be threatened.
- The geographical distribution of vector-borne infectious diseases would expand poleward and to higher elevations, and exposures to diseases such as malaria, dengue fever, and cholera will increase.
- Coastal human settlements, productive activities, infrastructure, and mangrove ecosystems would be negatively affected by sea level rise.
- The rate of biodiversity loss would increase.

The impacts of climate change in developing nations — particularly those in Africa, Asia, and Latin America — are potentially staggering. The overall damage to social, economic and technological infrastructure appears to be co-dependent on the rate and range of increase in average global warming and climate change leading to the conclusion that the greater the increase in global mean temperature the greater the adverse impacts on developing countries. By their very nature developing nations are already stressed due to generally weak social and economic institutions and their vulnerability and adaptive capacity to climate change is a function of such factors as wealth, technology, education, information, skills, access to resources and management all of which are in relative short supply. These existing pre-conditions to the projected impacts of climate change are further exacerbated by the assessment of WGII that the poor in these countries will suffer the most. In their analysis “impacts are expected to fall most heavily, in relative terms, on impoverished persons. The poorest members of society can be inferred to be the most vulnerable to climate change because of their lack of resources with which to cope and adapt to impacts ….”

A recent example of the potential devastating impact of climate change on food production in developing nations has been reported by the journal *New Scientist*. In its February 9, 2005 web report, *New Scientist* claims that “Rice yields are crashing as a result of global warming at twice the rate predicted,” according to research performed at the Rice Research Institute at Los Banos, Philippines. The results of the detailed study suggest that “global rice yields could potentially fall by a catastrophic 50 percent during this century.” Researchers at Los Banos found that “mean temperature rose by 0.7 °C over the past 25 years,” and “while maxi-
mum temperatures rose by 0.35 °C, night minima have risen by 1.1 °C. The end result was that rice plants expended so much nighttime energy for respiration, due to elevated temperatures, that less energy remained as a product of photosynthesis when grain was produced. Bearing in mind that rice is the most widely eaten food worldwide — the major staple of more than 2 billion people in Asia and hundreds of millions of people in Africa and Latin America — a 50 percent reduction in grain production would be devastating.

This, along with other projected impact scenarios on developing nations and the poor, is an egregious affront to distributive, social and ecological justice and a potentially serious threat to world peace. The destabilizing potential of unabated and rapid climate change is obvious. Among a wide spectrum of negative affects, the world could witness the displacement of millions of people from deltaic regions such as Bangladesh (estimates project the possible loss of 17% of habitable land) as well as the permanent loss of low lying island nations such as the Maldives. The certainty of ecological refugees will surely impact migration and immigration patterns, further compounding the adverse impacts of climate change. Unless a serious commitment to mitigation by developed countries occurs, including the strategic necessity of buttressing the adaptive capacity of developing nations, the outlook appears bleak for many. The developed nations ought to seriously consider that socio-economic suffering often gives way to anger and desperation, and desperation is often the step-parent of conflict, violence and war.

One strategic response, proposed by the TAR is to enhance the adaptive capacity of developing societies by promoting sustainable development. Accordingly, WGII states that “Policies that lessen pressures on resources, improve management of environmental risks, and increase the welfare of the poorest members of society can simultaneously advance sustainable development and equity, enhance adaptive capacity, and reduce vulnerability to climate and other stresses.” In other words, WGII understands the project of improving adaptive capacity to climate change as equivalent to promoting sustainable development, a concept that has received a great deal of attention in the last decade. The concept has a great deal of merit, at least in theory, for producing the desired foundation for a just and sustainable society. The central reciprocal questions for this analysis are: “How do the scientific-ecological realities such as global climate change impact and frame a contemporary interpretation of Gaudium et spes?” and “How does Gaudium et spes shed light on the serious impacts of global climate change, particularly on the most vulnerable human populations?”

**Catholic Social Teaching and Climate Change: Expanding Perspectives on Human Dignity, Social Justice and the Common Good**

The primary task of Gaudium et spes was to scrutinize the signs of the times in light of the gospel and Catholic Social Teaching. In doing so the pastoral constitution emphasized the following key principles: human dignity, social justice, and the common good. In recent years the U. S. Church, faithful to the intent of Gaudium et spes, has responded to the environmental crisis indicating an expansion of Catholic Social Thought. A prime example of this is the U.S. Catholic Bishops’ statement, *Global Climate Change, A Plea for Dialogue, Prudence and the*
Common Good (2002). This significant document represents an initial foray into the science and seriousness of climate change and the implications of applying Catholic Social Teaching to this global phenomenon for the purpose of providing an ethical basis for Christian response. Nevertheless, given the on-going scientific research discussed above, and the gravity of the impact scenarios of climate change on the world’s poor, a more thorough and systematic analysis of Catholic Social Teaching in light of the world’s deteriorating ecological health is required. The aim of this section is to offer a preliminary sketch of the work to be done utilizing Gaudium et spes as a heuristic baseline for reflection beginning with the question: “What is humanity?”

What is Humanity?
In response to modernity the introductory reflection of Gaudium et spes addressed the primary anthropological question. It stated that “in the face of the modern development of the world, an ever increasing number of people are raising the most basic questions or recognizing them with a new sharpness: ‘What is Man?’” Arguably a timeless question, the pastoral constitution sought to address this query with a fresh historical consciousness declaring that human personhood is constituted by its historical context. Moreover, while acknowledging the value and meaning of personhood from a deeply personalist perspective, the pastoral constitution embraced the modern idea that human persons are also constituted by social processes and concomitant economic and political realities. It stated that

> In our era, for various reasons, reciprocal ties and mutual dependencies increase day by day and give rise to a variety of associations and organizations, both public and private. This development, which is called socialization, while certainly not without its dangers, brings with it many advantages with respect to consolidating and increasing the qualities of the human person and safeguarding his rights.\(^{29}\)

Defined by historical and communitarian existence, the pastoral constitution subsequently acknowledged that the human person is also constituted by culture and a plurality of cultures. It is from this perspective that the document declared that the human person “can come to an authentic and full humanity only through culture” and that “[w]herever human life is involved, nature and culture are quite intimately connected.”\(^{30}\) Moreover, Gaudium et spes also argued that “human culture has a historical and social aspect” taking on a “sociological and ethnological” meaning and it is in this perspective that the documents “speaks of a plurality of cultures.”\(^{31}\)

These insights into the nature of humanity signaled an important methodological and anthropological shift in the Church’s definition of human personhood. The acknowledgement that the human person is shaped by historical, social and cultural factors still has merit today and the key linkage in this anthropological recognition is the interrelated and interdependent aspect of human historical existence. In other words the constitution of the human person is a dynamic process whereby humanity creates history, society and culture and is, dialectically, shaped by this handiwork. Nevertheless, significant as this development was in Gaudium et spes, what more must be said 40 years later in response to the question, “What is humanity?”
The answer is framed, in large measure by the ecological exigencies of our time with the prospects of global climate change and the concomitant impact scenarios highlighting a spectrum of additional environmental concerns. Due to the discipline of ecology and related environmental sciences, the ecological dimension of human existence has been raised to a level of scrutiny never before encountered in human history. The specter of global climate change exemplifies this awareness in an unprecedented fashion as humanity continues to conduct an unmitigated experiment on the earth's atmosphere producing a range of possible positive feedback loops. In stark and dire fashion, global climate change punctuates the human dependence on and interdependence with the earth's biosphere. In other words, the ecological sign of our time forces us to acknowledge that humanity, the human person, is fundamentally constituted by its biological interrelationship with the biophysical world. This ecological relatedness and dependency of the human person is *a priori* to the creation of history, the building of societies and the making of culture. In fact the ecological horizon of the 21st century is already impacting the way we think about society and culture to the point where some are entertaining a redesign of fundamental social institutions — such as economic life — along the basis of ecological sustainability. Visionaries and strategists such as Karl Henrik Robert, Paul Hawkin, Amory Lovins, William McDonough and Michael Braungart are leading the way to the future redesign of human artifacts and economies. While these are significant and hopeful developments, the question remains: What does the ecological sign of our time mean for the hallmark of Catholic Social Teaching: that human beings are created in the image and likeness of God?

**Human Dignity and the Right to a Healthy Environment**

Human beings, by virtue of the fact they are earth creatures in both scientific and theological perspective, are fundamentally constituted by their ecological relationships with and dependency on the earth's biosphere. Theologically these should be understood as primary associations within the community of creation — a point to be emphasized — in reflecting on the meaning of human dignity. In other words, the doctrine of the *imago Dei* — the linchpin of modern Catholic Social Teaching and rights theory — arises from the interpretation of the priestly (P) author's version of creation (Gen. 1: 26-28) wherein God created humanity in God's image and likeness. Hermeneutically, from the genesis of modern Catholic Social Teaching, the Church has interpreted these verses in an ontological fashion as a theological validation of the inherent dignity and worth of the human person. Stated differently, the doctrine of the *imago Dei* is an axiological statement declaring that human beings are endowed with intrinsic value, but this intrinsic value occurs within creation not apart from it. The Yahwist (J) author of creation (Gen. 2:4b-25) knew this intuitively when the author portrayed all life — human, botanical and zoological — coming “out of the ground.”

It is clear that *Gaudium et spes* embraced the transcendental worth and dignity of the human person as the centerpiece of its approach to modernity. Nevertheless, in keeping with its historical perspective, the pastoral constitution sought to interpret the meaning of human
dignity from a historical, social and cultural context. Consequently the document states:

But God did not create man as a solitary. From the beginning “male and female he created them” (Gen. 1:27). Their companionship produces the primary form of interpersonal communion. For by his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential. 

Theologian David Hollenbach writes that “The Council’s most important contribution to the human rights tradition was its important new acknowledgement that the demands of human dignity are historically conditioned ones.” We agree and would add to that, in keeping with the focus of this paper, that the demands of human dignity are also ecologically conditioned. Adapting the above language of the pastoral constitution, we propose that “by their innermost nature human beings are ecological beings, and unless they relate to the earth correctly they can neither live nor develop their potential.” This ecological interpretation of human dignity is, in our view, consistent with the pastoral constitution’s approach of historicity in defining the human person on one hand, and its desire to elaborate on the meaning of human dignity within the context of the signs of the times.

Ethically, therefore, what are the implications for Catholic Social Teaching for an ecological interpretation of human dignity? One answer immediately raises the issue of human rights, defined here as the minimal conditions necessary to protect and promote human dignity. If, as we have argued, that human dignity is ecologically conditioned, then it requires the expansion of Catholic rights theory to include a full array of environmental rights chief among which is the right to a safe environment. Pope John Paul II anticipated this necessity when he declared in 1990 that “The right to a safe environment is ever more insistently presented today as a right that must be included in an updated Charter of Human Rights.” It is our position that, in the face of global climate change and the impact scenarios outlined above, that human dignity, particularly of the most vulnerable human persons, cannot be promoted, protected or maintained under the current ecological conditions of increased global mean temperatures, de-stabilization of the earth's climate system and the potentially devastating impacts on human societies. Within the framework of Catholic Social Teaching, however, the notion of human rights — as the primary conditions whereby human dignity is ensured — is inherently related to a theory and concept of justice.

**Social and Ecological Justice**

The concept of justice is a longstanding aspect of Catholic Social Teaching. Justice — whether in its commutative, distributive or social dimensions — has been primarily defined in relationship to rights and the mitigation of rights conflicts among human actors. Hollenback claims, “Rights represent claims to those things that are due individuals. The notion of justice is an indispensable means in the process of judging which of these claims take priority over others in situations of conflict.” The operative notion of justice in *Gaudium et spes* is social justice. Given the document as a whole and its place in the evolving tradition of Catholic Social Teaching, relatively minor space and attention is devoted to social justice and its theoretical
meaning. Essentially *Gaudium et spes* embraces and ratifies the notion of social justice from *Quadragesimo anno* (1931), the papal encyclical that introduced the concept. In keeping with its overall approach of historicity however, the pastoral constitution sought to apply the principle of social justice “according to the circumstances of the times” and, consequently, focused on economic development as one problem of special urgency. The document declares,

Moreover, although rightful differences exist between men, the equal dignity of persons demands that a more humane and just condition of life be brought about. For excessive economic and social differences between members of the one human family or population groups cause scandal, and militate against social justice, equity, the dignity of the human person, as well as social and international peace.

As a moral norm, social justice makes claims on both personal and corporate institutional actors (e.g. governments). On one hand, it requires that individuals assist in creating social institutions that guarantee everyone’s rights. On the other hand, it also requires corporate actors, such as governments and economic institutions, to ensure — through such means as legislation — that the rights of all are protected. Hollenbach makes the case in the following:

Social justice is a measure or ordering principle which seeks to bring into existence those social relationships which will guarantee the possibility of realizing the demands of distributive justice.... In other words, social justice demands that the institutions of society be ordered in a way that makes it possible to protect the social and personal rights of all.

As an “ordering principle,” the unique feature of social justice is that it directly assumes the necessity of institutional reform and social transformation in order to protect human rights and promote the common good. When applied to the impact and vulnerability scenarios of climate change, it is obvious that this is a matter of social justice on a global level. Poorer developing nations will experience the worst impacts of climate change — even though they use less fossil fuels and produce less atmospheric pollution — to a far greater degree than developed nations who consume the most fossil fuel and produce the largest amount of greenhouse gases. The United States, by itself, consumes 26% of the world’s fossil fuels, and produces 24% of the world’s excess carbon dioxide. The Kyoto Protocol — an example of the type of international legislation dictated by the norm of social justice — designed to reduce greenhouse gas emissions, has never been ratified by the U. S. In fact the treaty was abandoned by the U.S. government in 2001.

Unfortunately, applying the norm of social justice to global climate change also reveals its limitations. Social justice focuses on the social and institutional relationships that are necessary to protect human rights and promote the common welfare of citizens. It does not, however, address the ecological relationships that constitute human dignity and the ecological goods and services upon which all human societies and cultures depend. The phenomenon of anthropogenic climate change — in addition to the entire spectrum of environmental problems — reveals the fractured ecological relationship between human societies and the natural world. Moreover, global climate change not only threatens the quality of human existence, it endan-
gers the support structures of life, the biosphere, and with it the existence of other species with which humanity shares this planet. If we are faithful to the spirit and intent of *Gaudium et spes*, we must entertain the concept of ecological justice as an extension of Catholic Social Teaching. Ecological justice, as a permutation of commutative, distributive and social justice, is the measuring rod or standard whereby social, economic and political institutions are held bound to the primary relationships all living beings share with creation. In other words, ecological justice is the faithful response to the demands and responsibilities of our relationships with humans, creation, and God, through restoring and preserving the integrity and orderliness of creation. Ecological justice is based on the profound and life giving relationships we share with the rest of creation and acknowledges that human well being — what Catholic Social Teaching calls the common good — is inextricably connected with the well being of the biotic and abiotic aspects of Earth’s biosphere.

**The Universal-Planetary Common Good**

The ultimate aim of justice in all its forms is the creation and maintenance of the common good. Catholic Social Teaching informs and develops the manner of the work of justice. *Gaudium et spes* defined the common good as the “sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment...”\(^\text{39}\) Consistent with its historical interpretation of Catholic Social Teaching, the pastoral constitution recognized the complexity of applying this principle to the “general welfare of the entire human family”\(^\text{40}\). In other words, the notion of the common good takes on a distinct international meaning in *Gaudium et spes* that embraces the reality of human interdependence.

In recent years there have been additional interpretations of the common good that reflect an expanding definition. For example in *Centesimus annus* (1989), Pope John Paul II briefly addressed the “ecological question” and indicated that governments have an important role to play in preserving “the common good such as the natural and human environment, which can not be safeguarded simply by market forces.”\(^\text{41}\) In the United States the bishops’ pastoral statement on the environment, *Renewing the Earth* (1991) speaks of the planetary and universal common good. Most recently, in *Global Climate Change, A Plea for Dialogue, Prudence, and the Common Good* (2001), the U.S. bishop’s refer to the universal common good by stating that “Global climate change is by its very nature part of the planetary commons. The earth’s atmosphere encompasses all people, creatures, and habitats.”\(^\text{42}\) The bishops have accurately and appropriately enlarged the meaning of the common good in the face of the compelling signs of the times. The global phenomenon of climate change underscores the necessity of proposing a definition of the common good that incorporates the entire biosphere. After all what real existential meaning does “the general welfare of the entire human family” have when all of earth’s ecosystems are in a process of deterioration? The environmental damage of the present age is global in proportion and highlights the necessity of restoring and maintaining the ecological relationships that make life possible for all beings. Consequently the
appropriate domain for defining the common good is within the entire commonwealth of creation. This would emphasize, from a scientific and theological point of view, the deep genetic and organic bonds of creatureliness that the human species shares with all creation.

**Climate Change and the Catholic University: Interdisciplinary Collaboration**

Given the complex nature of current environmental conditions related to climate change, interdisciplinary collaboration is essential. Science, theology, the other humanities, and the social sciences must all bring their methods and perspectives to bear. As it states in *Ex corde ecclesiae* (1990),

In the world today, characterized by such rapid developments in science and technology, the tasks of a Catholic University assume an ever greater importance and urgency. Scientific and technological discoveries create enormous economic and industrial growth, but they also inescapably require the correspondingly necessary *search for meaning* in order to guarantee that the new discoveries are used for the authentic good of individuals and of human society as a whole.  

We are urgently called to discern what it will mean to be human and humane on an altered planet, how we can prevent further alterations whose negative impacts will be felt most keenly by the vulnerable and poor, and what activities social justice demands that we recognize the consequences of, acknowledge, and repent from. In light of *Gaudium et spes* and *Ex corde ecclesiae* the Catholic University has an opportunity to forge new models of interdisciplinary cooperation and research.

In *Ex corde ecclesiae*, the call to social justice and interdisciplinarity is explicit. It says,

A Catholic University, as any University, is immersed in human society; as an extension of its service to the Church, and always within its proper competence, it is called to become an ever more effective instrument of cultural progress for individuals as well as for society. Included among its research activities, therefore, will be a study of *serious contemporary problems* in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing of the world’s resources, and a new economic and political order that will better serve the human community at a national and international level.

The call for integration of academic disciplines, crucial to assessing the causes, impacts, and possibilities for mitigation of global climatic destabilization, is clear in *Ex corde ecclesiae* when it states “In a Catholic University, research necessarily includes (a) the search for *an integration of knowledge*, (b) a *dialogue between faith and reason*, (c) an *ethical concern*, and (d) a *theological perspective.*”  

It is sometimes said that deviating from the fossil fuel consuming economic course upon which our society has embarked would be too costly, too difficult, and too disruptive. We must acknowledge that year after year we are releasing an ever greater and greater amount of excess CO$_2$, that the impacts will be enormous and disproportionately felt by the poor. The single minded impetus towards excesses of affluence often seen in modern societies is tinged with unacknowledged heartaches imposed on the powerless. As *Ex corde ecclesiae* says, “If
need be, a Catholic University must have the courage to speak uncomfortable truths which do not please public opinion, but which are necessary to safeguard the authentic good of society.⁴⁶

¹IPCC documents are available at http://www.ipcc.ch/
³See the sheep vaccine project website at http://www.csiro.au/index.asp?type=activity&Id=Methanevaccine&stylesheets=aboutCSIROActivity or Vaccine, vol. 22, p 3976
⁴See http://www.newscientist.com/channel/earth/climate-change/dn4508 or Proceedings of the National Academy of Sciences (DOI: 10.1073/pnas.2237157100)
⁶Ibid. 2-4.
⁷Ibid. 5.
⁸Ibid. 13.
⁹Ibid. 16.
¹⁰Ibid. 15. In its Technical Summary and Summary for Policymakers, WGI uses a confidence scale for the occurrence of certain weather scenarios the range of which is—Virtually Certain (99% chance), very likely (90-99% chance), likely (66-90% chance), medium likelihood (33-66% chance), unlikely (10-33% chance, etc.
¹²These comments on Dr. Singer's life are based on his numerous television and radio interviews, and on the biography available at http://www.flatearthaward.org/?q=node/14 which is the Flat Earth Award web site.
¹³See the PBS interview with Fred Singer transcript at http://www.pbs.org/wgbh/warming/debate/singer.html
¹⁵Ibid. 4. Ethically the vulnerability to natural systems is important to consider as all ecosystems are essential to themselves and all living organisms that dwell therein and many ecosystems are essential to human wellbeing. Nevertheless due to the focus of this paper the impact on natural systems will not be entertained.
¹⁷Ibid. 4. The information provided here is taken from Table SPM-1 of WGI’s “Summary for Policymakers.”
¹⁸Ibid. 8.
¹⁹Ibid. 14-15. The information provided here is taken from Table SPM-2 of the “Summary for Policymakers.”
²⁰Ibid. 8.
²²http://www.newscientist.com/article.ns?id=dn6082.
²³Ibid.
²⁴Ibid.
²⁶Gaudium et Spes (GS), no. 10.
²⁷GS, no. 25.
²⁸GS, no 53.
²⁹Ibid.
³⁰GS, no. 12.
³³Hollenbach, 144.
³⁴GS, no. 63.
³⁵GS, no. 29.
³⁶Hollenbach, 152.
³⁷GS, no. 26.
³⁸Ibid.
³⁹Centesimus Annus, no. 40. Also see no. 37.
Ex corde ecclesiae (EE), no. 7.
EE no. 32.
EE no. 15.
EE no. 32.
THEOLOGICAL CHALLENGES
POSED BY COHABITATION AND DIVORCE

BY MATTHEW J. BAASTEN
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Even though marriage and family have been enduring parts of societal and religious customs for centuries, there has been a concern that these two institutions are in trouble. While highlighting the nobility of marriage as a lofty calling—a community of life and love—even Gaudium et Spes noted the challenges facing modern marriages. There we read, "Yet the excellence of this institution is not everywhere reflected with equal brilliance, since polygamy, the plague of divorce, so-called free love, and other disfigurements have an obscurring effect" (§47). These difficulties and many others have forced the Church to defend not only the properties and ends of marriage, but also the value and the very usefulness of this institution.

Recent studies in sociology indicate that marriage may be facing an even more serious threat as evidenced by the high rates of divorce and the rise of cohabitation. Two transitions in the meaning of marriage, the first from institutional marriage to companionate marriage and the second from companionate to individualized marriage, have had significant impact on the forms, values, and purposes of marriage. Intimacy, companionship, emotional satisfaction, and self-development are now the measure of how successful individuals are with their marriages. This historical transformation of marriage has created a paradox for society. Marriages for some are now happier, and more loving and satisfying. Yet, at the same time, marriage has become more fragile and optional (Coontz, 2005a, and 2005b).

This paper will examine from sociological, theological, and ethical perspectives the implications of the changing understanding of marriage over the past two centuries. It begins with a discussion of the increasingly fragile and optional nature of marriage and the impact of this understanding. It continues with an attempt to identify the significant questions the Church's social teachings should be addressing. This paper concludes with an analysis offering concrete suggestions on how these questions might be addressed in light of the principles of Catholic and Protestant social teachings. We argue that a proper understanding of Catholic marriage puts it in tension with the contemporary climate of American Society.

Marriage: An Increasingly Fragile and Optional Institution

Marriage across the world has been experiencing major changes. The role of romantic attraction in mate selection, the collapse of support from the extended family, the rise of divorce, the growth of female-headed families, the widespread decline in birth rates, the decline in marriage rates, and the growth, especially in Europe and North America, of cohabitation, are all well documented. While there is general agreement that much is happening with marriage, there has been a division among sociologists and theologians on what to make of these
changes. Two camps can be found in the sociological and theological literature.

One camp argues that there is a major crisis regarding marriage and family in the world today. The other camp argues that while marriage and family are in transition, they have always been changing, and the myths that we have of a stable past are only myths.

One of the primary advocates of this latter position has been family historian Stephanie Coontz (1998). She has argued that there is no unprecedented crisis today, and ridiculed the position that there was a Golden Age of Marriage in the past. Even the ancient Greeks, she argued, bitterly complained about the declining morals of wives, and the Romans bemoaned the high divorce rates.

However, in a recently published book, Coontz (2005b) admits that her previous position was wrong. What we are experiencing in the world now is, in fact, without historical precedent. Around the globe, she argues, “marriage is becoming more optional and more fragile. Everywhere the once-predictable link between marriage and child rearing is fraying. And everywhere the relations between men and women are undergoing rapid and at times traumatic transformation.” In her new analysis, Coontz contends that “the relations between men and women have changed more in the past 30 years than they did in the previous 3,000, and a similar transformation is occurring in the role of marriage” (Coontz, 2005a: B7).

Coontz's argument to explain this change resembles the argument offered by many other sociologists including Andrew Cherlin (2005). In the past, marriage provided vital political, economic, and social functions that were too important to be left to the free choice of the individuals who were going to base their decision on something as unreasoning and transitory as love. Cherlin refers to this historical image as the Public Family. The institutions of marriage and family are powerful and important to the community. The interpersonal dynamics between spouses and between parents and children, referred to by Cherlin as the Private Family, are of secondary importance.

These social researchers argue that a marital revolution started in Europe and North America at the end of the 18th Century, in the period of the Enlightenment. The ideas that young people should select their own partners, that they should marry someone they love, and that marriage should provide intimacy and companionship to the partners grew through the 19th Century. Cherlin calls the 20th Century, when these ideas dominated and the concept of intimacy became expanded to include mutual sexual satisfaction, the Age of the Private Family. As the sharing of love and intimacy became increasingly important in marriage, and ultimately the reason for marriage, the need for access to divorce also grew in those instances where love in a marriage ceased.

The Growth of Divorce
The growth of divorce is directly related to the growth in expectations for intimacy in marriage. In the middle of the 19th Century approximately 5% of marriages ended in divorce. The divorce rate in the U.S. consistently increased until the early 1980s when it leveled. Over the past 20 years, the divorce rate has declined somewhat but still remains high by historical
standards. By the latter parts of the 20th Century, laws were changed to make divorce easier. While the figures are projections, and therefore open to dispute, most careful researchers estimate that at current rates approximately half of marriages in the U.S. can be expected to end in divorce (Cherlin, 2005: 403).

The Growth of Cohabitation
In the second half of the 20th Century, another consequence of the search for love and intimacy has appeared. Since it is possible to maintain a loving and intimate relationship without marriage, growing numbers of couples are cohabiting without marriage. Giddens (1992) has referred to cohabitation as a “pure relationship” that represents the final outplay of the focus in the modern era on intimacy and personal satisfaction. Cohabitation represents a relationship “entered into for its own sake,” and the individuals stay in the relationship “only so long as they are satisfied.” The phenomenon is further along in Europe and Canada than in the U.S., however it is growing rapidly in the States. Cohabitation in the U.S. started to become more common in the early 1970s and initially functioned as trial marriages. Studies now estimate that between 50 and 60% of couples who eventually marry in the U.S. have previously cohabited. Raley (2000), for example, found that the majority (more than half) of recent marriages were preceded by a period of cohabitation. The Census Bureau places the population of cohabiting couples in 2000 at 9.1% of all households, including 8.1% opposite-sex unmarried couples and 1.0% same-sex couples (U.S. Bureau of the Census, 2003). This compares to 15% cohabiting couples in Canada and Britain, and 30% in Sweden.

The Decline of Trial Marriage
While cohabitation in the U.S. is continuing to grow, it also seems to be changing functionally. Research by Manning and Smock (2003) has found that the use of cohabitation as a trial marriage seems to be declining in the U.S. In the 1970s, 60% of cohabiting relationships resulted in marriage within three years of the start of the cohabitation. In contrast, in the 1990s less than a third of cohabiting relationships resulted in marriage within three years. Manning and Smock looked at women in cohabiting relationships and found “that a considerable minority (about a quarter) of them do not expect to marry their partners” (1081). The authors conclude that “cohabitation may represent a viable alternative to marriage or living alone” (1081). This last point should be emphasized. In the 1950s, women married at 20 and men at 22 years of age. Today women on average marry at 25 and men at 27. College graduates wait even longer to marry. Many have associated this delay in marriage with the growth of cohabitation. Findings of the Chicago study on sex in America indicate that the first cohabiting experiences of women in the early 1990s take place about the same age (20) as women married in the 1950s (Michael, Gagnon, Laumann, and Kolata, 1994: 96-100).

Cohabitation in Europe and North America
Recent studies have attempted to categorize the various countries of Europe in terms of the
place of cohabitation vis-à-vis marriage. Kathleen Kiernan (2002, 2004), a British demographer, writes that the acceptance of cohabitation is occurring in stages in European nations, with some nations further along than others. In stage one, cohabitation is a fringe or *avant-garde* phenomenon; in stage two, it is accepted as a testing ground for marriage; in stage three, it becomes acceptable as an alternative to marriage; and in stage four, it becomes indistinguishable from marriage. She argues that Sweden and Denmark have made the transition to stage four. Spain, Italy and Greece, in contrast remain in stage one. The U.S., she argues, seems to be transitioning from stage two to stage three. The connection between cohabitation and marriage seems to be weakening in the U.S. (Cherlin, 2004: 849).

Heuveline and Timberlake (2004), in a later study, compare the various forms (“ideal types”) that cohabitation takes in the U.S. and sixteen industrialized societies. They identify the four offered by Kiernan and add two additional forms (see Table 1). One of these, claimed by the authors to be especially relevant in describing some cohabiting couples in the U.S., is called “cohabiting as an alternative to being single,” rather than an alternative to marriage. The authors refer to the research findings discussed above (especially Manning and Smock, 2002) that cohabitation is now less likely to result in marriage, and that some U.S. cohabitants say they are living together because they are not yet ready to marry. They don’t see the person they are cohabiting with as their eventual marriage partner, but they don’t want to be living alone.

**Table 1**

**Ideal Types of Cohabitation**

(From Hauvline and Timberlake, 2004; *two additional types identified by authors*)

1. **Marginal** (Italy, Poland, Spain)
   - not prevalent and is discouraged by public attitudes and policies

2. **Prelude to Marriage** (Belgium, Czech Republic, Hungry, Switzerland)
   - Exists in pre-reproductive phase for adults—tend to be brief and non-reproductive, and end in marriage.

3. **Stage in Marriage Process** (Austria, Finland, Germany, Latvia, Slovenia)
   - Exists as a transitory phase in reproduction. Unions tend to be longer, and children more likely to be born.

4. **Alternative to Single** (New Zealand, United States)
   - Cohabitation primarily for brief, non-reproductive unions that end in separation instead of marriage.

5. **Alternative to Marriage** (Canada, France)
   - A discrete family component. Adulthood cohabitation prevalent, and for longer duration than 3. Low proportion leading to marriage, more exposure to cohabitation during childhood.

6. **Indistinguishable from Marriage** (Sweden)
   - Little social distinction between cohabitation and marriage.
The question is: Are Americans following the patterns of Europeans and perhaps are on the verge of rejecting marriage altogether? We suggest that this may not be the case. While the U.S. did lead Europeans in trends toward a high divorce rate, we have been slower to move toward cohabitation.

The U.S. differs from the Europeans in significant ways that may influence our patterns of cohabitation. First, the U.S. maintains the strongest commitment to organized religion of all post-industrial nations. This could be important in maintaining marriage, especially given the capacity of religion to influence American governmental policy today. President Bush's proposal in 2004 to spend $1.5 billion on counseling and other programs to foster healthy relationship is evidence of this. Second, Americans are having more children than the Europeans. They have the highest birthrates of all post-industrial countries, and are the only ones that will experience significant population growth in the future. Third, the U.S. lacks the extensive welfare systems that facilitate cohabitation. American women with children receive little support from society and are extraordinarily vulnerable, economically, to the greater instability of cohabiting relationships.

For these reasons, we believe that people who have yet to marry for the first time may be slower than Europeans in accepting the option of permanent cohabitation. At the present time, cohabitation for this group is more associated with trial marriages and temporary relationships associated with delay of marriage, rather than a substitute for marriage. This, however, may not be true for divorcees. Research on divorcees suggests that they may be selecting cohabitation instead of remarriage.

The Relationship Between Cohabitation and Divorce

The relationship between cohabitation and divorce is a complex one. Some have argued the leveling off and decline in divorce rates that started in the early 1980s is a consequence of the higher rates of cohabitation. People more prone to divorce are less likely to marry in the first place with the now available option of cohabitation (Hacker, 2003: 25). Divorcees are an example of the divorce prone population. Their remarriages have a higher likelihood for divorce than those who enter first marriages. There has been a significant overall decline in remarriage in the U.S. in the last third of the 20th Century. But research shows that divorcees are not living alone. Rather, they are turning to cohabitation as a substitute for remarriage (Bumpass and Sweet, 1989).

On the other hand, fear of the high rate of divorce is often given as a reason for cohabitation among young people who have yet to marry for the first time. Studies show that young people want to try out the relationship to help them make a better selection of a marriage partner (Raley, 2000). This pattern is of special interest because it is so widespread, and because it seems that such a trial marriage does not lead to better partner selection. Research has consistently shown that those who cohabit before marriage are more likely to divorce than those who do not (Bumpass, Martin and Sweet, 1991; Smock, 2000; Teachman and Polonko, 1990). Some research indicates that for more recent cohorts, premarital cohabitation
is not as strong a predictor of divorce as it was in the 70s and 80s (Schoen, 1992). The reasoning is that earlier cohorts of cohabitants included more marginalized people, i.e. those less respectful of institutions, less religious, more independent and liberal in their values, etc., and these were more likely to divorce. But as cohabitation has become normative in society, those who cohabit are less different from the rest of society. While this argument seems plausible, there is relatively little research to support it in the U.S. The alternative hypothesis, also supported by some research, is that cohabitation itself is subversive to marriage (Axinn and Barber, 1997; Axinn and Thornton, 1992).

Finally, some research has shown that under certain conditions cohabitation does not increase divorce rates. For example, if the cohabitation is pre-nuptial with the couple clearly committed to marriage, or if they have set a date for the wedding, there is no increase in divorce (Brown and Booth, 1996). Similarly, Teachman (2003) has found that there is no increase in divorce rates for cohabitants when this is the first intimate relationship for the female (i.e. her first sexual relationship or her first cohabiting relationship).

Impact of Cohabitation on Child Rearing
A relatively new area of research examines the impact of cohabitation on children. The U.S. Census found that 43.1% of cohabiting households include children (U.S. Bureau of the Census, 2003). Estimates indicate that 5% of U.S. children currently reside with a cohabiting parent(s), and 35% (Heuveline and Timberlake, 2004) to 40% (Bumpass and Lu, 2000) of children born in the 1990s will spend some time in a cohabiting family. A recent study by Brown (2004) found that children and adolescents residing with cohabiting parents experience lower levels of well-being than children residing with married parents. This is especially true for adolescents (12-17 years old). Regardless of economic and parental resources, the outcomes (for behavioral and emotional problems) of adolescents in cohabiting families are worse, on average, than those experienced by adolescents in two-biological-parent married families. This is the case whether both cohabitants are biological parents or whether one is a step-parent.

Catholic Responses to the Current Trends in Marriage
Since Vatican II, the Catholic Church has acknowledged the role of sociological research in gaining a better understanding of the challenges facing the institution of marriage. In his apostolic exhortation, On the Family, John Paul II contended that “the church values sociological and statistical research, when it proves helpful in understanding the historical context in which pastoral action has to be developed and when it leads to a better understanding of the truth” (John Paul II, 1981: §5). It is not surprising therefore that Catholic writings on marriage begin with a review of current social scientific data. The fragile nature of marriage, the high rate of divorce, the negative impact of divorce on children, and more recently, the rise of cohabitation are often cited as evidence that marriage is in some form of “crisis.”

The Catholic response to this crisis has been to develop a personalist framework that focuses on marriage as an expression of interpersonal love. Lisa Sowle Cahill, in her survey article re-
viewing Catholic writings on marriage, argues that the standard modern Catholic vision of marriage is “an idealized union of two persons, united in love, and sharing the joys and responsibilities of parenthood” (Cahill, 2003: 9). She wonders whether such a positive and celebratory vision of marriage, “with its confidence in free, individual commitments, is adequate to confront and challenge the social realities of marriage today” (2). She is concerned, and rightly so, that the standard Catholic framework with its tendency to over romanticize love and sexuality in marriage may lead to unrealistic and high expectations for the married life.

Given the data which suggests that marriage is increasingly fragile and optional, we argue that the Catholic vision of marriage needed today is countercultural, more realistic, more focused upon the common good, and more attuned to the need for role models. We return to the social scientific data discussed above. In a recent study, Cherlin (2004) offers an interpretation of marriage based upon the most up-to-date information about the current state of marriage. He makes four observations useful as a starting point for our theological reflection:

- Marriage today has become a capstone experience that serves as a marker of prestige, rather than a marker of conformity.
- American marriages have become de-institutionalized, in the sense that social norms about family and personal life count for less and less.
- A return to institutional marriages is unlikely.
- The new question to ask, given the present state of marriages, is why so many people are marrying.

**Marriage as a Capstone Experience: A Marker of Prestige**

The transitions in the meaning of marriage have altered the way many perceive the symbolic significance of marriage. Cherlin argues that “marriage has evolved from a marker of conformity to a marker of prestige” (Cherlin, 2004: 858). The practical importance placed upon marriage in the past has declined. It is now seen as optional for Americans. You do not need to be married to get along in contemporary society. There are many other ways to live with or without a partner. Marriage, instead, has become a “status that one builds up to, often by living with a partner beforehand, by attaining steady employment or starting a career, by putting away some savings, and even by having children” (855). Today marriage comes after a relationship has developed and individuals have attained a mature self-identity. It could be called a capstone experience in life. Marriage celebrates the achievements they have accomplished. It represents an end, not a beginning.

Cherlin argues that even wedding ceremonies have become a symbol of status and prestige. In the past the wedding ceremony signified before God and community the couple’s commitment to dedicate themselves to each other, to maintain sexual exclusivity, and to welcome children. Today, the wedding becomes a public statement that they have passed through a milestone in the development of their relationship and their self-identity. Cherlin writes, “through wedding ceremonies, the purchase of a home, and the acquisition of other accoutrements of married life, individuals hope to display their attainment of a prestigious,
comfortable, stable style of life” (857).

The concept of marriage as a capstone experience is closely linked with the romantic ideal of mutual absorption. Cherlin (2004) asserts that the nature of the rewards that people seek through marriage has changed. Now people seek personal growth, deeper emotional intimacy, togetherness, and continued high levels of affective quality. If these individualized rewards are no longer being met, they would insist on changes in the relationship. For many, marriage is not seen as a place to sacrifice for the other, but rather as a “Super-Relationship” that maintains the quality of the relationship.

We agree with a number of religious thinkers that any view of marriage as a capstone experience is contrary to a Catholic vision of marriage that is both realistic and countercultural. A realistic view must acknowledge the changing nature of marital companionship over time. Marriage should not be seen as a personal achievement celebrating the prior creation of a quality relationship, but rather as a beginning of a new challenge to meet the demands of an ever-changing relationship. Marriage has been described as a journey into an unpredictable future (Burtchaell, 1985; Hauerwas, 1981; Willimon, 1990). Willimon suggests that “morally we move into the future on the basis of commitments that we made without knowing what we are getting into” (Willimon, 1990: 925).

Marriage binds us to a person, and not to a specific set of obligations and responsibilities calculated and limited in advance. On the contrary, these obligations would be based upon the needs of the other, with the genuine recognition of the importance of giving the other his/her due (Burtchaell, 1985; Kelly, 2002). This is exactly why marriage is such a difficult undertaking. No one can predict beforehand the needs of another. People change, desperate predicaments arise, and circumstances change, each of which can challenge one’s pledge to remain faithful and attached to past commitment (Hauerwas, 1981). Therefore, what is needed realistically are partners who have the endurance and determination to live the demands of agape love in the midst of real experiences of suffering and pain. To the world, this may seem foolish, but such a countercultural stance stresses that a Catholic vision of marriage involves commitments not readily recognized or accepted by individuals living in the world today.

Marriage should be viewed as a continuing learning experience, a school of life and love. In the school of marriage, individuals experience in real life what is demanded of them in love. There is much to learn. Lessons of offering and accepting forgiveness, of transcending one’s needs and wants for the good of the other, and of the recognition and acceptance of limits are some of the lessons that can be learned in everyday life (Kelly, 2002: 96).

Married couples who have learned unique lessons from their lived experiences can then become teachers to others in “school of love.” Given the need, especially for young adults, to gain a realistic and hopeful picture of marriage, it is important that married couples share their stories of how they lived out their commitments in both good and bad times. In this way, couples function as role models bearing witness to the reality that marriage can be lived with meaning and with vitality.
Marriage, however, is more than just creating and fostering relationships. Any Catholic vision of marriage needs also to move beyond the current societal focus on intimacy and personal satisfaction. It needs to include another countercultural element, namely the call for couples to be active and engaged with the world. In his exhortation on the family, John Paul II linked marriage and family to the social transformation of society through civic activities. Such an undertaking by families can take many forms. They may involve service activities, especially for the poor and those who have no status in society, hospitality, and attentiveness to how laws affect the rights and status of families (John Paul II, 1981, § 44). As Kelly contends, love never simply stays at home (Kelly, 2003: 16).

In a Catholic vision of marriage, one of the primary roles of a married couple is to mold children with a sense of responsibility to the common good (Cahill, 2003:10). Marriage, in this context, can be viewed as a school of love, in which children are educated in relationships, rich in justice and love. The purpose of this school, according to John Paul II, is “to form persons in love and also to practice love in all of its relationships so that it does not close in on itself, but remains open to the community, moved by a sense of justice and concern for others, as well as by a consciousness of its responsibility toward the whole of society” (John Paul II, 1981, §64). On a practical level, the most concrete and effective strategies that parents can adopt are shared service experience, discussions that raise awareness of the impact of everyday events on the weakest and most vulnerable in society, and story telling involving family members addressing a need of another (Kelly, 2003).

Deinstitutionalization of Marriage

Cherlin (2004) argues that the factors such as the change in the division of labor in the home, the increase of child-bearing outside marriage, the growth of cohabitation, and the emergence of same sex marriage have contributed to the deinstitutionalization of marriage in America. By deinstitutionalization he means that the social norms on how to behave in marriage have been seriously weakened. Social change regarding marriage has been exceptionally fast and widespread. Many new situations have been created outside the reach of traditional norms of behavior (i.e. gender roles, decision-making, employment, childcare, housework). Individuals can no longer rely on shared understandings of how to act. Rather, they have to negotiate new ways of acting. This can produce disagreement and tension, as well as opportunities (848).

With the rise of individualism and a different perspective on the rewards of marriage, the social norms about family life count for far less than during the period of institutional marriage. In this new age, people generally desire to be married, but “they now experience a vast latitude for choice in their personal lives” (Cherlin, 2004: 853). The decisions to marry, the process used to construct the marriage, the decision to have children, and the roles one is willing to perform are now more the domain of individual choice and less dependent upon traditional social norms. The consequence has been for people to increasingly evaluate how satisfied they are with their marriages. They now think more in terms of the development of their own sense of self and expression of their feelings, as opposed to the satisfaction they
gained through building a family, playing the roles of spouse and parent, and being part of a family concerned about the public good.

This analysis of the deinstitutionalization of marriage supplies a context for understanding the challenges facing the church and her members as they advocate a particular vision of marriage. In America, 60% of the population still says that religion is important to them. Nevertheless, “there is still a long-standing decline in support for bedrock church positions” (Starobin, 2004: 609). This can be seen in the rejection of the Catholic Church’s position on birth control and divorce. Also, there is developing a gap between expressions of faith and actual behavior. Cohabitation is an example. Despite the church’s repeated criticism of cohabitation, 43.6% of Catholic couples in 1995 were living together at the time of their marriage preparation (Secretariat for Family, Laity, Women, and Youth, 1999).

The decline of the influence of the church on issues related to marriage is not surprising given the weakening of social norms in society today. Young adults now prefer to make their own choices without the “interference” of institutions such as the church. This fact places a greater burden and responsibilities on married couples to assume their role as the educators and role models for their own children and for wider society. It is our belief that those who are married are the most effective teachers and witnesses to the Catholic vision of marriage.

The Future of Marriage

What can we say about the future of marriage? Cherlin envisions three possible alternative futures: first, a reinstitutionalization of marriage, or a return to the marriage that existed in the mid-20th Century; second, a continuation of the current situation; or third, a fading away of marriage that is akin to what is happening in some European societies.

Cherlin (2004) suggests that the first alternative, a reinstitutionalization of marriage, is unlikely. It would entail a rise in the proportion of people who marry, a rise in the proportion of births to married couples, and a decline in divorce. For this to occur, a reversal in the individualistic orientation toward family and personal life would be required. Cherlin identifies this individualistic orientation as the major cultural force driving family change over the past several decades.

The second alternative, a continuation of the current trend, means that marriage remains deinstitutionalized but is common and distinctive. It would stay the most prestigious form of relationship. Cherlin believes that marriage is losing its privileges and material advantages relative to cohabitation as laws are changed to protect and support unmarried partner relationships.

The third alternative is the fading away of marriage. This involves the notion that people are still marrying because of an institutional lag. They have yet to realize that marriage is no longer important. Giddens’ (1992) concept of the nonmarital “pure relationship” can provide intimacy and love, can place both partners on an equal footing, and can allow them to develop their independent senses of self. Cherlin notes that this also produces a predominance of fragile relationships that are continually at risk of breaking up. And it does not bode well for
the raising of children (858).

Even though Cherlin notes problems with each of the three alternatives, he believes that the first alternative is the least likely to occur and that either marriage will continue in its present highly individualized form or it will disappear completely. On the one hand, if the purpose of creating a Catholic vision of marriage that will transform how many individuals in wider society view marriage, then the message is that this will not happen. We agree with Cherlin that a sharp reversal in the individualistic orientation would be needed to reinstitutionalize marriage. On the other hand, if the purpose is to develop a view of marriage consistent with the beliefs and values of the Catholic tradition, this vision must be seen as countercultural, in direct opposition to the current societal values and behaviors. This is the challenge of faithfulness.

**Why Are People Still Marrying?**

Today we have many choices for how to live our personal life. But still nearly 90% of Americans will eventually marry according to recent estimates. Studies show that young people still seem to place great importance on marriage. This raises the question, not of why marriage is disappearing, but rather why are Americans still so committed to marriage. Why are people still marrying in such large numbers?

In attempting to evaluate what marriage offers today, Cherlin suggests a major benefit is "enforceable trust." Compared to the private commitment of cohabitation, marriage is a public commitment. This public commitment, made before family and friends, lowers the risk that one will renege on agreements that will be made between the couple. It allows individuals to invest in the partnership with less fear of abandonment. However, with the wide availability and decreasing stigma of divorce, along with the growing rights of cohabitating couples, the enforceable trust of marriage is eroding (855).

With the practical importance of marriage declining, Cherlin notes that the symbolic importance of marriage has remained high and may have even increased. "It has evolved from a marker of conformity to a marker of prestige" (855). It is a status one builds up to often by living with a partner, obtaining steady employment, putting away some savings, and perhaps even having some children. Its symbolic status is strongest in the lower classes where marriage rates are lowest (855).

The challenging aspect of Cherlin’s concern is that it forces Catholics to address an unfamiliar question. The question normally asked in Catholic marriage preparation is, “why get married?” In other words, couples are instructed to focus on the meaning and purposes of marriage. Cherlin encourages us to ask a different, and more challenging question: “what are the benefits of entering into a Catholic or religious marriage?” We argue that this is a crucial query and we suggest the following answer: that religious marriages supply an important and much needed supportive community. There are two ways that the Church supplies this support: first, as a community of believers, it pledges to support couples as they experience daily the joys and the challenges of married life. Second, it articulates a theological framework that
supports a couple in challenging the trends and thoughts that dominate contemporary society and are subversive to stable, committed marriage and family.

**Conclusion**

The crisis today is due to the transitions of marriage, first from an institutional to a companionate marriage, and then from a companionate to an individualized marriages. These two transitions have left marriage increasingly fragile and optional. The challenge facing the Catholic Church is to articulate a view and structure of marriage that is both realistic and countercultural. To do this, the church and married couples must work together to identify and develop resources needed by those couples to sustain marriage in the midst of the stresses of everyday life.

**References**


As Catholics seek to engage American culture from the perspective of our faith, there is perhaps no more pertinent topic to address than biotechnology. And within biotechnology, perhaps the most pivotal, emerging issue to address is germ line gene transfer (GLGT). I will try to start dialogue about why and how to make this engagement by doing three things: (1) review the science and cultural significance of GLGT; (2) summarize the current state of debate about and ethical resources for addressing GLGT; and (3) make a brief argument about why a distinctively new approach is needed and sketch the outlines of such an approach.

I. The Science and Cultural Significance of GLGT

A. Science

GLGT is a form of genetic engineering. All genetic engineering essentially involves the introduction of genes or genetic materials into human cells to produce a desired effect. Currently there are over 1,000 gene therapy trials going on in the world. All of these trials, however, involve somatic cells or non-reproductive tissues in the body such as gene therapies for cystic fibrosis, which attempt to introduce functional genes into tissues involved in breathing. Germ-line gene transfer is so named because it intends to introduce changes into loci where the modifications can be passed on through successive generations.

Germ-line changes can be made in one of two ways: (1) they can be introduced at such an early stage of development — when cells are totipotent — that they are taken up into all cells of the body, including reproductive cells of ova or sperm, or (2) they can be introduced directly into reproductive cells — the egg and the sperm. Both are possible, although I should note that the former, which utilizes techniques from artificial reproductive technologies (In Vitro Fertilization and Embryo Transfer and Preimplantation Genetic Diagnosis) would be most favored by scientists today. In any case, GLGT would make possible a definitive healing of diseases because it could prevent the development of symptoms in an individual as well as the transmission of disease within a given family.

GLGT is both scientifically simpler than Somatic Cell Gene Transfer as well as much more powerful. It is simpler because the tissue into which genetic changes will be introduced is less diverse and more accessible. GLGT is more powerful, not only because it can prevent the transmission of genetic diseases but also because it provides an avenue for changing complex genetic traits.

B. Cultural Significance

GLGT is of great cultural significance for three reasons. First, it presents the opportunity to do something genuinely new in a way that embryonic stem cell research and even cloning do
not—a the chance to mold human beings at their origin, in a radical manner and for the long term by introducing genes and traits heretofore never possessed. Second, even apart from the empirical significance of any changes made, the practice of GLGT has the potential to change our perceptions of human nature and of fundamental human relationships, as well as longstanding conceptions of human equality, human dignity, and social solidarity. Finally, GLGT potentially opens the doors of biotechnology to a much broader population than envisioned so far. Gene therapy protocols to date have focused on individuals with rare monogenic diseases, such as cystic fibrosis, or serious diseases such as cancer. Artificial Reproductive Technologies have crossed technological and ethical lines once thought impassible but still have appealed to a fairly limited audience. Because GLGT may be the only way to address multifactorial traits such as intelligence, memory and longevity, it has the potential to significantly expand the market for consumers of biotechnology. Since GLGT has such great scientific and cultural significance it is imperative that the ethical resources to address it be adequate to the task.

II. GLGT: Status of the Debate and Ethical Resources

A. Status of the Debate

We have moved through two stages of the debate about GLGT and stand on the precipice of a third. The first stage of the debate lasted from the 1960s to the early 1980s—that is, from the dawn of public debate about recombinant DNA until the first concrete ethical guidelines for gene therapy trials were provided in 1984. Throughout the 1970s and 1980s, a tacit moratorium was generally observed on debate about and proposals for GLGT. In the early 1990s, however, significant scholarly interest returned to the topic. While cloning and human ESC research have dominated the news since the late 1990s, interest in GLGT has not truly abated, and the technology required to conduct it continues to be assembled.

B. Ethical Frameworks

There are several influential taxonomies of argumentation about GLGT. I suggest a twofold division to put the various arguments into perspective. There is first the distinction between pragmatic and principled argumentation. Then within the set of principled arguments, there is a further distinction between those based on what I call subjectivist and substantialist criteria.

I can note only in passing the arguments pro and con about GLGT that are based on pragmatic criteria such as feasibility, probability of success, and empirically demonstrable harms and benefits. Opponents of GLGT point to pragmatic issues such as narrowing of the gene pool, the uncertainty of success and high costs of developing the technology, the opportunities provided for eugenics and the likelihood of increased social discrimination. Proponents of GLGT argue that GLGT might be the most effective or efficient form of treatment for some diseases. Moreover, they argue, the ratio of risks to benefits most likely will change over time. While pragmatic arguments often figure prominently in the public debate, they are merely prudential in nature, and affect only the pace or timing of a decision to pursue GLGT.

Principled arguments are not based on practical considerations such as the consequences
of a course of action, but on the nature of someone or something, broadly speaking. Examples of principles relied upon by opponents of GLGT include the unique status of human nature, human procreation, and the human genome, the dignity of human persons, and the rights of future human persons. Proponents of GLGT cite as principles the medical imperative to heal, the constitutional right to free scientific inquiry, the right to reproductive autonomy, and the right of humans to control nature and evolution. Principled considerations are significant not only because they address the issue of right and wrong per se, but also because they establish the ethical framework within which ethical argumentation, and ultimately ethical formation, take place.

Principled argumentation can be further distinguished into two broad classes—Substantialist and Subjectivist—based on the emphases of the scholars. Substantialists are unified by the conviction that there is an objective line or limit in reality that should not be crossed, and commonly hold that GLGT in general, and GLGT for enhancement in particular, constitute a violation of this limit. Kurt Bayertz identifies substantialism above all with the conviction that human nature is “holy” and therefore must be respected. Implicit in this stance is the conviction that a human nature or identity exists and possesses inherent value. Substantialists strive to identify those lines that must not be crossed or those human qualities that must be respected. Key representatives of substantialist argumentation include Hans Jonas, Leon Kass, Francis Fukuyama and a host of European scholars.

Subjectivists, on the other hand, accentuate other dimensions of human experience to justify the practice of GLGT. The Subjectivist position (1) stresses human self-determination and self-consciousness (especially human beings’ ability to conceptually distinguish themselves from the “outside” world or environment); (2) stresses the human ability to control the environment, as well as the ability to manipulate material nature to survive and to flourish; (3) focuses on the dynamic principle of perpetual self-alteration and — enhancement exhibited by humans; and (4) stresses, as not only possible, but necessary, moral self-legislation. Taken together, these subjectivist tendencies militate in favor of rationally conceived, autonomously willed interventions as opposed to respect for any given form or quality of human nature or human relations. Representatives of subjectivist argumentation include Joseph Fletcher, Derek Parfit, John Harris, and H. Tristam Englehardt, Jr.

The literature on both sides of the debate is rich and complex, too much so to be summarized here. However, it has not proved to be satisfying or dispositive. Substantialists strive to find a meaningful line in human nature or identity that will prevent human beings from being treated like any other object of production or manipulation. They seek a line independent of human variability across cultures and history and their criteria seem far too formal to be effective as ethical guides. Subjectivists go to great lengths to show that the lines or realities identified by substantialists are illusory. However, while they focus on particular parts or aspects of human nature to improve, Subjectivists neglect the larger question of what it would take to improve human beings per se. Their focus on the subjective dimension of human na-
ture fosters an implicit dualism that can objectify the human body and the human person. Moreover, the Subjectivist focus on individual freedom and self-determination is ironic, inasmuch as GLGT would entail the exertion of substantial conceptual, social, and technological control in order to shape future individuals and their traits in consistent and predictable ways.

**C. The Contribution of Catholics**

An additional source of ethical guidance can be found among people and institutions of faith. Here the focus will be on the contribution to the debate by Catholic scholars and the Church’s magisterium. Two statements can capture the state of the debate here: first, Catholic scholars remain conflicted about the moral propriety of GLGT, although several influential scholars have expressed qualified support for at least some applications. Second, not only the ethical analysis but also the doctrinal teachings are far from complete, and a great amount of work remains.

There are two key sources of magisterial teachings to note: the Congregation for the Doctrine of the Faith Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation, commonly referred to as *Donum vitae*, and several speeches given by Pope John Paul II. *Donum vitae* addresses issues of research and experimentation on human embryos before making this statement:

> Certain attempts to influence chromosonic or genetic inheritance are not therapeutic, but are aimed at producing human beings selected according to sex or other predetermined qualities. These manipulations are contrary to the personal dignity of the human being and his or her integrity and identity. Therefore, in no way can they be justified on the grounds of possible beneficial consequences for future humanity.

Clearly, some biotechnological interventions, such as preimplantation genetic screening, are excluded by this teaching. While GLGT for enhancement purposes would seem to be excluded as well, it is not certain that GLGT for therapy is.

Pope John Paul II made major statements regarding genomics in 1983, 1994, and 1998 containing significant, but not exhaustive, guidance. While opponents of GLGT could cite the Pope’s strong defense for each human being’s dignity and identity from the moment of origin and his 1998 defense of the “inner truth” and “anthropological dignity of the human genome,” proponents of some forms of GLGT could note in response that, while the Pope condemned some forms of and motives for genetic intervention, he did not condemn all forms of GLGT and he issued a strong statement defending therapeutic applications of genetic science. In addition to this lack of specificity about the precise limits on genetic therapy, neither John Paul II nor *Donum vitae* addressed genetic changes that could be made to human gametes rather than individual embryos.

Catholic theologians have expressed contrasting opinions about the legitimacy of GLGT. Indeed, Karl Rahner exhibited both extremes of affirmation and rejection of genetic technologies in articles written only 18 months apart. Opponents of GLGT have included Edmund Pellegrino, Richard McCormick, Charles Curran, and Germain Grisez. Proponents have included Bernard Haering, Benedict Ashley, Bernard Hoose, and James Walter.
appeal to several categories — denying the charge of “playing God” and emphasizing instead that humans are “created co-creators” who have a right, if not an obligation, to bring to completion the creative process that God began. A common thread runs through the thought of these proponents — what I term “as long as” reasoning. That is, GLGT and related technologies may be employed: (1) “as long as” they don't damage human reason or human freedom, (2) “as long as” human dignity is not diminished, or (3) “as long as” human children are still viewed and treated as gifts. A relevant question to ask is, can this line of reasoning be sustained? Or, to put it more positively, for appropriate respect for human life and dignity to be sustained, from where will the moral resources come? It is questionable that traditional ethical resources can supply what is wanted, as I will now explain.

**D. Ethical Challenges**

Two developments have conditioned the cultural environment into which GLGT may soon be introduced that will likely magnify its significance and danger. The first has to do with the state of ethics, and more specifically bioethics, today. The second has to do with the commercialization of science and medical technology.

Bioethics today is facing a particularly strong form of technological utopianism what Gerald McKenny refers to as the “Baconian Project.” While Francis Bacon gave the movement important impetus, McKenny argues, it has been built gradually over the centuries in steps that have included (1) the abandonment of concept of teleology; (2) the progressive secularization of culture and science; and (3) a respect for each individual's human dignity that has morphed into the near ultimate value of self-actualization. To these steps could be added the cultural impact of evolutionary theory, modern physics, and post-modern philosophy, as well as the impression made by the ability of science to split the atom into a host of particles and to make synthetic materials that rival anything nature has produced. According to McKenny, the result of the Baconian Project has been the gradual displacement of the pre-modern, largely Christian, moral tradition on the relationship of medicine to health in favor of an approach to the human body that exalts the power of technology, the good of self-realization, and the possibility of moral progress in the absence of broad-based belief in the purposiveness of nature and any religious worldview. This is the environment into which GLGT may soon be introduced.

A second factor of note is the progressive commercialization of science and medical technology, due in part to the efforts of the U.S. government to speed up the application of basic research through Technology Transfer Acts (TTA) in the early 1980s. While they had the laudable goal of encouraging researchers to find practical applications for the research they were doing the TTA had other, more subtle effects as well. One of these effects was to encourage researchers and universities to pursue commercially lucrative avenues of research. When this trend is coupled to marketing practices such as direct-to-consumer advertising, it is easy to see how such commercialization could condition the implementation of GLGT. For example, it will be much more lucrative to develop genetic services that promise to help people
with common forms of dissatisfaction with the human condition, such as inadequate height, intelligence, or longevity, rather than help those with rare, but severe monogenic conditions such as cystic fibrosis, spinocerebellar ataxia, and Tay-Sachs disease.49

The impasse in abstract argumentation, combined with the strong currents of technological utopianism and commercialism in American society make this a pivotal moment in which to bring enhanced ethical resources to bear. I now turn to these.

III. A New Approach

There are two elements to the new approach that I would like to suggest. They are; first, a more nuanced analytical approach that provides a richer framework for discussing the implications of introducing culturally significant techniques such as GLGT; and second, a positive, substantive account of the human reality that is capable of shaping not only insights, but also the imagination and emotions. This new approach should be broad enough for Catholics to engage a wide field of discourse but also deep enough to bring the rich resources of our tradition to bear. The framework I suggest is that of embodiment. Developments in scholarship, especially in the fields of sociology and cultural anthropology over the last 30 years, have shown the significance of the human embodiment for discourse about human culture and the human good.50 That is, the body increasingly is seen as a kind of canvas upon which cultures, institutions and individuals “write” their theories and values about the human person.51 With this in mind, I turn to one source of a critical, analytical account of embodiment — some insights from the work of Michel Foucault.

A. Foucault and the Concept of Disciplines

To understand the dynamics of modern cultures, Foucault52 developed a methodology for tracing the historical development of practices, discourses and the power relations they established which he called “genealogy”.53 For example, in Discipline and Punish, Foucault analyzed how theories and techniques employed in the reform of the criminal justice system beginning in the 18th century radiated outward into other institutions, including military and educational systems, ultimately resulting in heightened levels of social observation and control.54 With regard to technology, Foucault noted that there often was an “unacknowledged regularity of actions” that accompanied and constituted a new technique.55 Over the course of several genealogies, Foucault emphasized that “disciplines” — systems of regular actions — often outweighed theories in shaping institutions and ideas, in a word, cultures.

A useful, related concept developed by Foucault is that of “biopower.” According to Foucault, biopower arose at a certain place and time, in 18th century Europe, as modern states and societies exerted greater efforts to ensure a healthy population.56 Foucault distinguished biopower from more traditional “sovereign power,” which is characterized by its localization in a figure or institution, its judicial nature, and its suppressive style of operation.57 Biopower, in contrast, is diffused through various networks, but especially in modern organized institutions such as school systems, health care institutions, and bureaucracies with their standards, rules, and normative processes. In addition to being characterized by a lack of centralization,
biopower operates in a way that is different from sovereign power. The latter stands over and against the individual, coercing or limiting him/her when necessary. Biopower, on the other hand, operates by shaping people’s desires and expectations. According to Foucault, the two chief manifestations of biopower are: (1) modern medicine’s treatment of the body as a machine and (2) the efforts of modern societies to control and produce “healthy” bodies — i.e. bodies that are useful for a modern technological culture.\textsuperscript{58}

Foucault’s work is extremely useful in identifying the subtle ways in which power is exercised in the modern world, particularly in the complex networks where science, government, venture capital, corporations, and technology intersect. Foucault’s concept of genealogy is useful for analyzing the complex systems within which new technologies are developed, implemented, and become part of the fabric of our lives. Conceptual tools like these significantly complement the sometimes-abstract analyses of GLGT produced to date. But more than critical analysis is required. Given the challenges of Subjectivists to traditional notions of humanity, some more substantive account of the distinctive richness of the human condition is required. I suggest the thought of John Paul II, specifically his theology of the body, can serve as an important resource for this account.

\textbf{B. The Contribution of the Theology of the Body}

Only the briefest of overviews can be provided here, as I would like to focus my time on the \textit{significance} of the theology of the body for the issue at hand.\textsuperscript{59} John Paul II’s theology of the body, which is comprised of three main parts, is far-ranging.\textsuperscript{60} Each book-length part illuminates a key “dimension” of human bodily existence in light of faith and human experience: part one examines the normative origins of human existence at creation, part two analyzes the current “historical” conditions of human existence, and part three reflects on human embodiment in light of the eschatological destiny of the human race. Each part takes as its point of departure and focus a statement of Jesus from the Gospels. Taken together, the theology of the body is a faith-based, visionary analysis of the significance of embodiment, especially as it relates to sexuality, love and marriage.\textsuperscript{61}

Pope John Paul II’s “theology of the body” can serve as an ethical resource to a culture considering GLGT not because it provides concrete answers to specific proposals, but rather because it can help to shape how people think, feel and discourse about the relationship between human embodiment and human dignity. There are four key reasons for this. First, the Pope provided a new and original account of the significance of human embodiment, one that combines personalist themes with sound metaphysical principles.\textsuperscript{62} Second, John Paul II’s account of human embodiment served a profound and persuasive moral project. This moral project consists in forming and deepening a communion of persons, beginning with the relationship of spouses and radiating outward into the family and society.\textsuperscript{63} Third, he explicitly called people to reflection and to conversion rather than merely condemn or frame his insights in terms of abstract principles. Unlike ethical frameworks for approaching GLGT that deal principally in concepts (and thus are too abstract), or appeal to what is permissible,
legal or advantageous (and thus not sufficiently nuanced), John Paul II’s approach challenged people to dialogue and self-searching. Fourth, John Paul II casts his theological project in rich symbolic language that can appeal to and inspire people’s imagination. Thus, it can complement the excessively material and sociobiological accounts of human nature that have been served up for many years.

In short, the theology of the body provides another way to think about, to imagine and to feel about, human embodiment at the most profound intersection of human nature/identity and human relationships — precisely where GLGT promises to have its greatest impact. In a culture that is increasingly individualistic, materialistic, and control-oriented, the theology of the body provides a way of viewing human embodiment, human love and human procreation that is personalist, spiritual and symbolic. Moreover, it is an account that is capable of creating and sustaining “disciplines” which, as Foucault pointed out, often have more significant effects than mere ideas.

To have an idea of the kind of contribution the Pope’s theology of the body can contribute, one need only consider the quite different paths of development of blood donation and artificial reproductive technologies (ARTs), and the importance of both the ethical and moral imaginative framework that has characterized these medical technologies.

For example, after the clinical struggle to perfect the science and art of blood transfusion concluded in the 1940s, a cultural battle over how to understand and implement this new technology began almost immediately. At the heart of the cultural struggle was whether blood transfusion would be viewed as a business (and blood as a product) or whether it could be viewed and implemented in noncommercial terms. This battle began with a lawsuit filed by two for-profit blood banks in Kansas City in 1960 charging local doctors and hospitals with unfair business practices. In litigation, ethical arguments (namely, that blood was living human tissue and should not be treated as a commodity) failed. Political solutions (exempting community blood banks from the antitrust laws) also failed to pass. Finally a legal solution (finding community blood banks exempt from regulation by the Federal Trade Commission) was reached. This legal victory, however, did not decide the cultural struggle. What helped to achieve a cultural victory was the advancement of a “gift” framework for blood donations. Framing blood collections as true “donations,” and appealing to the spirit of volunteerism and community benefit, shaped the way that blood services were conducted and viewed by the public at large. This “gift” framework was successfully deployed even in the face of the need to support blood collection services by fees. Only after years of effort by local communities to encourage people to view blood collection as a donation, as a volunteer activity, was the cultural battle won. By 1990, for-profit blood collection counted for 1% of blood used, down from over 80% in 1966.

ARTs, on the other hand, developed in a very different way, especially in the United States. Controversial from the start and unable to access government funding, practitioners of ART turned to private investment for research and development. Expensive, and suffering from
low success rates for years, practitioners of ARTs relied on individuals with the resources to pay for their services privately. The need for advertising, and the subsequent growth in commerce in human gametes and surrogacy services, contributed greatly to the commodification and commercialization of the field. In some respects, the quest for clinical and financial success has been rewarded. Clinics have proliferated, and both the number of individuals seeking services and success rates have increased consistently. However, not all is well in the field. Pressure to achieve successful pregnancies has led practitioners to implant multiple embryos, causing an increase in multiple gestations. This has resulted in some adverse health outcomes and pressure for selective abortion. Most recently, members of the field have questioned the objectivity of their own criteria for success. Apart from these details, however, there is an undeniable patina of commerce and commodification has come to characterize the field. In other words, in the absence of strong enough transposing framework to deal with the financial and clinical pressures, other frameworks and ways of viewing and pursuing these services have taken over. Given the multiple pressures that will drive the development and implementation of GLGT, it is important to have a framework that is capable of shaping the way people come to think about and feel about themselves and their children as embodied creatures, both limited in some respects, but also unique. Pope John Paul II’s theology of the body can form a significant part of the mediating framework that will be required for a constructive engagement with this new technology.

The public debate about GLGT will undoubtedly ignite in the near future. While Catholics will engage in this course with careful analyses of terms and arguments and will draw on categories and frameworks from the tradition of moral theology, the critical hermeneutics of Foucault and the substantive account of embodiment of Pope John Paul II can provide necessary, new resources to address the significant cultural challenge posed by GLGT. With such resources, it might be possible not only to avoid some unethical applications of GLGT, but also to forge effective and ethical applications that are broadly embraced. It is time to begin the engagement with American culture anew.

2Genetic engineering often has been referred to as “gene therapy,” although that appellation has been challenged recently because not all techniques that cause genetic effects are therapeutic in nature or in intent. As will become evident below, GLGT in particular calls into question the concept of a clear distinction between enhancement and therapy. Juan Manuel Torres, “On the Limits of Enhancement in Human Gene Transfer: Drawing the Line,” *Journal of Medicine & Philosophy* 22(1) (Feb. 1997): 43-53.
3A variety of effects are possible. Theoretically, it is possible to repair a defective gene, to insert a new (functional) gene or to silence a defective gene (e.g., through the use of RNAi).
4See [http://www.wiley.co.uk/genetherapy/clinical/](http://www.wiley.co.uk/genetherapy/clinical/) for a listing of number and phase-type of clinical trials. These trials are often referred to as somatic cell gene therapy or SCGT.
5Success in SCGT trials has been elusive because many bodily tissues are difficult to access and the body’s immune system treats the genetic material introduced as foreign tissue. However, even if a technique were successful, a CF patient whose symptoms were treated via gene therapy could still pass on at least one CF-causing gene at reproduction.
6More research has been done into exploring sperm as a source for germ line changes than ova for several reasons. See Juan Arechaga, “Embryo culture, stem cells and experimental modification of the embryonic genome: An interview with Ralph Brinster,” *International Journal of Developmental Biology* (1998): 861, 874-78; R.H. Reeves, “Exploring

1 However, the need for accuracy and efficacy is much greater because GLGT changes would be introduced at the absolute origins of individual human development.

2 Cloning, for example, mimics a process already familiar to humans from the phenomenon of monozygotic twinning, while human ESC research reprises the same ethical issues already addressed by destructive scientific research involving human fetuses and embryos.


4 Indeed, an entire, recent issue of the Kennedy Institute of Ethics journal was devoted to the topic. “Justice and Genetic Enhancements,” *Kennedy Institute of Ethics Journal* 15(1) (2005) (Ronald M. Green guest editor).


19 This framework has been suggested by Bayertz. Kurt Bayertz, *GenEthics: Technological Intervention in Human Reproduction as a Philosophical Problem* (Sarah L. Kirkby trans.) (Cambridge University Press, 1994), 201. Bayertz argues that a tension in the Western philosophical tradition over the limits on the uses of power and technology is thrown into particular relief by arguments over genetic engineering and artificial reproductive technologies.

20 Bayertz, *GenEthics*, at 129. Bayertz acknowledges that only a few thinkers or religious schools of thought rejected all interventions in human nature and functioning. Still, Bayertz points out, assisted reproduction and genetic intervention pose distinct challenges even to those who traditionally have accepted a range of interventions.


22 Bayertz, *GenEthics*, at 204.


24 Bayertz, *GenEthics*, at 216-17.


26 They also fail to deal in a meaningful way with the perfectibility of human nature, or at least of its material dimension.

27 For a broader study of Protestant and other Christian contributions to the debate, see Audrey R. Chapman,


48. Neither Donum Vitae nor John Paul II seek to delimit the benefits of therapy to somatic cell genetic engineering alone. Not only does John Paul II fail to draw this distinction in the context of discussing genetic interventions bearing on human inheritance, but both his first address and DV were issued after specification of the ethical debate to distinguish between SCGT and GLGT in the early 1980s. The distinction was introduced by W. French Anderson and later clarified by LeRoy Walters. See LeRoy Walters, “Editor’s Introduction,” Journal of Medicine & Philosophy 10 (1985): 209-212. See also Juan Manuel Torres, “The Importance of Accurate Terminology in the Field of Human Gene Transfer,” Human Gene Therapy (Feb. 1995): 133, 134.


54. Gerald P. McKenny, To Relieve the Human Condition: Bioethics, Technology, and the Body (Albany: State University of New York Press, 1997), 9. McKenny uses the term “Baconian Project” to refer to contemporary technological utopianism as well as the discourse and practices that support it. For greater context on all of what McKenny understands by the terms of this definition, see the text infra at 9 – 24.

55. McKenny, To Relieve the Human Condition, at 14-19.

56. McKenny explains,

First, the meaning of bodily life, which was once determined by an account of its excellent functioning and limited by its subjection to fortune, will now be determined by its susceptibility to technological control. Second… health will become an end in itself rather than a condition or a component of a virtuous life. Third, rules and prohibitions limiting what can be done to the body to relieve suffering will appear to be at best insufficiently concerned about suffering and at worst arbitrary and even cruelly insensitive,” in McKenny, To Relieve the Human Condition, at 19.

McKenny's account is clearly shaped by the insights of Hans Jonas, which he recounts with approval in chapter 3, at 40-42. See also McKenny at 21:

In the modern discourse, moral convictions about the place of illness and health in a morally worthy life are replaced by moral convictions about the relief of suffering and the expansion of choice, concepts of nature as ordered by a telos or governed by providence are replaced by concepts of nature as a neutral instrument that is brought into the realm of human ends by technology, and the body as object of spiritual and moral practices is replaced by the body as object of practices of technological control.

57. McKenny argues that “Standard bioethics” approaches, especially the “Four Principles” approach of Beauchamp and Childress, have failed to come to grips with the challenge posed by technological utopianism because they have failed, and indeed refused, to provide a substantive account of the moral meaning of bodily life and the precise goods that technological control of the body should serve. No doubt this is because standard bioethics quickly came to eschew the substantive religious traditions out of which it grew. Moreover, it also came into being at the end of a long and complex development in the Western tradition of moral philosophy that can be described as post-natural law and post-Kantian at least. For more on this history, see Alasdair Mcintyre, After Virtue: A Study in Moral Theory (Notre Dame, Indiana: University of Notre Dame Press, 2d ed. (1988). Despite the efforts of bioethicists to find an objective, rational (often procedural) standard upon which to build its arguments, McKenny observes, Englehardt subsequent-
ly demonstrated that “standard bioethics is infected with the same irreducible diversity and endless disagreements as the religious bioethics it seeks to distinguish itself from” and hence fails on its own terms. McKenny, To Relieve the Human Condition, at 15.

44 The Stevenson-Wydler Technology Transfer Act of 1980 made commercializing R&D an integral part of the responsibilities of federal laboratories and their employees. Subsequently, the Bayh-Dole Act of 1980 gave small business and nonprofit organizations (such as universities) the right to patent inventions made during federally funded research as long as they intended to commercialize these inventions. Later the benefits of the Bayh-Dole act were extended to all government contractors, including large businesses, and further extensions of Bayh-Dole occurred throughout the 1980s.

A popular example and model was the benefits that flowed to the economy from the Apollo space program.

45 Timothy Caufield, “The Commercialization of Human Genetics: Profits and Problems,” Molecular Medicine Today 4(4) (April 1998): 148-50. A second effect was to make the researchers and universities more dependent on venture capital, which ultimately subjects them to the pressures of the market.


49 Foucault (1926-1984) is regarded as one of the most significant figures in postmodernism. Foucault wrote nine books and published numerous articles and interviews on a wide range of topics. Foucault was both a challenging and controversial figure. He was challenging because of the difficulty of his writing style and because he underwent several major shifts in his interests and terms of analysis. He was controversial both because many of his ideas were highly unusual and because of his well-known, bizarre, life-style and death. Despite the controversy surrounding Foucault, it is possible to utilize McKenny’s adaptation of his insights as a heuristic tool without endorsing everything Foucault wrote or did.


51 Foucault, Discipline and Punish. In brief, Foucault shows the progression from (1) the transfer of power/authority to punish from the sovereign to the bureaucratic state (73-89); (2) the public spectacle of torture to the “enclosed” process of “discipline” (104-31); culminating in (3) the ideals of discipline and control exercised in prisons (expressed influentially in Jeremy Bentham’s Panopticon) quickly becoming advocated for social organization in general (216-17) and eventually transferred to social institutions such as the military, schools and factories (170-94).

52 John Lechte, Fifty Key Contemporary Thinkers (Routledge, 1994). In French, the word for technology is “technique.” This suggests, but does not fully convey, the significance of interdependent practices that Foucault was interested in exposing.


54 Ibid. at 103-6

55 McKenny, To Relieve the Human Condition, at 203.

56 John Paul II’s theology of the body was presented in a series of talks given at his Wednesday public addresses between 1979 and 1983. For this reason, the talks have been named the “Wednesday Catechesis.” Ostensibly written to
provide a preparation for the upcoming Synod on the Family in 1983, these audiences gave John Paul II the chance to use the building blocks of his scholarly career to articulate something new and compelling about the significance of the human body and the most fundamental human relations based thereon, marriage and family.

The talks were originally published in separate books: \textit{Original Unity of Man and Woman} (OU) (Boston: St. Paul Editions, 1981); \textit{Blessed Are the Pure in Heart} (BPH) (Boston: St. Paul Editions, 1982); \textit{The Theology of Marriage and Celibacy} (TMC) (Boston: St. Paul Editions, 1983); and \textit{Reflections on Humanae Vitae} (RHV) (Boston: St. Paul Editions, 1983). Although the books were published in a single volume, citations here will be based on the original editions and use the abbreviations given above.

Only those concepts, terms and methodology of significance for this dissertation will be examined. For an excellent overview and application, see Mary Shivanandan, \textit{Crossing the Threshold of Love: A New Vision of Marriage in the Light of John Paul II's Anthropology} (Washington, D.C.: Catholic University of America Press, 1999).

The Pope's personalist approach helps to overcome the split between the classical, "metaphysical" account of human nature and the modern, subjectivist account.

In the terms of the Pope's three-part theology of the body centered around the spousal relationship, this entails an effort to re-discover and re-live the language of the body. In terms of John Paul II's larger ethical-anthropological vision, it means realizing that human beings find fulfillment and peace only in relationships with others characterized by the "hermeneutics of gift."

John Paul II's rich images and terminology are finding increasingly receptive audiences today among the young. See, for example, the work of Christopher West.


For a review of the financial pressures that continue to characterize the collection and distribution of blood, see Allison Connolly, "Mass. hospitals seek blood alternatives," \textit{Boston Business Journal} (Dec. 6, 2002 Print ed), http://www.bizjournals.com/industries/health_care/hospitals/2002/12/09/boston_story4.html (detailing dissatisfaction in Massachusetts with the cost of Red Cross blood services and the determination of some hospitals to compete) (visited 12/9/02).

See the account provided in Andrew Kimbrell, \textit{The Human Body Shop: The Engineering and Marketing of Life} (HarperSanFrancisco, 1994), at 6-23.


For an example of a website with human ova and sperm for sale, see www.fertilityoptions.com.


For the most recent data on use of ARTs in the United States, see Society for Assisted Reproductive Technology and the American Society for Reproductive Medicine, "Assisted Reproductive Technology in the United States: 1999 Results Generated from the American Society for Reproductive Medicine and the Society for Assisted Reproductive Technology," \textit{Fertility and Sterility} 78(5) (Nov. 2002): 918-31.


Editors at the *National Catholic Reporter*, as they prepared their special section on Catholic education and its service to marginalized populations in March of this year, faced the troubling onrush of news of Catholic schools closing and reorganizing. They noted that, “the most pressing question provoked is whether the Catholic church is abandoning students in poor, urban areas.” Father Joseph O’Keefe, Dean of the Lynch School of Education at Boston College, remarked that, “it would be tragic if we let this ministry of the church disappear.” Catholic school enrollment dipped 2.6% in the past year. 173 Catholic schools consolidated or closed last year, many of them in urban areas, according to research done by the National Catholic Education Association.

This challenge to Catholic education comes at a time when our young people are facing challenges from the consumer society the likes of which have never been seen before. Juliet B. Schor has argued that children and teens “… have emerged as the most brand-oriented, consumer-involved, and materialistic generations in history.”

The object of this discussion is: (1) to sketch briefly the outlines of the challenge presented by consumer culture; (2) to sketch the response of the Catholic tradition to that challenge; (c) to discuss in some detail an approach to this challenge which might be profitable in the Catholic educational community; and (4) to offer a brief conclusion.

I. The Lure of the Consumer Culture

Today’s children are “… immersed in the consumer marketplace to a degree that dwarfs all historical experience.” They are subjected to a marketing juggernaut of unprecedented reach, effectiveness and audacity. Companies have poured enormous amounts of money into children’s advertising. James McNeal, one of the nation’s experts in this field, calculated that by 2004 the total advertising and marketing expenditures directed at children reached $15 billion, a dramatic rise from the mere $100 million in television advertising spent in 1983. All this comes at a time when the purchasing power of children has risen rapidly. McNeal reports that children aged four to twelve made $6.1 billion in purchases in 1989, $23.4 billion in 1997, and $30 billion in 2002. One third of this total went for sweets, snacks, and beverages. Older kids, aged twelve to nineteen, spent even more. They accounted for $170 billion in personal spending in 2002. Together these two groups accounted for $200 billion in spending by 2002. What kind of an impact has this consumption had on young people? As evidence of this crisis, Schor points to epidemic levels of obesity, dramatic rises in diagnoses of attention deficit disorder and attention deficit hyperactivity, and record numbers of kids taking drugs to help them self-control and focus. One recent comprehensive study of anxiety finds a dramatic in-
crease in recent decades and suggests that today’s “normal” young person between the ages of nine and seventeen scores as high on anxiety scales as children who were admitted to clinics for psychiatric disorders in 1957.6

The work of Tim Kasser and Richard Ryan of the University of Rochester suggests that the impact of consumer culture and the growth of materialism may be the key to unraveling this puzzle. The major aspiration of children today is to be rich. This is more appealing to them than being a great athlete, a celebrity, or being really smart.7 44% of children in grades four through eight report that they daydream a lot about being rich. Almost two-thirds of parents report that, “my child defines his or her self-worth in terms of the things they own and wear more than I did when I was their age.”8

Psychologists suggest that holding these kinds of materialistic values undermines well-being and leads people to be more depressed, anxious, less vital and in worse mental health.9 Schor’s research indicates that “higher levels of consumer involvement result in worse relationships with parents…” and, additionally, that “…as children’s relations with their parents deteriorate, there is an additional negative effect on well being. Relating poorly to parents leads to more depression, anxiety, lower self-esteem, and more psychosomatic complaints.”10 Consumer culture packs a powerful double wallop, in which the more young people are enmeshed in it, the more they suffer from it. That is, “…the more they buy into the commercial and materialistic messages, the worse they feel about themselves, the more depressed they are, the more they are beset by anxiety, headaches, stomach aches, and boredom.” The bottom line here would appear to be that “…the culture they’re being raised in … is … a lot more pernicious than most adults have been willing to admit.”11

II. The Catholic Tradition and Consumer Culture

The Catholic tradition is rich and varied regarding culture in general and consumer culture in particular. In the interests of time, however, let me offer Avery Cardinal Dulles’ summary of Pope John Paul II’s position regarding consumerism:

In the consumerist culture… the market is flooded with luxury goods that are acquired for purposes of amusement or as status symbols. The rich are surfeited by a super-abundance of possessions and enslaved by the tasks of protecting and managing their wealth. Meanwhile the poor are left in dire misery. The Church has a prophetic charge to give a voice to the poor and a conscience to the rich and powerful.12

There is a growing awareness in the church and in the world at large “…that the mere accumulation of goods and services, even for the benefit of the majority, is not enough for the realization of human happiness….” The pope noted that “…this super development, which consists in the excessive availability of every kind of material goods for the benefit of certain social groups, easily can make people slaves of ‘possession’ and of immediate gratification with no other horizon than the multiplication or continual replacement of the things already owned with others still better.” He reflected on the increasingly common human experience
in which we “… experience firsthand the sad effects of this blind submission to pure consumerism: in the first place a crass materialism, and at the same time a radical dissatisfaction because one quickly learns … that the more one possesses the more one wants, while deeper aspirations remain unsatisfied and perhaps even stifled.”

The current situation is so serious that it calls for a new evangelization of culture. This new evangelization, the pope argued, places particular demands upon the church in the United States. It calls for “… a clear discernment of the profound spiritual needs and aspirations of a culture which, for all its aspects of materialism … is nonetheless profoundly attracted to the primordially religious dimension of the human experience and is struggling to rediscover its spiritual roots.”

III. Catholic Education and Consumer Culture

Educational theorist Robert J. Starratt suggests that the contemporary situation requires the application of an ethic of critique, of justice and of care. Rooted in his belief that a fully human person possesses the qualities of autonomy, connectedness, and transcendence, Starratt argues that all three are foundational for a moral life. Being autonomous means owning oneself, being one’s own person. That is, each of us takes responsibility for what we do. Being connected means being in a relationship with someone or something and accepting the responsibilities implicit in the relationship. This involves an understanding of human life that implies social living, and social living implies a moral code by which the contingencies of social living are conducted. Starratt argues that transcendence is “… what leads us to turn our life toward someone or toward something greater than or beyond ourselves.”

A. An Ethic of Critique

With autonomy, connectedness, and transcendence as “irreducible assumptions … about what is valuable in human life,” Starratt argues that it is essential to approach the changing historical moment with an ethic of critique. This approach is based on the insights of the Frankfurt school of philosophers (Adorno, Freire, Giroux and Habermas, for example) who “… explore social life as intrinsically problematic because it exhibits the struggle between competing interests and wants among various groups and individuals in society.” The point of this critical stance is to uncover which group “… has the advantage over the others, how things got to be the way they are, and how to expose how situations are structured and language used so as to maintain the legitimacy of social arrangements.” Starratt argues that “by uncovering inherent injustice or dehumanization imbedded in the language and structures of society, critical analysts invite others to redress such injustice.”

This ethical perspective provides a “… framework for enabling the school community to move from a kind of naivete about the way things are to an awareness that the social and political arenas reflect arrangements of power, privilege, interest, and influence, often legitimized by an assumed rationality, and by law, and custom.” In Starratt’s vision, the ethic of critique “… calls the school community to embrace a sense of social responsibility not simply to the individuals in the school … but to the society of whom and for whom the school is an agent.”
Schools can apply this ethic of critique in a variety of symbolic and practical ways in relationships to the consumer culture. Many Catholic schools have a dress code policy limiting the variety of uniform choices which students can make. A brief explanation of that uniform policy focusing on the goal of fostering a virtue of simplicity and on the rejection of consumer notions of worth being connected to “branding” serves to make explicit what is already present in the policy statement. Some schools and students have gone so far as to practice an intentional “media activism,” declaring their schools to be “ad-free zones” and encouraging thrift-store shopping. This is the point which Pope John Paul II makes when he argues that “it is important that the faithful, especially the young, be equipped to deal critically with the advertising which is a ubiquitous part of life today.”

In a sense, part one of this paper is an attempt at summarizing elements of this ethic of critique. School assemblies that point to the use of advertising in manipulating young people can offer valuable insights and serve to stimulate a critical consciousness. Schools might access programs such as those offered by organizations like “About-face” which seeks to promote positive self-esteem “through a spirited approach to media education, outreach and activism.” Programs such as this which have as their goals encouraging a healthy skepticism about media images and the messages of popular culture offer useful support to schools. Taking advantage of the wealth of resources available to those concerned about a critical stance toward the media and its place in popular consumer culture, such as those offered through the Center for Media Literacy, provides a way for faculty, parents and students to look at media with a trained and critical eye. At the same time, every aspect of the curriculum and school life which highlights and fosters an understanding of the dignity of all creation as rooted in the infinite love of God serves as a powerful critique of a market economy that views people as cogs in a wheel or bricks in the wall.

B. An Ethic of Justice

Starratt rightly notes that “one of the shortcomings of the ethic of critique is that it rarely offers a blueprint for reconstructing the social order it is criticizing.” While an ethic of critique may illuminate unethical practices, it takes an ethic of justice to provide a road map for observing justice. Noting the important historical contributions of two general schools of thought concerning the ethic of justice, one which sees the individual independent of social relationships as the primary human reality and the other which views ethics as grounded in practice within the community, Starratt argues that an ethic of justice “…can encompass… justice understood as individual choices to act justly and justice understood as the community’s choice to direct or govern its actions justly.”

Tom Beaudoin emphasizes both elements of the justice tradition in his recent study of consumer culture. Beaudoin spends time looking at how “branding” works in the lives of the post-1960s generations and why brands have a spiritual significance for people. Noting that they are a “spiritual” force to be reckoned with, he discusses their impact on the bodies of those who create our branded products. Most significantly, he employs an ethic of justice in
which he offers “...recommendations for developing...economic spirituality, individually and communally.” This is critical since it is “...only in everyday living that we allow ourselves to take hold of a more consuming faith, more deeply integrating who we are with what we buy.”

Beaudoin discusses a variety of indirect approaches to the challenge:

- Christians can be vigilant about the economic enmeshment of the Church’s own spiritual practices:
  - Equating divine blessings with material wealth.
  - Rejecting “don’t ask, don’t tell” tithing.
  - Questioning church exploitation of its own workers.
  - Questioning where ministry resources are produced.
  - Encouraging media fasts, e.g. giving up television.
  - The Church reclaiming its role as sponsor of the arts.

Beaudoin also points out a variety of other approaches through which he believes an economic spirituality is more directly encouraged:

- Practice discernment about economic decisions:
  - How am I using my economic resources?
  - Who or what am I supporting when I purchase certain products?
- Prepare a declaration of spiritual freedom for our culture, for individuals, families, and communities.

Both indirect and direct approaches offer opportunities for us to positively and creatively link individual and communal elements of a vision of justice in our approach to consumer culture. These approaches provide useful opportunities for teachers to challenge students to examine their assumptions and their relationships regarding the consumer culture. They offer useful starting points for administrators to do the same with parents as they attempt to create a comprehensive learning community dedicated to individual and communal searches for justice.

C. An Ethic of Care

Starratt reminds us that “one of the limitations of an ethic of justice is the inability of theory to determine claims in conflict.” He argues that “for an ethic of justice to serve its more generous purpose, it must be complemented or fulfilled in an ethic of love.” Such an ethic, he believes, “focuses on the demands of relationships, not from a contractual or legalistic standpoint, but from a standpoint of absolute regard.” A school community “... committed to an ethic of caring is grounded in the belief that the integrity of human relationships should be held sacred, and that the school as an organization should hold the good of human beings within it as sacred.” He notes the importance of such intangibles as the “tone of the school” in which the language of official conversation can be the language of bureaucracy or that of a more personalized caring. Starratt observes: “Some schools clearly promote a feeling of family and celebrate friendship, loyalty, and service. Laughter in the halls, frequent greetings of each other by name, symbols of congratulations for successful projects, frequent displays of student work... are all signs of a school environment that values people for who they are.”
Schools need to vigorously guard their cultures against the attempts of the consumer culture to bend and shape them to its will. Organizations offering free televisions and wiring in return for “just a few minutes of advertising each day” are the thin edge of the wedge. The *New York Times* reported on attempts by advertisers to enter classrooms. Some schools have sold rights to study children as young as age seven. For example, Noggin, a joint venture of Nickelodeon and PBS, set up shop in an elementary school in Watchung, New Jersey in return for $7,100 for six months access. Some companies, like Education Marketing Resources, provide cover for larger companies such as Kentucky Fried Chicken, Nabisco, Kellogg’s and Nike, turning their information-gathering tasks into an educational process. Likewise schools can be increasingly vigilant about their relationships with corporate sponsors. The addition of the Nike “swoosh” on the school athletic uniform or on the advertising in the gym, for example, carries a variety of symbolic meanings which can undermine or contradict many of the other symbols in the Catholic community. A focus on school sports can rapidly move beyond the development of a “sound mind in a sound body” and quickly become a target lesson in objectification within the school culture. That is, the sports programs can begin to develop a life of their own independent of the Catholic mission and culture of the school. All too quickly, and without much reflection, the sports program can be used “…to canonize school athletes, demean the non-athletic child, and undermine the primary values of education itself.” Lest we single out the athletic programs as culprits in this regard, the possibilities exist for doing much the same thing for star debaters, dramatists or mathematicians with the net result that some other portion of the school community is perceived as less than valuable. However this happens, and to whom, the concern of the leadership of the school community is to foster this mission and to allow it to permeate throughout the entire body of Christ, the domestic church of the school.

A conscious and dedicated attention to the benefits and virtues of the Gospel life lived well can serve as a positive antidote to some of the harmful messages of the consumer culture. Reality craves a vacuum and in the absence of a constant drumbeat regarding the life-affirming values of prayer and thankfulness, of the value of a life lived for others rather than for money, of the redemptive value of faithfulness and occasionally sharing the cross, little can stand against the insinuating whispers of the consumer culture. Those values need to be confidently, artfully and enthusiastically proclaimed in our schools.

The culture of our schools needs to approach the challenges of the consumer culture with the realistic optimism that characterizes much of the Catholic tradition. This Christian realism notices both the rich worlds of meaning — language and tradition — which are the glories of the human community while being constantly and sometimes painfully aware that “it is also an insecure world, for besides fact there is fiction, besides truth there is error, besides science there is myth, besides honesty there is deceit.” A recent statement of the Pontifical Council for Social Communications on the ethics of advertising provides a useful model for applying this approach. The council notes that, “advertising can be a useful tool for sustain-
ing honest and ethically responsible competition that contributes to economic growth in the service of authentic human development.” Against this general vision of the benefits and worth of advertising, the statement goes on to note the economic, political, cultural, moral and religious benefits of advertising along with the harm which it can do in each area as well. The statement lists a variety of guiding ethical and moral principles for advertisers: truthfulness, the dignity of the human person and a call to social responsibility. It attempts to shape an ecclesial culture that is fundamentally positive; that is aware of its essential or core values; and that is realistic about the goodness and the potential for sin which the living community faces. As we attempt to create a school culture shaped by an authentic ethic of care, that approach can be beneficial for us as well.

When we confront the challenges which consumerism presents for the lives of students and teachers, we need to do that within a context that is fundamentally positive and hopeful about the possibilities of authentic love and care in our community, even as it is touched by the challenges of consumerism. We need to be clear-headed about the benefits and the potential pitfalls which consumerism presents to our lives in the school community. Our realistic hope that the message of Christ is strong enough — with our help — to resist the ways that consumerism can undermine the message. This hope can help prevent this discussion from becoming a cultural “witch hunt” and allow it to be an open and attentive airing of real concerns.

IV. Demoralized or Resurrected People

The challenge of the present day, one which our students face in a particularly painful and poignant way, is one to which Vaclav Havel referred in his address to the Congress of the United States: “A person who has been seduced by the consumer value system, whose identity is dissolved in an amalgam of the accoutrements of mass civilization, and who has no roots in the order of being, no sense of responsibility for anything higher than his or her own personal survival, is a demoralized person.” Today “people are manipulated in ways that are infinitely more subtle and refined than the brutal methods used in the post-totalitarian societies.”

But this manipulation is not enough to stand before the radically transformative power of the resurrection. Christians are convinced that the ultimate meaning of the resurrection is such that even this powerful and systematic manipulation is not enough.

The challenge before us as educators of a profoundly manipulated generation is to remember that, “we can’t do without ‘stuff.’ There is nothing wrong with buying, nothing wrong with the existence of brands.” But, “in order to turn the spiritual corner before us, we will need to integrate who we are with what we buy.” Tom Beaudoin reminds us that, “we live out our relation to our ultimate meaning through what and how we buy.” Our task as educators is to call them and ourselves — to let the integration of our faith and our buying be the mark of true spiritual seekers.

2“Catholic Educators Announce School and Enrollment Statistics,” http://www.ncea.org/edu/releases/news-
3Ibid, 21.
7Born to Buy, 226.
9Born to Buy, 226.
10Ibid. 173.
16Ibid. 142-143. For a useful application of this ethic of critique to the lived experience of schooling, see Thomas Oldenski, *Liberation Theology and Critical Pedagogy in Today's Catholic Schools: Social Justice in Action* (New York: Garland, 1997).
21*Centering Educational Administration,* 143-144.
22Tom Beaudoin, *Consuming Culture: Integrating Who We Are with What We Buy* (Lanham, Maryland: Sheed and Ward, 2003).
23Ibid., xiv, 91-107.
26*Born to Buy,* 103.
27*Doing Faithjustice,* 171.
30Ibid. in *Following Christ in a Consumer Society,* xxvi.
31*Consuming Faith,* 107.
32Ibid.
Although hardly endangered, institutions of higher learning are finding themselves challenged to assert their relevancy in a world outside the “clean and ordered space of the university” (Bartemati, 1992). A popular public perception seems to be that graduates of colleges and university leave with no practical skills after a 4-6 year delay in entering the real world. This coincides with a particular concern among Catholic institutions that colleges and universities who identify themselves as Catholic are not doing all they can, or should, to inculcate the rich intellectual and catalytic nature of Catholic social teaching into curricula and campus life.

The ascendance of systematic service learning projects on college campuses in general and on Catholic colleges in particular afford a possible solution to these issues. The endeavor explored in this paper illustrates how one well-designed service learning project, the Bridgebuilders Academic Mentoring Program (BAMP), can be intellectually rigorous, contribute lasting solutions to a fundamental community problem and be transformative in the manner envisioned by the growing exhortation to include Catholic social teachings into Catholic higher education. While still an evolving effort, BAMP can serve as a model of a very specific pedagogy that can bring about social justice. Specifically, the tenets of Catholic social teaching related to respect for all human life and genuine commitment to the common good explicitly drive BAMP.

The Context for Bridgebuilders

There are three distinct elements each with sets of particular texts that help contextualize the Bridgebuilders Academic Mentoring Program; the elements are Catholic social teaching, systematic service learning and the need for culturally responsive teachers in increasingly diverse classrooms. Each will be addressed in turn.

“We are called to reach out and to build relationships of love and justice” exhort the U.S. Catholic Bishops Conference in their recent document encouraging stakeholders in all educational endeavors to reclaim social justice as central to their missions (1998, p.1). Catholic social teaching offers several starting points for a discussion of promoting social justice. For the present project, two are paramount. The first is that all human life has inherent dignity and worth that is best fulfilled in the context of community. It really is as simple as that. Within a
just community, citizens live out a balance of rights and responsibilities, “seeking together the common good and well-being of all, especially the poor and vulnerable” (p.5). The “common good” is the other key element of Catholic social teaching that drives and informs this effort. In the context of Catholic social teaching, which transfers astonishingly well to the Bridge-builders Academic Mentoring Program, the “common good” has three essential elements: 1) respect for the person, which is reflected in social structures that promote each person’s opportunities to realize his or her full dignity; 2) social well-being and development of the group in such a way as to make accessible what is necessary for a truly human life; and 3) peace and security protected by the public authority to ensure a just order.

Parallel to the notion of the common good is the rising importance of service learning in higher education. There are three primary catalysts for the explosion of service learning endeavors underway in colleges and universities. Partly the efforts arise from a desire to assert the relevance of higher education in a complex world (Battestoni, 2003). More altruistically, there is a sense of civic responsibility to its stakeholders and the public at large, whose tax dollars or financial contributions sustain specific institutions. And very practically, in many disciplines it makes good pedagogical sense to use the community as a crucible in which the theory of the classroom is fused with the practice of solving authentic problems (Goodlad, 2003). In the best service learning initiatives, students from colleges do not swoop in, dispense a service and leave unchanged. That is perhaps noble, but it is charitable work. Rather, service learning transforms both the one providing the service and the one receiving service. College students acquire practical skills and applications of the theoretical knowledge gained in their texts and classes through their interactions with those they serve. Those served are crucial to the learning of those providing service in a profound way, and so are not merely recipients of charity.

A final facet of this endeavor that provides helpful context is the demographic element. While 90% of the people entering the teaching force are white, middle class and, predominately, female, the classrooms in which they will teach are much more diverse (Office of Educational Statistics, 2003). Teachers today must be prepared to attend to the learning needs of students who do not resemble them or anyone in their own personal histories. Indeed, frustration with being woefully under-prepared to address effectively a panoply of diverse student backgrounds — while publicly exhorted to do so — is a major contributor to the high rate of burnout among new teachers, up to 65% of whom leave the profession within three years (Goodlad, 2003). Another key demographic relevant to this enterprise is that Black males “lead” the nation in two distressing statistics: they comprise nearly half of the prison population in the United States, which is disproportionate to their number in the general population and as a group, they also have the lowest grade point average (1.6) in the nation (Office of Educational Statistics, 2003). With grade point average serving as an excellent predictor of college matriculation, it is no surprise that Black males, over-represented in the prison system, are under-represented in higher education. Study after study confirms that
even in the suburbs, race is a more important factor than socioeconomic status in predicting academic achievement. Compounding what might be perceived as systemic racism is a problem within the Black community itself that taunts Blacks who do succeed academically for “acting White” (Ogbu, 2002. Ford and Ogbu, 1996).

Institutions, such as the University of Portland, which prepare teachers for schools that serve Black students might see one solution as diversifying the teaching force, to ensure that students of color and students who are culturally and linguistically distinct have role models in the front of the classroom. However, with the well-documented trend of increasing workloads for teachers while decreasing their status and pay as professionals, capable young people of color are not attracted, in meaningful numbers, to teaching. Human service professions such as social work and nursing face similar challenges in the worthy goal of diversifying their own numbers. A pragmatic approach, then, is to do a better job of preparing the white, middle class students who are attracted to teaching to be more competent in meeting the needs of diverse student bodies, particularly those potential students most at risk of failure in the current system.

So what do we have here: a complex problem and perhaps a way to address the problem. Part of the problem is the prospective teachers, nearly all white, middle class females, needing to acquire skills in being effective teachers for students not at all like themselves. Another facet is Black males, knowing that currently there is a better chance that a Black male student will be incarcerated than that he will matriculate through college. Part of the solution is education. A college degree is increasingly imperative for citizens to gain access to the financial means necessary to live the truly human life to which the U.S. Bishops proclaim all citizens have a right. This problem exists in the confines of a Catholic university in the liberal tradition, during a time when bishops exhort their colleges and universities to be bolder in bringing the glories of Catholic social teaching to the forefront of students’ education. Finally, colleges themselves, regardless of public or private status, are being compelled to assert their relevance in a world that often values the bottom line of productivity over the theoretical domain of many classrooms in higher education. Service learning has offered one solution to this nexus of dilemmas. The pedagogy of the Bridgebuilder Academic Mentoring Program illustrates one integrated attempt to instill the most noble aspects of Catholic social teaching into college students who are simultaneously serving the needs of a marginalized group and acquiring knowledge, skills, and dispositions to which they would not otherwise have access. The result is several strides toward social justice.

**Structure of the Bridgebuilder Academic Mentoring Program (BAMP)**

Before extrapolating the general qualities that make the Bridgebuilder Academic Mentoring Program a model for other human services training programs interested in promoting social justice, it is worthwhile to understand the logistics of the enterprise. Bridgebuilders is a community-based rite of passage program for Black adolescent males, based on four “barometers of manhood:” 1) scholarship, 2) entrepreneurship, 3) spirituality, and 4) community building.
Technically, a “Bridgebuilder” is a person who has matriculated through the entire rigorous five-year formation program and into college, proving himself a “man” according to the four barometers. Until that time, he is a “Prospective Gentleman,” or “Gent” for short. The Bridgebuilder program partners the secondary education majors within the University of Portland School of Education on the first principle: to promote scholarship among the Gents. The expectation for all Gents is that they, having completed the program, will matriculate into higher education at either two or four year institutions.

College students serve as academic mentors for an intact home base group of Gents for one full year. The term “academic mentor” is used advisedly, to underscore the truth that while remediation may be one component of their work, Gents are comprised of as many gifted and talented youth as those needing remediation. “Mentor” connotes a relationship that is mutually reinforcing, because the fact is that the mentors learn as much or more from the Gents as they teach. For most of the mentors, the Prospective Gents are the first people of color they have spent extended time with and much of the year is spent challenging long-held images and preconceived notions of what Black males can achieve. It is an ongoing challenge each fall to help the new mentors develop the courage and practical skills to become comfortable in this role quickly enough so that they can be effective.

The home base groups meet for three hours each Monday evening, following the related course the college students take as part of their major. The evening begins with a shared dinner in the University Dining Commons, followed by two hour mentor sessions. The first hour is led by the mentors and deals with generic topics such as study skills, test-taking, negotiating life on a college campus, college application processes and cultural communication. Often the Gents share materials and insights new to the mentors. The last hour is a focused study hall, in which Gents complete homework, receiving help or extra challenges in content areas. Opportunities for growth on the mentors’ parts abound, as this role demands that they be more flexible in their approach to learning than they may be accustomed. For instance, pre-service English teachers often assume prior to beginning BAMP that they will never have to cope with another algebraic equation in their lives. However, if a Gent needs help in algebra, rather than help decoding *To Kill a Mockingbird*, the mentor must employ cognitive skills that might have been on the road to atrophy. Feeling incompetent is unpleasant for anyone, and novice teachers are especially vulnerable as they assume this new role of mentor. Among the consistent challenges to the instructor of this program are providing moral support as mentors work outside their comfort zones, and exhorting mentors to be more creative about seeing connections among the skills they have acquired in their own disciplines and what is needed as they provide help outside those disciplines. Our educational systems do not often reward or reinforce that sort of interdisciplinary thinking, making yet another adjustment necessary for the academic mentors.

In the past year, the college students gained the extra requirement of attending at least one Kikao Wa Ndugu, or “Meeting of the Brothers,” which conclude the Gents’ Monday evenings.
This is a meeting of the Gents and their Bridgebuilder leaders, in which they explore African and Black American heritage, culture, language and art. The college students were merely to observe and reflect on their feelings while attending the meeting. It was in Kikao Wa Ndugu that the most profound learning seemed to occur and connect most explicitly to social justice and Catholic social teaching. None of the college students had ever been “totally other” previous to that single hour, and this gave them much richer insights into how being marginalized and essentially clueless could have an impact on full participation in the culture. For their part, the Gents were extremely proud to be the experts, showcasing this element of their program to their mentors, suddenly cast as novices. The relationships were strengthened by this reversal of roles.

Since the founding of Bridgebuilders in 1996, 100% of the Gents have graduated from high school; 97% of the Prospective Gents have matriculated to college; 89% have graduated from college, which is significantly higher than the national average for Black males.

Links to Catholic Social Teaching

Respect for human life, in particular for human lives significantly different from oneself, has soared, as tracked by self-report instruments and focused observation of pre-service teachers engaged in their own classrooms. The tendency to blame problems on students, who would be fine “If they would just act more like me [the dominant culture representative]” drops dramatically over the year of the experience, as the college students assume responsibility for developing a wider array of instructional strategies for meeting the needs of students who learn and look radically different from themselves. The reciprocity between the rights and responsibilities of teachers and learners is brought to lasting life as a result of this experience.

Working together to seek the common good, all three dimensions of what is meant by the Catholic notion of the common good, unfolds throughout the year. Indeed, seeking the common good even extends beyond the college campus on which BAMP occurs. As the college students take on positions in the 26 schools that the Gents attend, the Gents assume responsibility for their academic mentors without being asked. They come to realize that each person's well-being and dignity contributes to the health of the larger community. One powerful vignette exemplifies this notion of Gents and their mentors working together for the common good. One of the Gents asked his high school English teacher why the offensive term “nigger” appeared so frequently in Huckleberry Finn, the assigned text for the junior level course. This was a sincere, not specious question, as the inflammatory “N-word” is strictly forbidden within Bridgebuilder culture. Rather than contextualizing Twain’s language and talking about how conventions and cultural norms change over time, the teacher told this Gent that if he was offended by the book, he could read a biography of Jackie Robinson on his own in the school library during class time. The student hadn’t asked to be excused from the class, he simply wondered about the language; he also sensed that being invited to leave the class would lead him to an inferior educational experience. He shared this dilemma with his mentor, a pre-service English teacher. The two of them explored the matter and eventually the Gent testified
to the Portland School Board, advocating for more culturally responsive teaching strategies afforded to teachers who chose to deal with sensitive classroom materials. The Gent hadn't wanted to avoid reading *Huckleberry Finn*; he simply wanted to know why it was acceptable for Twain to use language he himself found demeaning in his own context. In partnership with his academic mentor, he brought about a substantial change that is likely to affect hundreds of students and improve the teaching skills of dozens of English teachers in this large urban school district.

**Insights from the Pedagogy to Teaching Social Justice**

It is useful now to cull the elements of this endeavor that transfer to other contexts for those readers interested in using a service learning model to promote social justice. There are three lessons to be learned from this particular project.

First, the *experiential* component of this mentoring program is the most powerful and lasting in effecting long-term learning. Professors in human service preparation programs rightly invest substantial time in selecting readings and preparing class sessions that will inculcate knowledge and dispositions related to social justice in their students. Indeed, students often enter those courses with at least an intuitive sense of what it means to serve others and why that is a worthy pursuit. They may excel at distilling important truths from text and lecture and write papers that seem to offer compelling evidence of all they have learned. However, until they are able to engage in practice and deal with the repercussions of human feelings and errors intersecting rather messily with theoretical principles, students can maintain a distance from crucial truths. Related to this point is the insight that the feeling of being "other" or being marginalized despite effort, good intentions and prior successes can only be learned through experience, not by reading about marginalization from a privileged perspective. The single visit to the Kikao Wa Ndugu produced the most dissonance and discussion of any experience in the course and created opportunities for developing empathy that would otherwise be inconceivable.

The mentors and Gents are not the only ones transformed by this experience. The logistics of bringing 100 Black adolescent males onto a bustling private university campus once each week for dinner and three hours of coaching and instruction demand an extraordinary level of commitment on the part of every unit in the university. To name a few: the food service, Facilities, Public Safety, Admissions and Financial Aid offices all must contribute time and resources to make this program work. When the program began, university officials were concerned about the possibility of problems erupting including vandalism. The university insisted on a high standard of vigilance and extra personnel on hand to deal with those possibilities. The boys and their mentors were watched carefully, with inspections of each room after the sessions. Mentors learned firsthand what it was like to be associated with a group that was expected to be destructive, another first for most of them. This taught a lesson that would otherwise have remained theoretical for them. As weeks and then months went by without a single instance of the dreaded vandalism occurring, the mentors were incensed at
the suspicion that continued to be directed at “their kids.” The entire university, or at least the many units who make contributions to this program, has had to learn how to accept a new and traditionally non-represented (except for athletes on scholarship) segment of the population to campus.

Second, sharing the experiences of successes and failures within the context of a caring learning community contributes to students’ feelings that they could be effective teachers for children of color. Experiences from each Monday evening became fundamental “texts” for the course and took several forms. Occasionally the instructor had students draw upon the events of recent mentoring sessions for in-class quick writes and illustrations of concepts related to course objectives. Another tool for making the experiences accessible to several people’s reflection and insights were course chat boards, in which students posted particular problems they faced and solicited help from one another. And it was not limited to negative aspects of mentoring; students also posted specific strategies they employed successfully with their Gents and those methods became templates for one another. One specific prompt that elevated class discussions was “describe a recent victory you have had recently with your Gents and what you believe contributed to that success;” this allowed the students to focus on positive and replicable tools for their own work. In a profession such as teaching, where even our best efforts seem, in Lee Shulman’s evocative phrase, to “evaporate like dry ice at room temperature” such structures contributed a great deal to the sense of forward momentum that propelled students’ efforts over the course of the year. This flexible pedagogy of crafting and scaffolding a caring community of learners is replicable in numerous other contexts.

Finally, the Bridgebuilder Academic Mentoring Program is successful because it has broad-based and integrated institutional support among disparate stakeholders. While the formation of teachers who are culturally competent and responsive is admittedly the special charge of departments of education, the liberal arts formation dimension plays a crucial role. Academic mentors were explicit about the connections they made among several of their courses outside Education Program and this service learning project. In particular, concepts related to intercultural communication, multicultural literature and historical perspectives on race contributed meaningfully to their emerging sense of competence, confidence and compassion as academic mentors. It was important for the Education instructor to afford opportunities for students to articulate those explicit connections in written and spoken words. At the same time, college students who are not preparing for careers in education, or even in human services, will be rearing families, paying taxes, benefiting from excellent schools and paying the human price of poor schools that do not serve the needs of the most marginalized students. Therefore, this pedagogy of service learning has benefits for more than just Education majors.

Furthermore, endorsement from the whole institution is crucial. Human service institutions brim with inspiring stories of heroic and visionary individuals who take on a multitude of evils single-handedly and in doing so transform lives. As inspiring as such stories can be, however, they are not replicable and sustainable in the way that a systematic, well-articulated
approach to service learning that connects theory to practice and uses truths gleaned from individual victories to scaffold the next set of efforts. The Bridgebuilders have garnered help from: a) the campus Public Safety office, which grants them student ID cards that allow them access to computer labs and library services; b) the campus Admissions and Financial Aid offices, which provide individualized materials and training to academic mentors on behalf of their Gents; c) Air Force and Army ROTC cadets, who provide high quality tutoring in advanced mathematics and d) Offices of Residential Life and Food Services, who facilitate meals and more intimate glimpses into campus life. In short, most of the stakeholders on this university campus contribute to the vitality of the Bridgebuilder Academic Mentoring Program, the very essence of the communitarian aspect of Catholic social teaching, in which we all bear responsibility to the common good. Indeed, the buy-in of so many units of the campus inspires both admiration and despair in other organizations interested in replicating the program. When they shadow BAMP instructors and mentors and Gents, read program information and engage in conversation about what makes it work, it is not unusual for them to react like the young man in the Gospel who asks Jesus, “What must I do to inherit everlasting life?” When told simply but unequivocally “you must sell what you have and give it to the poor,” we find that the young man goes away sad, “for he had many beautiful things.” This program demands much in the way of human resources and it is crucial to have a faculty member receive work credit for teaching and coordinating this effort. Part of that effort must be ongoing external grant writing to pay for the meals and materials that make this program help Gents understand what life on a college campus is like. This may well require adjustments of faculty work loads related to teaching and writing, or, at a minimum, enhanced broadened approaches to tenure and promotion decisions for faculty involved in this type of work.

As the program matures, each year a handful of Gents decide to make this small, primarily white campus their college destination. That is very nearly as countercultural a choice as are Catholic social teachings. They have found a home here and the many welcoming hands provide ample evidence of that. However, they too have made important contributions to this community, and know they are valued for those. They have been broadened from their original view of what life might hold for them. But they also have transformed others on the journey: their mentors are transformed in fundamental ways. The mentors are tracked to follow the teaching jobs they take, the choices they make within those classrooms, and their attitudes and actions toward marginalized people. These instances of grace are identifiable despite graduates’ forgetting facts learned from the best books, and these instances of grace point to the undeniable power of engaging in social justice to teach social justice.
INTRODUCTION

For the past two decades, international conferences sponsored by the UN system have called for changes to marriage, parent/child relations and family life. In response, various groups around the world have raised their voices in concern. With surprising frequency, sociologists have noted that the long-established and natural institutions of marriage, motherhood, fatherhood and childhood provide the optimal environment for the social, economic, cultural and personal development of men, women — and particularly children. In addition, members of divergent faith communities have discovered that, however different their doctrinal beliefs, they share common understandings related to marriage, parenthood and childhood. From these voices, an unusual international coalition of scholars, religious communities and ordinary citizens has formed around concepts and ideas that were clearly and elegantly stated 50 years ago in Article 16 of the Universal Declaration of Human Rights: “The family is the natural and fundamental group unit of society.”

The emergence of this coalition has prompted surprise and has also produced surprising results. At the concluding special session commemorating the 10th Anniversary of the International Year of the Family, the UN General Assembly noted the Doha Declaration. The Doha Declaration is a remarkable reaffirmation of the original international understanding that marriage and family life are fundamental and “natural” relationships. The Declaration gives reason to hope that societies around the world can turn their attentions from redefinition to strengthening the family.

I have titled my remarks “International Law and the Family: Process and Outcomes of the Doha International Conference for the Family.” First, I will explain the important connection between international law and family policy. Second, I will give a cursory overview of the still-potent revisionist agenda within the international arena. Third, I will suggest that there is reason for hope: careful scholarship, sound reasoning and enlightened action can result in reaffirmation of the values and policies that support “the natural and fundamental group unit of society.” I will conclude with a reminder that strengthening the family requires action — action that comes with a price.

I. International Law and National Policy

During the last two decades the United Nations System has taken on a surprising new role: that of world policymaker. Declarations and pronouncements flowing from international
meetings play an ever-growing role in shaping and solidifying the content of not only international—but national—policies.

Lawmakers in present-day America (as in countries around the world) face an unexpected reality: international norms—not national laws—will increasingly determine the ultimate legality of their official actions. A complete analysis of how international law shapes the contours of domestic policies (including the meaning of the U.S. Constitution) would require numerous chapters in a fairly hefty book. For present purposes, I will describe three developments which demonstrate the growing prominence of international law.

First, international treaties now deal—not only with the obligations of states—but with the rights of individuals. Second, in addition to treaties, the UN system is generating a vast body of elastic norms—called “soft law”—that are quickly ripening into “hard law.” Third, a growing number of national actors, including some United States judges, are increasingly willing to consider (and sometimes enforce) international norms.

Treaty law—beginning with the Treaty of Westphalia—began as the primary fount of international law. For centuries, treaties dealt primarily with issues of war, peace, boundary disputes, navigation and commerce—questions that were fundamental to the relationship of one nation with another. Indeed, the phrase “international law” reflects this reality: international law governed conduct between—or “inter”—nations.

The importance of treaties in establishing the form and content of international law continues unabated. However, modern treaties do more than settle wars, boundary questions and resource disputes. They now govern such important issues as gender equality, children’s rights and racial discrimination. These issues, until very recently, were the sole concern and prerogative of national governments.

In addition to promoting a burgeoning number of international treaties and conventions, the modern UN system dispenses “soft law” norms at an ever increasing rate. Hundreds of UN negotiations each year examine questions related to virtually every conceivable social issue. As a result of these negotiations—the most prominent of which are the periodic 5- and 10-year reviews of major UN conferences on the environment, population, women’s rights and human settlements—various reports, platforms, agendas and declarations are issued, updated and expanded. Not long ago, these “soft law” documents were considered little more than helpful (or, perhaps, even irrelevant) “suggestions.” Today they are more than mere words. In the new Millennium, “soft law” norms generated at UN meetings can rather rapidly attain a status approximating “hard law.” As a result of constant negotiation, re-examination and reformulation, various actors in the international legal system—including national governments, non-governmental organizations and legal scholars—develop expectations that these norms will be respected. If expectations related to enforcement are low, a norm is “soft.” But expectations grow and norms harden. Eventually, what began as “soft” law can be transmuted into “hard law.” This occurs if and when “soft law” norms come to be seen as evidence of “customary international law.”
It once required centuries to form customary law, because such law was developed through the uniform, consistent practice of nations over time. More recently, and largely because of the exploding number of international meetings, some legal scholars argue that binding international norms develop (at least in significant part) through the mere repetition of agreed language at UN conferences. As a leading international scholar has asserted, negotiated language “repeated by and acquiesced in by sufficient numbers with sufficient frequency, eventually attain[s] the status of law.”

The third factor driving the expansion of international law is the willingness of an increasing number of national actors to consult, consider and sometimes follow that law. For several decades, various non-governmental organizations argued that international norms should influence, if not govern, domestic legal policies. Scholars made similar arguments, as did litigants. These efforts are now bearing fruit in surprising ways.

Until recently, it was unthinkable that any state or federal court would enforce the terms of a treaty that had not been ratified by the United States Senate. No longer. On March 1, 2005, in *Roper v. Simmons*, Justice Kennedy cited the UN Convention on the Rights of the Child—a treaty never ratified—to support the conclusion of five Justices that the execution of minors is unconstitutional.

As a personal matter, I oppose the execution of minors. As a constitutional scholar, however, I would have been hard pressed (prior to *Roper*) to assert that the execution of minors was unconstitutional. Whatever the ultimate wisdom of executing minors, as of March 2005, there was no clear consensus that such punishment violated constitutional values that were deeply held and widely shared by the American people: indeed, at the time *Roper* was decided, slightly more than half of the states that permitted capital punishment included minors within its reach. The Supreme Court’s decision to invalidate the juvenile death penalty, therefore, was unusual. The Court’s willingness to support that judgment by citing a treaty the Senate has not ratified was astonishing. *Roper* demonstrates beyond doubt that the meaning of the United States Constitution can be altered by international norms rejected by political processes at the state level (the majority of death penalty states applied it to minors) and at the federal level (the U.S. Senate had not ratified the international treaty the Supreme Court cited to prohibit the execution of minors).

“Soft” international law has also been found determinative in discerning the content of the 14th Amendment. In *Lawrence v. Texas*, a majority of the Supreme Court reversed its determination—announced 16 years earlier—that the United States Constitution did not afford special protection for consensual acts of homosexual sodomy. The Court could not convincingly argue that either the words of the Constitution or the history and traditions of the American people had changed in those 16 years. Instead, the Justices simply suggested that—16 years ago—the Court got it wrong. As evidence that the current Majority now “had it right,” the Justices cited decisions from international tribunals and a brief filed by the former UN High Commissioner of Human Rights.

As a result of these factors— the growing reach of international treaties, the explosive
growth of international norms, and the willingness of judges and others to enforce these norms—individuals and groups interested in understanding and protecting the meaning of "marriage" and "family" in America must pay attention, not only to national laws, but to international treaties, conference declarations and the opinions of jurists from legal systems that have no experience with or an understanding of the U.S. Constitution.

II. Deconstruction or “What's Motherhood, Marriage or the Family, Anyway?”
How did the family become the subject of international deconstruction efforts? I believe it occurred in large measure because efforts to fundamentally alter long-standing family structures encountered substantial opposition when they were conducted under the light of public scrutiny during domestic political debates. Equality for women, protection of children and elimination of unjust discrimination are vitally important and laudable goals. But gender equality does not require that a woman’s value be measured solely in economic terms, the protection of children is not necessarily furthered by granting them the same legal rights as adults, and the elimination of unjust discrimination does not mandate social acceptance of all forms of consensual sexual practice. American society has furthered women's, children's and minority rights without embracing extreme measures.

But the refusal of American society to adopt extreme proposals may have prompted the dramatic growth of international norms that embody such measures. Disappointed by efforts to alter domestic legal rules, many scholars and social activists concluded that international law could be harnessed to achieve results that had eluded their nationally based efforts.\(^{32}\) The effort to engage international law in this social transformation was also "supercharged" by the increasingly prominent role played by academic centers participating in the international debate. The scholars and academicians who operated women's, children's and marriage rights' centers at universities and law schools around the world were aware that academic opinion was highly prized in the development and formulation of international law.\(^{33}\)

For example, after the defeat of the Equal Rights Amendment in the United States, the various academic, political and social organizations that had worked for its passage did not disappear. Instead they retired to the United Nations Building in New York. There, they worked without the impediment of full public scrutiny and debate. International conferences, human rights rhetoric and the promulgation of ever-expanding "soft law" norms became the tools of choice in the redefinition of "harmful traditional practices."\(^{34}\) Motherhood, childbearing, childhood and marriage were soon prime targets.

Consider the actions of the UN Committee charged with implementing the Convention on the Elimination of All Forms of Discrimination Against Women, or “CEDAW.” The goal of CEDAW — to eliminate injustice, persecution and abuse of women — is laudable. But, in the course of pursuing these goals, the Committee labels motherhood a harmful stereotype\(^{35}\) and expounds on the dangers of religious faith.\(^{36}\) When nations attempt to follow the admonition in Article 25 of the Universal Declaration of Human Rights that motherhood (and the correlative right of childbearing) deserve special protection and care, the Committee complains that
such efforts are “paternalistic” and “oppressive” because encouraging motherhood discourages women from seeking (ostensibly more valuable) paid work. Similarly, the Committee instructs Western European countries with below replacement birth rates and imploding populations to work harder to get women into the full-time work force so as to “eradicate stereotypical attitudes.”

Redefinition and revision continues with dramatic alterations to the historic understandings of childhood. The prime exhibit here is the treaty recently cited by the U.S. Supreme Court — the Convention on the Rights of the Child (or CRC). Under the terms of this document, longstanding notions of childhood and parenthood are turned upside down. Rather than an inexperienced minor in need of care and direction, the child is “reinvented” as an “autonomous rights bearer” freed (to one degree or another) from parental control, guidance and support. The CRC states that its purpose is to ensure children's well being — again a laudable goal. But, after reciting the special care and protection that children must be accorded, the Convention establishes — not protective rights — but autonomy rights that can harm rather than strengthen children.

Perhaps the most controversial step in the international deconstruction of the natural family is the assertion that there is nothing unique about the relationship between a man and a woman; instead, there are “various forms of the family.” Numerous international documents recite that “[i]n different cultural, political and social systems, various forms of the family exist.” On one level such language is absolutely correct. The family has always included single-parent households, households involving stepchildren, and those embracing aunts, uncles, grandparents and other inter-generational relationships. But the international assertion is more expansive — the very concepts of “family” and “marriage” have nothing to do with childbearing or procreation. So understood, any group can claim marital status.

To the extent that this revisionist agenda succeeds, there is good reason to believe that human suffering around the world will increase. Whether the measure used is physical and mental health, educational achievement, economic success, alcoholism and substance abuse, or average life expectancy, substantial sociological data suggest that stable, natural marital unions promote the health, safety and social progress of women, men and children.

Not every family (particularly through the generations) will be fortunate enough to be founded upon stable, natural marital unions — and in some circumstances, such as marriages involving serious forms of abuse, marital dissolution may be wise. But, despite deviations and human failures, the model itself (as shown by the course of history and current research) is the surest recipe for personal and social progress. Moreover, the negative consequences of departing from the model are particularly acute for women and children.

Accordingly, to decrease human suffering — particularly for women and children — we must halt further redefinition and revision of norms related to marriage and family life. And this brings me to my next topic: the possibility that we can alter the international community's current course.
III. The Doha Conference or “The Universal Declaration of What?”
I have explained that (1) the international norms are beginning to shape the content of domestic law in countries around the world and (2) some of these new norms are being used to deconstruct longstanding notions of family life. These two points raise a very serious question: How should we respond?

There are many possible answers. One way to respond is to engage in efforts to avoid negative outcomes and promote positive ones within the UN system.

My experience as Managing Director of the World Family Policy Center during the past eight years suggests that such action is possible and can produce valuable and potentially positive results. The still-ongoing revisionist process can be slowed, and perhaps reversed, by action on the part of those who believe in — and understand — the meaning of Article 16(3) of the Universal Declaration of Human Rights — that “the family is the natural and fundamental group unit of society.” The Doha International Conference for the Family is an outstanding example of the possibilities of such efforts.

The Doha International Conference for the Family was a complex, year-long series of events facilitated by the World Family Policy Center with the assistance of various governmental and non-governmental partners. Meetings were organized and conducted by the Center in Switzerland, Sweden and Malaysia. The Center assisted with major events in Mexico, Benin, Azerbaijan and Latvia. Declarations, papers, essays, personal statements, findings and proposals for action developed at these events were collected by the Center and two significant reports were prepared. The first, entitled *The World Unites to Protect the Family*, reports the results of over 200 community meetings in 34 nations. The second, entitled *The Family in the Third Millennium* provides an initial look at the more than 2,000 pages of global scholarship and academic findings developed during preparatory proceedings.

The Doha Conference culminated in an intergovernmental meeting in Doha, Qatar, on November 29-30, 2004. At that meeting, governmental representatives negotiated and adopted the Doha Declaration — which reaffirms long-standing legal norms related to family life. On December 6, 2004, the UN General Assembly adopted a consensus resolution formally noting the Doha Declaration. As a result, the outcomes of the Doha Conference, including the Doha Declaration, take their place in the canon of declarations, platforms and agendas from which international legal norms are derived by political leaders, judges and lawyers.

The first International Year of the Family in 1994 ended with international assertions that were deeply troubling. The UN General Assembly concluded the 10th Anniversary Celebration in 2004 by taking note of a Declaration that charts a different course.

The Declaration reaffirms commitments of the international community to the natural family, perhaps most importantly Article 16 of the Universal Declaration of Human Rights. Article 16 embodies fundamental truths that, for too long, have not been given their deserved attention and respect. It declares that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the state.”
As reflected in the precise and elegant terms of the Universal Declaration, the family is not merely a construct of the human imagination. The family has a profoundly important connection to nature. This connection begins with the realities of reproduction, but extends to the forces that shape civilization itself. It encompasses, among other things, the positive personal, social, cultural and economic outcomes which current research suggests flow from a man learning to live with a woman (and a woman learning to live with a man) in a committed marital relationship. The family, in short, is the “natural and fundamental group unit of society” — and mounting evidence shows that the survival of society depends upon the positive outcomes derived from the natural union of a man and a woman.

The Doha International Conference for the Family has laid a much-needed foundation for future cooperative efforts by governments, non-governmental organizations, research institutions, academicians, faith communities and members of civil society. The extensive, interlocking activities of the Doha International Conference for the Family provided a broad range of actors in the international community with important opportunities for recommitment to “the natural and fundamental group unit of society.” The data, scholarship, legal analysis and ideas gathered during the Conference point to hopeful new policies for the families of the world.

Perhaps most importantly, the Conference has demonstrated that men and women, fathers and mothers, from all cultures and from all political and religious backgrounds can come together to preserve society's most fundamental unit. There is an astonishing amount of work yet to do, but the Doha International Conference for the Family provides clear hope that we can link arms with cultures around the world to successfully complete that work.

Which brings me to my final point, the need to take action.

IV. Taking Action, or “Stand Up to the Fire!”
We must not be afraid to stand up for marriage, life and the family. However, this defense of virtue should be grounded in reason. We should act pursuant to a plan that is motivated by principled ethics and human compassion. Without compromising principle, we should seek common ground.

But, however reasoned, careful, compassionate, planned and moderate our efforts, we must be prepared for the sparks to fly. Throughout history, the defense of truth has provoked anger. When difficulties arise, some will counsel moderation, tolerance — perhaps even retreat. We should not create needless controversy, but we must also not retreat from the defense of truth.

I am reminded of a story told by my Great Uncle Joseph Gunderson. His father, my Great-Grandfather Thomas Gunderson, was a blacksmith. He knew how to make useful things out of iron: nails, hinges, wheel rims and horse shoes — the simple things that made ordinary life pleasant and possible. Great-Grandpa taught my Uncle Joe, who he called “Dodi Boy,” how to be a blacksmith. It wasn’t easy.

Uncle Joe didn’t like the heat and he was afraid of the fire. He had to stand by the hot oven, take the iron out of the fire and put it on the anvil. Then, he had to strike the iron with a
heavy hammer. Sparks would fly and burn his face and arms. The smoke would sting his eyes and the heat covered him in drenching sweat. When he would shrink from these difficulties, Great-Grandpa would shout, “Stand up to the fire, Dodi Boy! Stand up to the fire!”

Uncle Joe learned to stand up to the fire. When he did, when the sparks didn’t frighten him and the sweat was a sign of accomplishment, not oppression, he made useful things out of iron: nails, hinges, wheel rims and horse shoes — the simple things that made ordinary life pleasant and possible.

Those who support the natural family must stand up to the fire now burning in the world. Like Uncle Joe, we may not like the heat. We may be afraid of the sparks. We may not like to sweat. But this is our charge.

And, if we learn to stand up to this fire, we can forge results stronger than iron: generations of mothers and fathers, sons and daughters, grandparents and grandchildren, who will reap the blessings of the simple things of life — marriage, motherhood, fatherhood, childhood and faith — the simple things that make ordinary life pleasant and possible. No task in this increasingly complex world is more important.

1Universal Declaration of Human Rights, Article 16(3).
4Letter dated 7 December 2004 from the Charge d’affaires of the Permanent Mission of Qatar to the United Nations addressed to the Secretary General, A/59/599 (December 8, 2004) at Appendix A (Doha Declaration).
5Universal Declaration of Human Rights, Article 16(3).
6Nafis Sadik, Reflections on the International Conference on Population and Development and the Efficacy of UN Conferences, 6 Colo. J. Int’l. Envtl. L. & Pol’y 249, 252-53 (1995) (“More than any previous events of their kind, these conferences have fostered the mobilization and participation of civil society and the private sector in the affairs of the international community…. This process has nurtured the growth of democracy at the national level and democratized processes at the international level, increasing their transparency and accountability”).
7Chapters of this book could profitably include an analysis of international law as it was understood at the time the U.S. Constitution was written, an analysis of the advantages and shortcomings of judicial review in the development of constitutional norms, a review of the various possible understandings of “international law” and how those understandings have changed during the Cold War and post-Cold War periods, a discussion of the means and processes by which actors in the UN system have gradually assumed policymaking authority, and a critique of the sociological and legal developments that have resulted in increasing international disdain for sovereign powers historically exercised by nation states. An entire chapter (or even another book) could be devoted to tracing how early (and, according to their creators, “modest”) treaties establishing a European “common market” in the post-World War II era have now resulted, step by step and treaty by treaty, in the founding of an integrated European “Mega State” — the European Union. In my view, the international law processes that gave rise to the European Union are now operating upon and among every nation in the world. For better or worse, modern international law is currently pushing all nations toward some form of global federation.
9JEFFREY L. DUNOFF ET AL., International Law: Norms, Actors, Process: A Problem-Oriented Approach 4 (2002) (the Aouzou Strip problem is provided as an example of an international legal disagreement in “its most traditional sense”); see id. at 4-9 (general overview of the development of international law through the nineteenth century).
at http://www.ohchr.org/english/law/pdf/cedaw.pdf (mandating that states initiate a program for maternity leave with pay, or comparable benefits, so that women do not lose jobs, and give them special protections from harm when pregnant), id. at art. 12 (in clause 1: mandating that states provide access to family planning services; in clause 2: states must provide free nutrition and appropriate services for pregnant women where necessary).

12Convention on the Rights of the Child, G.A. Res. 44/25, U.N. GAOR, 44th Sess., 61st plen. mtg., Annex, U.N. Doc. A/RES/44/25 (hereinafter CRC). See id. at art. 6 (specifically stating that all children have the “inherent right to life” and that state ensures the “survival and development of the child”), see also id. at art. 7 (mandating that the state register the child immediately after birth, and that the child shall be given the right to inherit, to acquire nationality, and to know and be cared for by its parents).


14A search on the UN website http://www.un.org/search/ reveals hundreds of meetings conducted by the various bodies of the UN system in 2004. For example, there were 39 interagency meetings (http://cne.unsystem.org/calendar%20previous%20meetings.htm#January%202004), 70 meetings by Human Rights committees (http://www.ohchr.org/english/events/2004.htm), and 59 meetings by the Division of Public Administration and Development Management (DPADM) (http://unpan1.un.org/intradoc/groups/public/documents/un/unpan011663.pdf), just to name a few. These meetings dealt with such diverse topics as an Inter-Agency Network on Women and Gender Equality (IANWGE), migrant workers, communications, energy, and a meeting of experts on priorities in the Mediterranean Region.


16Just a decade ago, scholars suggested that the norms adopted at international negotiations might have little meaning because they are often adopted merely to reach “consensus” or to “appease popular or ‘politically correct’ sentiment.” Neil H. Afran, The Role of International Law In The Twenty-first Century: International Human Rights Law in the Twenty First Century: Effective Municipal Implementation or Pavan to Platitudes, 18 FORDHAM INT’L L. 1756, 1758 (1995). Even the hard law language of treaties was often disregarded in the recent past. One writer noted that, in a conversation with a Latin American lawyer-diplomat over a decade ago, he was told that treaties signed by the lawyer’s country were negotiated by the Ministry of Foreign Affairs and, when approved, were locked in a cabinet where they were never seen again. John H. Jackson, Status of Treaties in Domestic Legal Systems: a Policy Analysis, 86 AM. J. INT’L L. 310, 322 n. 70 (1992).

17Harold Hongju Koh describes this process clearly:

[S]uch a process can be viewed as having three phases. One or more transnational actors provokes an interaction (or series of interactions) with another, which forces an interpretation or enunciation of the global norm applicable to the situation. By so doing, the moving party seeks not simply to coerce the other party, but to internalize the new interpretation of the international norm into the other party’s internal normative system. The aim is to “bind” that other party to obey the interpretation as part of its internal value set. Such a transnational legal process is normative, dynamic, and constitutive. The transaction generates a legal rule which will guide future transnational interactions between the parties; future transactions will further internalize those norms; and eventually, repeated participation in the process will help to reconstitute the interests and even the identities of the participants in the process.


18Conference documents are viewed as significant international instruments because they are the result of consensus, following much debate and deliberation. Hurst Hannum, Human Rights, in 1 UNITED NATIONS LEGAL ORDER 319 & 336, note 77 (Oscar Schachter and Christopher C. Joyner, eds. 1995); see also James C.N. Paul, The United Nations and the Creation of an International Law of Development, 36 HARV. INT’L L.J. 307, 315 (1995) (“Because world conferences
provide potential opportunities for global popular participation, expert consultations, and, sometimes, vigorous debate, they can in theory, unique vehicles to elaborate norms [cast in the form of legal instruments] governing development."

As such, conference declarations are imbued with a strong expectation that members of the international community will abide by them. As this expectation is justified by state practice, including activities within the UN organization, the principles of the document may – by custom – become binding upon a state. Id.

See also Theodor Meron, Human Rights and Humanitarian Norms as Customary Law 99 (1989) ("Given the rapid continued development of international human rights, the list [of customary international law norms] as now constituted is essentially open-ended. . . . Many other rights will be added in the course of time."); Restatement (Third) of Foreign Relations Law of the United States, § 702 cmt. a (1987) (noting that its "list [of customary international law norms] is not necessarily complete, and is not closed: human rights not listed in this section may have achieved the status of customary law, and some rights might achieve that status in the future"); Richard B. Lillich, The Growing Importance of Customary International Human Rights Law, 25 GA. J. INT’L & COMP. L. 1, at 7 n.43 (1995/96) (reporting that in a 1996 speech, Professor Louis Henkin, Chief Report of Restatement (Third), indicated that "if he were drafting Section 702 today he would include as customary international law rights the right to property and freedom from gender discrimination, plus the right to personal autonomy and the right to live in a democratic society"); Beth Stephens, Litigating Customary International Human Rights Norms, 25 GA. J. INT’L & COMP. L. 191, 198-99 (1995/96) (describing customary international law as a "developing concept" and predicting as likely developments "environmental protections and the right to political access (i.e., to vote) and other attributes of democracy"). Commentators have argued, for example, that customary international law includes, or will soon include, rights such as freedom of thought, free choice of employment, the right to primary education, the right to form and join trade unions, and rights relating to sexual orientation. See Curtis A. Bradley & Jack L. Goldsmith, Customary International Law as Federal Common Law: A Critique of the Modern Position, 110 HARV. L. REV. 815 (1997).

Richard B. Bilder, An Overview of International Human Rights Law, in GUIDE TO INTERNATIONAL HUMAN RIGHTS PRACTICE, 10 (Hurst Hannum, ed. 1992, 2nd ed.) (customary international law is defined as a consistent practice in which states engage out of a sense of legal obligation).


Beijing Betrayed, 7 (June Zeitlin ed., Women’s Environment and Development Organization 2005) available at http://www.wedco.org/files/gmr_pdfs/gmr2005.pdf, (["These reports] show that women advocates everywhere have stepped up their activities since Beijing using the Platform for Action and other key global policy instruments to push governments into taking action.").


See, e.g., The Ctr. for Reprod. Law and Policy v. Bush, No. 01-4906, 2001 U.S. Dist. WL 868007 (S.D.N.Y. July 31, 2001) (dismissed for failure to show standing), aff’d, 304 F.3d 183 (2d Cir. 2002) (policy did not violate the Center’s First Amendment rights to speech and association, party lacked standing for Fourteenth Amendment claims, and that even though party had standing with equal protection theory, the policy did not violate equal protection rights).


In Marbury v. Madison, Chief Justice John Marshall declared that “a written Constitution” was “the greatest improvement on political institutions* flowing from the American Revolution. Marbury, 1 Cranch (5 U.S. 137, 178 (1803)). But despite Justice Marshall’s extensive reliance upon the concept of a “written Constitution,” the proper judicial technique for determining the meaning of the Founders’ words remains controversial. According to some, the judicial inquiry essentially involves ‘lay[ing] the article of the Constitution which is invoked beside the [government action] which is challenged … to decide whether the latter squares with the former.’ United States v. Butler, 297 U.S. 1, 62 (1936). This task, of course, is rarely as straightforward as the language of Butler suggests. Accordingly, constitutional interpretation has often led judges to look beyond plain constitutional text to the history and traditions of the American people. See, e.g., Palko v. Connecticut, 302 U.S. 319, 325 (1937) (a provision of the Bill of Rights that embodies “a ‘principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental’” is applicable to state governments, notwithstanding express constitutional language limiting such a provision to actions of the federal government) (quoting Snyder v. Massachusetts, 291 U.S. 97 (1934)). Whether the meaning of the Eighth Amendment is determined by reference to its words or the “traditions and conscience” of the American people, it is hardly clear that the execution of minors was unconstitutional prior to March 2005.

Roper, 125 S. Ct. at 1206 (O’Connor, J., dissenting) (stating that the evidence fails to show conclusively that a national consensus has emerged to condemn execution of minors); see also id. at 1218 (Scalia, J., dissenting) (noting that “18 States—or 47% of States that permit capital punishment” prohibit the execution of minors, but asserting that “[w]ords have no meaning if the views of less than 50% of death penalty States can constitute a national consensus”).

In her remarks for the American Constitution Society, Justice Ruth Bader Ginsburg discussed how the Supreme Court of Canada, since adopting Canada’s Charter of Rights and Freedoms in 1982, had referred in some 50 cases to international human rights instruments. In contrast, since the United Nations 1948 adoption of the Universal
Declaration of Human Rights, the U.S. Supreme Court has mentioned that basic international Declaration a spare six times — and only twice in a majority decision.


Justice Sandra Day O’Connor pointed out how historically, the Supreme Court has “declined to consider international law and the law of other nations when interpreting our own constitution.” She then discussed how there are indications of change.

[In] Atkins v. Virginia, we considered the constitutionality of executing individuals who are mentally retarded... The court's opinion in Atkins made note of the fact that ‘within the world community, the imposition of the death penalty for crimes committed by mentally retarded offenders is overwhelmingly disapproved.’

Solicitude for the views of foreign and international courts also appeared in... Lawrence v. Texas. In ruling that consensual homosexual activity in one's home is constitutionally protected, the Supreme Court relied in part on a series of decisions from the European Court of Human Rights. I suspect that with time, we will rely increasingly on international and foreign law in resolving what now appear to be domestic issues, as we both appreciate more fully the ways in which domestic issues have international dimension, and recognize the rich resources available to us in the decisions of foreign courts.


In contrast, Justice Antonin Scalia discussed the problems with looking to international law and “emerging awareness” in deciding cases.

[An “emerging awareness” is by definition not “deeply rooted in this Nation's history and tradition[s],” as we have said “fundamental right” status requires. Constitutional entitlements do not spring into existence because some States choose to lessen or eliminate criminal sanctions on certain behavior. Much less do they spring into existence, as the Court seems to believe, because foreign nations decriminalize conduct. The Bowers majority opinion never relied on “values we share with a wider civilization,” but rather rejected the claimed right to sodomy on the ground that such a right was not “deeply rooted in this Nation's history and tradition.” Bowers’ rational-basis holding is likewise devoid of any reliance on the views of a “wider civilization.” The Court’s discussion of these foreign views (ignoring, of course, the many countries that have retained criminal prohibitions on sodomy) is therefore meaningless dicta. Dangerous dicta, however, since “this Court ... should not impose foreign moods, fads, or fashions on Americans.” (Footnotes omitted.) Lawrence v. Texas, 539 U.S. 558, 598.

In Roper, Justice Scalia responds to language in the Court’s majority opinion that “[i]t does not lessen our fidelity to the Constitution or our pride in its origins to acknowledge that the express affirmation of certain fundamental rights by other nations and peoples simply underscores the centrality of those same rights within our own heritage of freedom.” Roper v. Simmons, 125 S.Ct. 1183, 1200. Justice Scalia responds by asserting:

To begin with, I do not believe that approval by “other nations and peoples” should buttress our commitment to American principles any more than (what should logically follow) disapproval by “other nations and peoples” should weaken that commitment. More importantly, however, the Court’s statement flatly misdescribes what is going on here. Foreign sources are cited today, not to underscore our “fidelity” to the Constitution, our “pride in its origins,” and “our own [American] heritage.” To the contrary, they are cited to set aside the centuries-old American practice — a practice still engaged in by a large majority of the relevant States—of letting a jury of 12 citizens decide whether, in the particular case, youth should be the basis for withholding the death penalty. What these foreign sources “affirm,” rather than repudiate, is the Justices’ own notion of how the world ought to be, and their diktat that it shall be so henceforth in America. The Court’s parting attempt to downplay the significance of its extensive discussion of foreign law is unconvincing. “Acknowledgment” of foreign approval has no place in the legal opinion of this Court unless it is part of the basis for the Court’s judgment. Id. at 1229.

30 id. at 1229.

29 Lawrence, 539 U.S. at 567 (stating that the Bowers court “misapprehended the claim of liberty there presented to it” for not recognizing the privacy interests at stake); id. at 568 (rejecting the claim of the Bowers court that such conduct had been illegal for a “very long time.”)


27 Lawrence, 539 U.S. at 567 (rejecting the claim of the Bowers court that such conduct had been illegal for a “very long time.”)

The history of the Convention on the Rights of the Child is an interesting example of this phenomenon. As a well-respected analysis of the Convention notes:

Since American children's rights advocates took the lead in developing the CRC's unique provisions for child autonomy, it is curious that the United States is not yet among the ratifying nations. The sluggishness of the United States might be explained by a traditional American reluctance to adopt international human rights treaties. A more speculative possibility arises from the fact that the United States legal mainstream has never embraced the notion of legal autonomy for children. Some CRC proponents have nonetheless incorrectly implied that their positions reflect the current state of United States law—which is unfortunate for those in the international community who have relied on their claims. This raises the question whether advocates of child autonomy who have been unsuccessful in United States legal circles have turned to the CRC as a way of leveraging U.S. legislatures and courts toward what they can now present as an international, human rights-based vision of children's legal status.

Hafen & Hafen, note 18 Harv. Int'l L.J. at 449-50 (footnote omitted). If this analysis is correct—as I believe it is—it demonstrates the unusual power of legal scholars within the international arena. The arguments made (as well as the positions held) by legal scholars are often rejected by American lawmakers. But, once the law professors move into the international arena, their prestige and status can produce quite different results. Thereafter, the scholars need only wait for American courts to enforce the "international norms" that were initially rejected by American legislatures. See, e.g., Roper v. Simmons, 125 S. Ct. 1183, 1198-1200 (2005) (enforcing a provision of the Convention on the Rights of the Child despite the fact the treaty has not been ratified by the Senate) (discussed at notes 52-54 above).

Section 102(1) of the 1987 revision of the American Law Institute's Restatement of Foreign Relations Law provides that there are three major sources of "international law:" (1) "customary law," (2) law derived from treaties or "international agreement," and (3) law derived from "general principles common to the major legal systems of the world." The views of scholars and academicians are exceptionally influential in determining the form and content of international law in category (3). As stated in Article 38 of the Statute of the International Court of Justice, "judicial decisions" and "the teachings of the most highly qualified publicists [e.g., scholars] of the various nations' are important sources for determining the form and content of law derived from general principles."


See, e.g., Report of the Committee on the Elimination of Discrimination against Women, General Assembly Official Records A/55/38 paras. 311-314 (Germany) and paras. 403-404 (Luxembourg); A/54/38/Rev.1 paras. 259-262 (Spain); (statements from the Committee on the Elimination of Discrimination Against Women, advising countries to make all "necessary" efforts to eradicate the "harmful stereotype" of motherhood and ensure full employment of all women).

See, e.g., Report of the Committee on the Elimination of Discrimination against Women, General Assembly Official Records A/54/38/Rev.1 paras. 180 (the Committee on the Elimination of Discrimination Against Women (the "Committee") condemned Ireland for tolerating religious opposition to "reproductive health"). The Committee has instructed at least one Islamic country to review its interpretation of the Koran. According to the Committee, "true gender equality [does] not allow for varying interpretations of obligations under international legal norms depending on internal religious rules, traditions and customs." A/49/38 paras. 130 and 135. See also A/52/38/Rev.1, para. 10 (report of the CEDAW Committee asserting that religious norms disadvantage women "in all countries"); A/54/38/Rev. 1 para. 314 (China/Hong Kong); A/50/38, para. 460 (Norway) (CEDAW Committee criticizes Norway and Hong Kong for granting religiously based exemptions from discrimination laws that — without religious exemptions — would alter basic religious doctrines justified by reference to the Bible and other religious texts).

The committee overseeing international compliance with the Convention on the Elimination of all Forms of Discrimination Against Women views full employment in paid work as a priority. and notes the importance of day-care for even the youngest children. See, e.g., A/55/38, paras. 311-314 (Germany); A/54/38/Rev.1, paras. 259-262 (Spain); A/52/38/Rev.1, para. 104 (Slovenia).

U.N. Docs. A/55/38 Part One, paras. 311-12 (Germany); A/54/38/Rev.1, Part Two, para. 259 (Spain); A/52/38/Rev.1, Part Two, paras. 215-17 (Luxembourg).

U.N. Docs. CRC/C/15 Adds. 34, 36, 40, 43, 46, 55, 61, 67, 68, 74, 76.


"Mandatory" sexual education in such matters as "sexual pleasure" and homosexuality (encompassed by required training in "freedom of sexual expression and orientation") runs counter to values of Islam and Christianity — which
stress the importance of sexual chastity and forbid homosexual relationships. Qur’an 26:160-73; 1 Corinthians 6:9. Such “education,” furthermore, can be expected to undermine not only the moral authority of established religion, but the primary rights of parents who (confronted by “mandatory” sexual training) will face considerable restraints in passing on their own moral codes to their children.


See, e.g., Goodridge v Department of Public Health, 798 N.E.2d 941 (Mass. 2003) (dissociating marriage from norms related to sexual complementarity, fatherhood, motherhood, human reproduction, or social expectations that conflict with an individual’s conception of “the meaning of life”). See also Andrew Koppelman, Essay One Discrimination Against Gays is Sex Discrimination, in Marriage and Same-Sex Unions: A Debate 209-220 (Lynn D. Wardle, Mark Strasser, et al., eds., Praeger 2003).

See Steven L. Nock, Marriage in Men’s Lives 11 (1998). “Married people are generally healthier; they live longer, earn more, have better mental health and better sex lives, and are happier than their unmarried counterparts. Furthermore, married individuals have lower rates of suicide, fatal accidents, acute and chronic illnesses, alcoholism, and depression than other people.” Id. at 3.

Marriage is the ultimate social bond that can be formed between a man and woman because [b]y their marriages, husbands and wives accept an obligation to be faithful, to give and receive help in times of sickness, and to endure hardships. Not everyone will be able to remain true to such vows. However, it is more difficult for a married than for an unmarried person to break such promises because they are part of our laws, religions, and definitions of morality. Others have taken identical vows throughout history. Collectively, society enforces these ideals both formally and informally. Nothing can be said about any other type of intimate relationship between two adults. Id. at 4.

It should come as little surprise, then, that this ancient social union has particular (and unique) social value. This unique social value, moreover, does not flow from some natural selection process in which healthy, strong, bright, and charismatic people are the most likely to marry and, therefore, the most likely to benefit from the union. “Married people do not simply appear to be better off than unmarried people; rather, marriage changes people in ways that produce such benefits.” See id. at 3 (emphasis in original) (citing R.H. Coombs, Marital Status and Personal Well-Being: A Literature Review, 40 Family Relations 97-102 (1991)); see also Walter R. Gove et al., The Effect of Marriage on the Well-Being of Adults, 11 Journal of Family Issues 4, 25 (1990) (“[T]he evidence suggests that [the link between individual benefits and marriage] is not primarily due to particularly competent and healthy persons being more likely to marry and stay married but instead is primarily due to the effect of the marital relationship on individuals”). Studies consistently show that children in an intact natural family are significantly less likely to drop out of high school than children in a one parent family. See Linda J. Waite, Does Marriage Matter?, 32 Demography 483, 494 (1995). In some studies, the likelihood of dropping out more than doubles for children in single-parent households. See id. at 494. Importantly, Waite notes that the statistics regarding the likelihood of dropping out of school for children of single-parent households, “take into account differences in a number of characteristics that affect educational attainment,” thus accentuating the accuracy of the statistics’ indications. Children of non-traditional families are also more likely to have lower grades and other measures of academic achievement. See Paul R. Amato, Children of Divorce in the 1990s: An update of the Amato and Keith (1991) Meta-Analysis 15 Journal of Family Psychology, 355-370 (2001); See also William H. Jeynes, The Effect of Several of the Most Common Family Structures on the Academic Achievement of Eighth Graders, 30 Marriage and Family Review 73-97 (2001). Finally, children of divorced parents are more likely to have lower occupational status and earnings and have increased rates of unemployment. See generally Catherine E. Ross & John Mirowsky, Parental Divorce, Life-Course Disruption, and Adult Depression, 61 Journal of Marriage and the Family (1999).

Studies show that children raised outside marriage are more likely to be raised in poor economic conditions. See Waite, above, at 494. Even after controlling for race and family backgrounds, children raised outside of marriage suffer not only from economic deprivations, but also from a lack of parental attention and from high rates of residential relocation, all of which can work to disadvantage the child’s development. See Pamela J. Smock, et al., The Effect of Marriage and Divorce on Women’s Economic Well-Being, 64 American Sociological Review, 794-812 (1999); See also Teresa A. Mauldin, Women Men and the Economic Consequences of Divorce: Evidence from Canadian Longitudinal Data, 30 Canadian Review of Sociology and Anthropology, 205 (1990)(finding that the presence of two parents potentially means more parental supervision and more parental time helping with homework).

Adolescents with married parents are least likely to use marijuana, cocaine, or smoke cigarettes. Patrick Fagan et al., THE POSITIVE EFFECTS OF MARRIAGE: A BOOK OF CHARTS, at 35-36, 38 (The Heritage Foundation, 2002). Children with non-traditional family structures are twice as likely to use marijuana or cocaine and are 30 percent more likely to have experimented with cigarettes than children with two biological parents. Id.
“There is much... debate about the growing gap between rich and poor.... Analysis of social science literature demonstrates that the root cause of poverty and income disparity is linked undeniably to the presence or absence of marriage. A broken family earns less and experiences lower levels of educational achievement. Worse, it passes the prospect of meager incomes and family instability on to their children, making the effects inter-generational.


A groundbreaking survey of scientific literature performed by Dr. David Popenoe and Dr. Barbara Dafoe Whitehead found that cohabiting, unmarried women “are more likely than married women to suffer physical and sexual abuse.” The consequences of cohabitation are even more serious for children. Doctors Popenoe and Whitehead conclude that: “the most unsafe of all family environments for children is that in which the mother is living with someone other than the child’s biological father. This is the environment for the majority of children in cohabiting couple households.”

**Dr. David Popenoe and Dr. Barbara Dafoe Whitehead, Should We Live Together? What Young Adults Need to Know about Cohabitation Before Marriage, at 7-8 (The National Marriage Project, Rutgers University 1999).**

“Governmental approaches to family policy that emphasize and encourage “family diversity” rather than family stability and the intergenerational transmission of basic civic values are indeed troubling. See authority cited at notes 4344, above. Nevertheless, the development of “family diversity” policies, rather than policies that support the vitally important normative roles performed by the family (id.), became a primary aim of the 1994 International Year of the Family.

At the conclusion of the 1994 event, the United Nations published a book collecting the results of various studies and inquiries conducted during the year entitled *Family: Challenges for the Future* (UN Publications 1996). Instead of viewing the family as “the natural and fundamental group unit of society” (Universal Declaration of Human Rights Article 16(3)), the authors discuss the “unknown family” and emphasize “the diversity of family forms” and say,

One of the difficulties plaguing the efforts of Governments to deal with the question of families in social policy is the lack of a clear understanding of what families are. This difficulty has been complicated by the many changes rapidly unfolding in family structures and the diversity of forms found within and between national societies. *Family: Challenges for the Future* at 30. Unlike those who drafted the Universal Declaration of Human Rights, the authors of the 1996 UN publication seemingly discounted the possibility of relationships within the concept of “family” that are “natural” (or in any sense related to nature or even human biological realities). The book, instead, emphasized that:

> [families] come in many shapes and varieties, and there is change over the life cycle of individual families. A family-friendly society is one that recognizes the *diversity of family forms* and respects the unique conditions, benefits and disadvantages each experiences in the execution of its functions. *Id.* at 56 (emphasis added).

Of course, there are (and always have been) “diversity” within the concept of family, including extended families, divorced families, unmarried parents with children, etc. The UN publication, however, was not addressed to such “ordinary” realities of life. Rather, the publication emphasized the purported lack of common experiences or understandings shared by various cultures related to such basic notions as family, motherhood, fatherhood and childhood. This deconstructionist and fragmented notion of “family” – which is founded upon the supposed “lack” of any “clear understanding of what families are” – ultimately leads to government and public policies that emphasize the “diversity of family forms” rather than the normative functions of family life.

*A/59/592* (December 3, 2004).
SECTION 7

REFLECTIONS
What follow are random reflections on freedom, and I must warn you that I am a philosopher. Boswell tells us in the *Life of Johnson* that Dr. Johnson had a friend, Oliver Edwards, who had thought of becoming a philosopher but somehow cheerfulness kept breaking through. Edwards is reported to have said, “I have tried in my time to be a philosopher, but I don't know how, cheerfulness was always breaking in.” I prefer to take that as a kind of joke. There is a consolation in philosophy but the author who assured us of this was writing in a cell awaiting execution. But then we all are. Plato said that philosophizing is learning how to die. That doesn't sound too cheerful, but Plato’s point was that we can never understand what life is apart from the realization that it will one day end.

**Dante’s Dedicatory Letter to Can Grande**

Otto Bird once told me that Etienne Gilson gave as the aim of the Pontifical Institute of Mediaeval Studies at Toronto to produce people who could read Dante intelligently. You might have expected him to say Thomas Aquinas. Perhaps he did on other occasions. But whether Thomas or Dante, he meant an author whose work provided a veritable summary of learning. Let us begin by asking what Dante has to say about the question of freedom.

In a dedicatory letter to his patron Can Grande della Scala, Dante applies to the *Divine Comedy* the technique of interpretation that had developed in Scripture studies. St. Augustine, for example, in his *De doctrina christiana*, enumerates the various senses of the biblical text. The basic sense is the literal or historical which grounds further anagogical, moral and allegorical meanings. Speaking of his great poem in which Dante is led from hell, through purgatory and on to paradise, the author says that the poem’s literal meaning is the state of souls after death. But there is an allegorical meaning as well, and it is this: that human beings, by the use of their freedom, determine their eternal condition, whether of bliss or just punishment.

Here is the source of the great drama any human life is. We are what we freely do and we are stuck with the character thus formed. The significance of our use of freedom is transcendental in the context of faith, but an analogous assumption about human action seems to define any story, however simple, however secular. We are drawn into narratives about imaginary people because they are presented to us as confronting a choice that matters, they are at a crossroad and how they proceed will reveal what they really are. All that is heightened in Dante. Your eternal condition is fashioned in this life by the acts you perform, the choices you make.

So why are so many notorious sinners to be found in purgatory, on their way to heaven? Cato, a suicide, is prominent there and Manfred who killed his father and brother and gained the throne of Sicily by the most devious means is found in purgatory, meaning he will eventually get to paradise. We meet at the beginning of the second canticle of the great poem those
who put off the great moral and religious task until the last moment. But the last moment is part of life and it can define the eternal condition. Manfred’s tears of contrition at the end earned him salvation. The basic assumption about human action is preserved.

**The Image of God**

Human dignity is tied to freedom. Rousseau said that man is born free and everywhere he is in chains. That may sound a little bit like, Man is born naked and everywhere he is in clothes, but it draws attention to what is basic in us. Not to be in chains is a pretty dramatic illustration of negative freedom, freedom from impediments to action. Man alone of cosmic creatures is made in the image of God and that image, St. John Damascene tells us, consists of reason and will. Our awareness of what we have been, where we are and what we might become is the basis for choice. Thomas Aquinas, in his prologue to the moral part of the *Summa Theologiae*, invokes John Damascene for what might be called the motto of moral theory. Man alone is responsible for his actions, answerable for what he does, because he might have done otherwise and does freely what he does.

Is this a putdown of animals? A visit to the zoo or just your family dog may seem to provide counterexamples to this claim about human agents. Who has not imagined in the unblinking stare of the primate in the cage a strange brotherhood? An hour in a lawn chair provided W. H. Auden with the subject of his poem “Their Lonely Betters.”

> As I listened from a beach-chair in the shade  
> To all the noises that my garden made,  
> It seemed to me only proper that words  
> Should be withheld from vegetables and birds.

> A robin with no Christian name ran through  
> The Robin-Anthem which was all it knew,  
> And rustling flowers for some third party waited  
> To say which pairs, if any, should get mated.

> No one of them was capable of lying,  
> There was not one which knew that it was dying  
> Or could have with a rhythm of a rhyme  
> Assumed responsibility for time.

> Let them leave language to their lonely betters  
> Who count some days long and long for certain letters;  
> We, too, make noises when we laugh or weep,  
> Words are for those with promises to keep.

The higher up the scale of animal life we go, the closer we approximate freedom. Something very much like choice seems involved in the behavior of animals quite apart from the training that makes domestic pets part of the family. Bees are a favorite example of the amazing organization and division of labor, and it is difficult not to marvel at them. For all that, we do not look for soliloquies in the hive. To be or not to be, as it were. And if dolphins have a kind of language it falls all but infinitely short of that of rational animals, the animals who talk.
Animal actions are governed by reason, but it is not theirs; there is no animal ethics. The essential difference between man and the other animals is freedom, *liberum arbitrium*.

**Free will has a different valence than liberum arbitrium**

The phrase free judgment, *liberum arbitrium*, captures something that may be absent from some accounts of free will, or freedom. As long as we concentrate on freedom from we may lose the sense that our freedom has a goal, an end, one that we are free for. Thomas Aquinas characterizes will by the good presented to it by awareness, by knowledge. There is a judgment implicit in any action that the course we are taking is good, fulfilling, perfective of us. Alas, such judgments are sometimes mistaken. Worse, they may be correct and yet we do not follow them. It is this second possibility that has tempted many to divorce freedom from knowledge. We can act against our better judgment, so choice might seem to float free from knowledge. Then freedom is a kind of freakish, inexplicable occurrence, and the attempt to tie it down to knowledge seems chimerical.

St. Augustine is sometimes invoked on behalf of freedom in this sense, and the basis for its recognition is sin. And then we are told that such pagans as Aristotle had no adequate conception of will and thus of freedom. A large topic, of course, but I think Aristotle can look out for himself. Of course when we act badly there is a judgment we are not following, a recognized good we do not choose. But the choice we make is guided by another judgment, one that negates that which we do not follow. The judgment that we should be moderate in the consumption of bracing liquids is not followed and like the squire in Jane Austen we tap the rim of our glass for more. The judgment we are following is not one we are likely to hear trumpeted abroad. Except in beer ads: “Grab for all the gusto you can get.” In any case, free will is always the free following of a judgment of what is good for us, *liberum arbitrium*.

Any free act conditions future free acts, and it may seem that the inevitable consequence of the exercise of freedom is its loss. The chains to which Rousseau refers may be forged by ourselves. Thus life may seem to be a long declension from freedom. Issued from the hand of God the simple soul, but in the end, sans teeth, sans hair, sans everything, old men have few options left. Hence the quarrel with the notion that our task is to acquire a character, so to act that a way of action becomes habitual. Isn't this to live in a groove, a rut, to exhibit slavery rather than freedom? Well, it certainly depends on whether our habits are good or bad, our character virtuous or the opposite. Such distinctions can only follow on a correct understanding of what our freedom is for. Augustine answers, “You have made us for yourself, O Lord, and our hearts are restless until they rest in thee.” The Baltimore Catechism conveys the same thought: “Why did God make me? To know Him, to love Him, to serve Him in this life, and to be happy with Him forever in the next.” So we are back to Dante and the recognition of what our freedom is for. Freedom thus seems to presuppose theism at least, and Christianity at best. And that of course creates a problem.
Gaudium et Spes and the causes of atheism

The Fathers of Vatican II, in Gaudium et Spes: The Pastoral Constitution on the Church in the Modern World, took note of one of the features of our age, the loss of belief in God, atheism. One finds in the first part of that document a little treatise on the sources of atheism. Common to them all is the thought that the existence of God compromises human freedom. If God exists there is a guide for our freedom and then we seem not to be free at all, at least not as free as we would like. “God is dead and we have killed him,” Nietzsche said, and he was trying to understand the world in which he lived. The absence of God is one of the great themes of the century that preceded Vatican II. But not even Nietzsche saw atheism as liberating. Dostoievsky caught the vertigo of atheism when he has a character say: “If God does not exist, anything is permitted.” Let us look into this a bit.

Sartre and man as freedom, untrammelled, totally free

Tyranny

Hell is other people.

Are we surprised to hear atheism regarded as a modern phenomenon? The very fact that atheism is a negative term suggests that theism is the default position of the human mind. That is why Nietzsche is such an important witness. He was the son of a minister and thus had a faith to lose. If he characterizes modernity by that loss he does not want us to shrink from its implications. The implications were slow in arriving. Even today many would be offended by the suggestion that without God there is no morality. The Enlightenment promised that getting rid of priests and princes would usher in an era of expanding freedom and mature morality, self-determination. It was as if you could get rid of Moses and still have the decalogue. Why not? Must the atheist regard his position as entailing that murder and theft and rape are now okay? Is Dostoievski just a brooding Slav?

Well, there is Jean-Paul Sartre, a professed atheist, who draws out the implications of atheism in a little post-war work called Existentialism is a Humanism. It is worthwhile to recall the main lines of his argument.

How does the theist differ from the atheist? The theist regards God as maker and man as his artifact. God has given man an essence, a nature, and it is there that we discover what we are free for. Essence or nature comes before our choices and provides antecedent guidelines for the proper exercise of freedom. Essence precedes existence. When he turns to atheism, Sartre draws out the full implications of the denial of God. If man is not a creature, God's artifact, then he has no nature or essence to guide him. His freedom is therefore total, untrammelled, he is free from any and all restraints on his choices. There are no rules or limits to the exercise of freedom. Anyone who denies God and continues to invoke given standards and rules for the use of freedom is kidding himself; he is inauthentic.

This might seem like an adolescent's dream. I can do anything I want and there is no wanting that is right or wrong. I must decide and choose the rules as well as their application. I am under no antecedent restraints when I act. There is nothing I must do or not do because of
what I am. I have no nature or essence. Existence precedes essence. Whatever character or
life I acquire is totally my own doing. Wheeee?

Not quite. We are condemned to be free. There is no way we can excuse or justify our ac-
tions, our life, except to say that they are freely chosen. Now you will think that this is easily
falsified. Boethius in his death cell is not free to leave. Sartre is ready for you. Prison bars re-
strain me only if I want to be elsewhere, so I freely confer on them their impeding quality.
Ah, you will say, but I did not choose to be born. To which Sartre will reply that so long as you
do not commit suicide you are retroactively acquiescing in your birth and thus take responsi-

bility for it.

We must be grateful to Sartre for having drawn out the full implications of atheism for our
understanding of human freedom. There is little to cheer us in it, but then Sartre was a
philosopher and we remember Dr. Johnson. These considerations enable us to reflect on our
own situation as Catholics in the United States.

Atheistic humanism has an odd way of diminishing man. Life becomes a useless, a mean-
ingless passion. Yet there is a strange paradox in modern man's self-understanding. Our planet
was once the center of the universe, now it is a speck of dust in an insignificant system lost in
space in an ever expanding universe. Both on earth and in the cosmos the supposed impor-
tance and primacy of the human species is questioned. But this diminishment goes hand in
hand with the bumptious claim that we are in charge. We see ourselves as masters of nature.
Bioengineering shrugs off the suggestion that we may not do whatever we can do. Efforts to
extend and enhance human life often entail regarding some human lives as instrumental to
others. Students think of mortality as a disease that can and will be cured.

U.S.A. and Ordered Liberty
Toqueville, in Democracy and America, saw us as a nation of individuals and W. H. Auden
summarizes his views in a way that is eerily reminiscent of Sartre.

[I]t means accepting a ‘Society,’ in a collective inclusive sense that is as neutral to
values (liberty is not a value but the ground of value) as the ‘Nature’ of physics; it
means accepting an educational system in which, in spite of the fact that authority
is essential to the growth of the individual who is lost without it, the responsibility
of recognizing authority is laid on the pupil; it means accepting the impossibility
of any ‘official’ or ‘public’ art; and for the individual, it means accepting the lot of
the Wandering Jew, i.e. the loneliness and anxiety of having to choose for himself,
his faith, his vocation, his tastes (American Scene by Henry James, Introduction, p.

xviii).

It has been said that modern philosophy is simply the Reformation carried on in a different
form, and perhaps the same can be said of modern political thought. So much has been writ-
ten of the lonely individual we have all become. Unsurprisingly, this has influenced the direc-
tional moral philosophy has taken in recent years.

If there are true facts about the world and ourselves, these are of no help in telling us what
we ought to do or not do. So what supports our judgments that it is good or bad for us to be-
have in a certain way? Many interesting suggestions were made but in the end one of them emerged as dominant. Our moral judgments, the meanings of ‘good’ and ‘bad’, are grounded in our feelings, our emotions. You and I may be in agreement about the facts of our common situation, but you act one way and I act the opposite. You are guided by your feelings, by what you are comfortable with, and so am I. Of course it has been recognized from the beginning that there is a vast range of differing but permissible choices, but emotivism generalizes this across the whole of morality. Values are divorced from facts. Values are subjective.

In its generalized form, emotivism makes disagreement Pickwickian. If when I say that such and such a course of action is good, I am simply reporting my feelings and you, in calling the same course of action bad, are doing the same, we are no more disagreement than if I say I have a toothache and you say you don’t.

More recently things have been further complicated by questioning whether facts are really any different from values. Aren't all judgments interpretations and thus, apparently, subjective? The world is what we make it.

Well, so much for philosophy. How much of this is applicable to the world in which we live?

**John Courtney Murray**

In *We Hold These Truths*, John Courtenay Murray, the Jesuit whose thinking is said to have influenced the Vatican II declaration on religious liberty, considered the American situation. The genius of our country, he held, is that we have been able to fashion a polity that accommodates religious differences, or the absence of religious belief, because we share a common morality. That morality may be shored up by religious belief, because it is embedded in it, but it is distinguishable from religion and by appeal to it those of different religions or none are able to live together in ordered liberty.

In recent years, the fear has grown that the common morality Murray saw as the cement of our society is being treated in the same way as specific religious beliefs once were. Justice Anthony Kennedy, in his famous mystery clause, wrote that we each have a constitutional right to define existence, life, the universe, as we like. Any infringement of that right is tyrannical. Well, one might say that the invocation of such a right leads to chaos.

Now, like the rest of us, judges have the saving virtue of inconsistency. Something like the common morality to which Murray referred continues to be invoked in judicial decisions. But there goes along with this the vertiginous thought that the common morality is simply something we choose, and we might choose otherwise. What is to be done?

We have a mission, even a patriotic duty, to put God back into public life. Even back into Catholic universities. (My son was recently told by a senior colleague that it was probably illegal for him to begin his class at Notre Dame with a prayer. Now not everyone reads MAD magazine but Alfred E. Neumann favored prayer in the public schools because it was the only way he got through. As for my son's experience, it was as if, even in a Catholic institution, religious faith must be seen as a private affair that should not be visited on others.)

Well, I said these were random reflections. They seem to have become homiletic. So be it.
Every sermon should end with recommendations for future action. I will make two. First, I think we have to pay a good deal more attention than we have to what I will call the rhetoric of natural law. Natural law is of course the name of the undeniable starting points of moral thinking and action. And these starting points or principles are often denied. In such a situation to hold that there are such principles will appear to be, perhaps even to ourselves, a private individual choice, no more valid than its opposite.

My suggestion is that, in dialogue with the naysayer, we look for signs that the denial is incoherent. For example, to go back to Sartre who held that each of us is totally free and can do anything we wish. Nonetheless he holds that we must each respect the freedom of others. Why? Pursuing this question will reveal that Sartre presupposes what he claims to reject. I call this the rhetoric of natural law because one must, of course, be polite in dialogue and avoid, like sin, the suggestion that we are trying to get our opponent to agree with us, that is, with our arbitrarily chosen viewpoint. What we want to tease out of the discussion are those recognitions that are common because they cannot be gainsaid. Call this witnessing to the common morality.

Second and I think the best way is to act in such a manner that it is clear we see ourselves as creatures of God. Showing is always more effective than telling. We have to stop being apologetic about our beliefs, have to resist the encroachments of secularism where the privatization of religion governs our own actions. Years ago I was at a banquet in South Bend, a Right to Life banquet, and a Holy Cross Brother was asked to say grace ... he stood, bowed his head, and drew us into his silence ... and then he said, quite simply, “Let us put ourselves in the presence of God.” It was so clearly not a mere formula for him. His words seemed to sweep away a veil and show us where we always are, in the presence of God. I would like to say I have never forgotten his words, and in some sense that is true. But, of course, we all forget that truth too often. And that is to betray ourselves as well as the God who made us free. And made us for Himself.
The chief condition of human existence is scarcity—scarcity of time, resources, health, wealth, food, love, order, discipline, justice, mercy, and play. We all will live and die not having had enough of one or all of these to have lived the life for which we were created. But on the whole, because of grace, there are enough of all good things for humans to flourish. The persistent presence of scarcity is not effacement to the Kingdom of God; however, that the want is not met by others is. Adam needed companionship in the Genesis story. The scarcity was there, but it was filled when Eve was brought forth. Scanning salvation history, it seems that God has continuously established communities to fulfill the needs of others, both within the walls of these communities and outside them. Families are of course the most seminal example and nations, the extension of the familial bond, include greater and greater numbers, as when Abraham begets and what is begotten becomes Israel. Israel becomes the Church, which is the institution we point to as God’s chief provision for the wanting world.

With these works of God in view, and with other gracious provisions for personal charity, we must believe that the world is ordered in a Providence of want so that we need one another’s bodies and souls for our fulfillment, as well as for the completion of the Kingdom of God. We must believe that a provision has been made to answer great need with greater charity. Otherwise, we must engage in a hopeless theodicy. Thus, if we are to work out this Providence of want, we must have a robust theology of the body, as the body is the chief tool with which we are endowed to serve one another’s needs, and that without which service to one another is impossible.

We, the members of the Church, cannot understand our personal bodies without understanding the Body through which we are united in service, namely, Christ’s. And the understanding of each of these bodies, the personal and the corporate, complements the other. The body of course is public, and it publicizes the soul, or the spiritual part of the human. It is the priest of the soul, representing its intentions to the world. God served us and revealed himself most significantly through a body: first that of the nation of Israel, then that of her first son, Jesus Christ. He continues to serve us through the Real Presence of Christ’s body in the Eucharist. And the Church has served as his body for the sake of the world since his Ascension. For our understanding of these two bodies, we will look to him who gave us the very idea of a corporate body which is also the Body of Christ: St. Paul.

Paul lived in a world much like our own, with cultures wrapped up in one another like the layers of an onion. The result is a Roman who is also a Hellenic Hebrew. Either the Hellenic or the Hebrew anthropology is what most will ascribe to Paul’s usage of various Greek, corporeal terms, translated as body or flesh.
The first distinction between these great traditions is that body-soul dualism is un-Hebraic and quite Hellenic. For the Hebrews, the soul, or “essential ego” is not trapped in the body, only to be liberated eventually. Dr. Wheeler Robinson, in his *The People and the Book*, notes that “[t]he Hebrew idea of a personality is an animated body not an incarnated soul.”¹ Man is the body as the soul is the body in the soul’s outward form — in a psycho-physical unity.² The Hebrews did not teach that *nephesh*, or soul, is immortal, and that *basar*, or flesh, is mortal.³ Also, for the Hebrews, the body is the very thing that binds men to one another, not what separates them out as individuals.⁴ Greek thought has form and matter. The body results from a form impressing itself on matter. The form can be contrasted to the matter (or to the whole body), and the form supersedes the matter. Form is essential. Hebrews, however, have one word, *basar*, for the whole life substance in corporeal form,⁵ and one, *nephesh*, for the life substance in spiritual form. The two are not contrasted but inextricably bound up in one another so that to separate one from the other is to cease to have a created life.

In Greek thought there is another contrast between the whole and its parts. Hellenic physiology stood the body over against its component parts or organs, each of which had its own function. The Hebrews had no such distinction. Thus, though nearly eighty body parts are named in the Old Testament, no word is given for the whole. Any part could be used to represent the whole in a particular mode of existence.⁶ Hebrew usage of any single part or bodily function as an antecedent of the whole body, and the ascription of various functions to the same organs, even the soul, may madden the anatomically minded. But Semitic corporeal terminology espouses primarily the theological verities of man’s nature; whether it is accurate to how the body actually functions is another matter.⁷

The Greeks could consider the body in isolation, or in-itself. The Hebrews could not. Queries concerning the relation of its parts were subordinate to those involving the relation of the whole man to God.⁸

We are thoroughly Greek and body-obsessed. But what about the Saint whose biblical proclamations concerning the body and the Body of Christ have so influenced us? Paul, for all his Hellenic sensibilities and acumen in contemporaneous secular philosophies, was nevertheless a Hebrew of the Hebrews. This is most notable in his discussions of the body.⁹ To contextualize these discussions, let me offer Romans 7.4 as a summary of the Pauline theology of the body: “... my brothers, in the same way you were put to death to the law through the body of Christ, so that you might belong [should be joined] to another, to the one who was raised from the dead in order that we might bear fruit for God.”¹⁰ His discussion of the body is enmeshed in his Christology, which also forms his ecclesiology. In fact, the whole of Paul’s doctrine of the Church is an extension of his Christology.¹¹

Two words are foundational to Paul’s theology of the body: σαρξ and σωµα, roughly, flesh and body respectively. These words are used to explain the following: (1) his anthropology, (2) the state of man without Christ, (3) how Christ surmounted this state from within it, (4)
the state of man in Christ, and (5) the Church as the body of Christ.

Σαρξ, or flesh, is not contrasted with σωµα, or body, but is a word for the whole person from the aspect of fallen physical existence, that is, fleshiness. It is a transliteration of the Hebrew basar. Thus, it can serve as a stand in for the personal pronoun or for mankind (as in Gal. 1.16, 2.16; Romans 3.20; Eph. 2.9; 2 Cor. 7.5).12 Σαρξ is not itself evil or sinful, but is weak, mortal, and easily beguiled (Rom. 7.11).13

In contrast, σωµα, or body, is the carrier of the resurrection.14 “While Σαρξ stands for man in the solidarity of creation in his distance from God, σωµα stands for man, in the solidarity of creation, as made for God.”15 Σωµα is all that Σαρξ is but is additionally redeemable because Christ lives as σωµα, and through his σωµα perfected nature.16 Without Christ we live as σωµα but are enslaved to Σαρξ.

For animals, death is natural, but man was created to live bodily in community with God—to walk with God in the Garden, as it were. Thus, the “body [σωµα] of death” is a terrible contradiction—for man as σωµα was not made to belong to death.17 In Paul’s theology, this contradiction is broken when Christ makes us his σωµα and quickens us for all good works. Though to Christ’s body we are truly joined, still in this age we suffer in the flesh (Σαρξ).18 As members of the body or σωµα of Christ we exist always in a dread paradox of still being Σαρξ, while being Christ’s σωµα—constantly pulled toward life in the spirit, or πνευµα, as God exists.

Paul gave us the phrase the body of Christ: it is his name for the Church. “Do you not know that your bodies are members [membranes] of Christ?” Paul asks the Corinthians.19 Calling individuals members of a person is certainly a violent use of language. The context reveals that Paul intended it to be so.20 A corporate body was as strange to Hellenic Hebrews as it is to us now, if we think about it. The one is the same as the many (as they are membranes of it), not simply the one is a collection of the many. Somehow each part can stand in as the whole and yet the whole is not reducible to each part.21 To call the Church the body of Christ draws attention not primarily to it as a cohort of men but as Christ in his very being and life.22 Why does Paul make this identification of Christ with his Church when none of the other biblical writers do?

When Paul was met on the road to Damascus, the risen Christ asks him “Why do you persecute me?”23 But Paul never persecuted Christ himself as a singular man, only his flock. From this point onward, Paul retains the belief that the two bodies, that of Christ and that of his Church are in fact the same. This church-body that Paul has in mind is as singular and concrete as the body of the Incarnation.24 For Paul, no discernable demarcation can be made between Christ’s resurrected body and the bodies of those who are raised with him in baptism; for they all are members of it.25 As Robinson rightly notes, “all attempts to distinguish in the relevant passages between the personal [historical] and the mystical body of Christ are inevitably doomed to failure. The obscurity is intended by Paul. The body of Christ is no longer thought of by him as an isolated entity but the point from which the dying and rising again, which began with Christ, passes over to the Elect who are united with Him.”26
With this said, we must resist speaking of the body of Christ as merely a Pauline metaphor. The analogy he presents us holds because the body of Christ is in fact the “organism of Christ’s person in all its concrete reality.” 27 We are not dealing in likeness: neither the flesh of the incarnate Jesus, nor the elements of the Eucharist, nor the body of Christ is like Christ. Each is the physical extension of his person and life. 28

It was mentioned above that for the Hebrews the body is what ties us men up with the order of this fallen creation, not what individuates us. The resurrection body, however, brings to solidarity in Christ the recreated universe. This is the reason that incorruptibility cannot be put on in its completeness until Christ is all in all. 29 Participation in Christ begins with the baptism of Christ; that is, each time his vicars baptize, the redemption of the old mortality is extended (1 Cor. 12.13). Through this and other sacramental participation, the Christian becomes part of Christ's body so literally that all Christ did in and through his body can be repeated in and through the Body of Christ now. 30 As he said, “you will do all these things and greater” (John 14:12). This means that Christ will do them through his Church, which is his body, which is himself.

There is a paradigm present in Christian piety which can help us to understand and utilize our mystical identity as Christ’s body without over-intellectualizing it: relics. They are beneath our altars — they are the bit of the holy that witnesses to Christ’s continual presence in his Saints since the Ascension and until his Parousia. A relic is the residual, which is the person himself but not fully, which is grace-filled, yet deteriorates, which is powerful — sometimes more so than the living Saint himself was — to confer grace. As Christ’s living relics, the Church, divided throughout the world as Saint’s relics often are, is commissioned to do what Christ did and greater.

This earthly service in the name of Christ makes sense only if heaven is like Earth, that is, if we are working with God to bring about the perfection which existed before the Fall, and more. By the example of resurrected life of Jesus, we know that heaven is at least biological and agricultural. He had a visible body and also ate food with the disciples after the resurrection. Moreover, at the Ascension, the material form was taken up into the Godhead, making forever part of God’s existence the business of material perfection. And, if as we believe, eschatology will recapitulate protology — that the end will be much like the beginning — then Christ will return to grant incorruptible bodies to us for the eternal service of God and man in his Kingdom without end.

Our God is making all things new. Both in spite of and through our corrupted bodies, we are part of Christ’s continuing work toward that end. And our imago Dei status allows us to be conscious co-creators, and in this case renewers and sustainers. Yet want persists and must until he is all in all.

But within the economy of God, there are provisions so that the presence of want is not indicative of a weak or a cold God. These provisions I have called the Providence of want. Lack provides the opportunity for us to serve one another as we never could have otherwise. It is
true that great evil is permitted when the want is not met. Persons die for lack of food, are beaten for lack of strength, and suffer injustice for lack of truth. But we must believe that the ordering of the world so that scarcity is the chief condition is for the greater good of all mankind. If the world were not ordered as such, it seems that we would not need one another, and we certainly would not need redemption from a man named Jesus.

Christ, indeed, has no relics, as we commonly know relics, and in this fact is our hope. His body is inside the altar of no Church; by death he overcame death. His body will raise our bodies on the last day; until then we are presented with the Real Presence not the literal presence of Christ. And we as Christ's body present this Presence to the world.

Christ has no relics, and in this fact is our responsibility. We, his Church, his Body, are to be his living relics for the sake of the world — each doing his part. The particular graces given to the world flow through his Body into the world. We have our identity in Christ in a mystical way: no part of the Body sufficiently represents Christ to the world. But in spite of the imperfection of each part, the whole is sufficient and mysteriously sacramental to the world toward its renewal. Our work in this natural world is being perfected by the grace given to the Church, in which we live and move and have our being.

Allow me to end by misusing one of Walt Whitman's poems. I think it gets at the ecclesiology I have espoused so long as you think of the body of Christ when he uses the phrase “my body,” and know that the “I” in the poem is both Christ and the Christian.

*Crossing Brooklyn Ferry*\(^1\)

*(excerpt from *Leaves of Grass* by Walt Whitman)*

> It avails not, neither time or place — distance avails not;  
> I am with you, you men and women of a generation, or ever so many generations hence;  
> I project myself — also I return — I am with you, and know how it is.

> Just as you feel when you look on the river and sky, so I felt;  
> Just as any of you is one of a living crowd, I was one of a crowd;  
> Just as you are refresh’d by the gladness of the river and the bright flow, I was refresh’d;  
> Just as you stand and lean on the rail, yet hurry with the swift current, I stood yet was hurried;  
> Just as you look on the numberless masts of ships and the thick-stemm’d pipes of steamboats, I look’d.

…

> What is it, then, between us?  
> What is the count of the scores or hundreds of years between us?

> Whatever it is, it avails not — distance avails not, and place avails not.  
> I too lived — Brooklyn of ample hills was mine;  
> I too walk’d the streets of Manhattan Island, and bathed in the waters around it;  
> I too felt the curious abrupt questionings stir within me,
In the day, among crowds of people sometimes they came upon me,
In my walks home late at night, or as I lay in my bed, they came upon me.

I too had been struck from the float forever held in solution;
I too had receiv'd identity by my Body;
That I was, I knew was of my body — and what I should be I knew I should be of my body.

1The People and the Book, Wheeler Robinson, 362.
3Israel, Peterson I-II, 171.
5Ibid, 11.
6Ibid, 13-16.
7Ibid, 16.
8Ibid, 16.
9Ibid, 11.
10New American Bible.
11Ibid, 49.
12Ibid, 18.
13Ibid, 19, 37.
16Ibid, 19.
17Ibid, 35.
18John A.T. Robinson, 74.
191 Corinthians 6.15, NAB.
20Ibid, 50.
21Ibid, 49.
22The Gospel and the Catholic Church, Ramsey, 35.
23My paraphrase of the Greek.
26The Mysticism of Paul the Apostle, Schweitzer, 118.
29John A.T. Robinson, 79.
31From Leaves of Grass, Walt Whitman, public domain.
POSTSCRIPT
TO THOSE WHO LOVE THE
CONGREGATION OF HOLY CROSS

“COME FOLLOW ME.”
IT WAS THE LORD JESUS CALLING US.

BY REV. HUGH C. CLEARY, C.S.C.

It is a well-known fact and a blatant understatement to declare that vocation recruitment for the consecrated life and priesthood is in crisis. It has been for decades. This reality is no different for the Congregation of Holy Cross. Since Vatican II ushered in the “age of renewal,” vocations to the consecrated life and to the priesthood have waned significantly.

But the calls to the consecrated life and the priesthood are as valid today as they ever have been. The need for their witness to Gospel values is perhaps more urgent than ever. Those of us who love this vocation find ourselves deeply dismayed and saddened by the paucity of vocations in our time. In Holy Cross we are experiencing increasing difficulty maintaining a vibrant presence in our traditional ministries.

We want to succeed and carry on. We believe firmly that Jesus’ message of love is at the heart of existence. It is our joy to proclaim his Gospel with the energy of our lives.

Our Holy Cross Constitutions speak beautifully of God’s call to us. As followers of Jesus we first bore the name Christian when we were washed in baptism. At various stages throughout our Christian lives we were confirmed in our belief and we were given the Eucharistic nourishment of Jesus’ indefatigable love. As with all Christians we found the Lord Jesus calling us to take further steps in responding to God’s love.

For us in consecrated life we heard a summons to give over our lives to God in a unique and explicit way. We experienced Jesus’ Spirit rising up within us calling us to life in the Congregation of Holy Cross. Our vocation’s call also seemed mediated through attentiveness to the needs of the Church and the cry of the poor in searching for the love beyond all telling. Jesus’ Spirit, calling us both from within and without, asked us to bring our love to bear upon the world in an explicit and precise manner through the consecrated life.

Inwardly we heard the call to be disciples of Jesus as consecrated religious within the silence of our hearts, uttered mysteriously through inborn stirrings for someone or something outside ourselves to complete us and quiet the inborn ache of the human heart. It was a call to heal the unrequited love that waits within us. It was God’s love calling us, God’s love that calls us still. We trust that he will fulfill our deepest desire, the desire he himself has placed within us.

The mystical author of “The Cloud of Unknowing” speaks of the foolishness within us not to realize that ultimately it is God’s love, and absolutely nothing else, that fulfills our deepest desire. “For this is what I desire to be; this is who I truly am — one marked, claimed and surrendered over to Your love.”

Responding wholeheartedly to God’s love has its challenges. Perhaps instinctually sensing the self-emptying demands of this Divine love within us, and not easily understanding the
mysteries of its complex paradoxes, we tend to repress God's presence within us as a defense against love's responsibilities. We seek other satisfactions as substitutes for the love that alone can satisfy.

Our Holy Cross Constitutions remind us that we are often tempted to love and thus worship the fruits of God's creation while ignoring the giver of these wonderfully good gifts. We can become obsessed with acquiring and possessing more and more of the earth's delights since they please us so. Seduced by their beauty, we can wrongly make them the objects of our heart's true desire. We lose sight of the destiny beyond them.

Fascinated and obsessed with possessing the goods of the earth can lead to a loss of innocence. Though our world, God's creation, is well-provisioned with fruits and gifts of the earth are meant to be shared by all, our grasping for pleasure and wealth and the power to possess them leads to injustices and enormous inequalities among us.

We religious and priests of Holy Cross often discover our vocation hearing God's call through the cry of the poor and suffering the pangs of humanity. Enmity, violence and injustice seem as much a part of the human story as love itself. It is a call from without as valid and real as the call from within.

Human beings, our brothers and sisters, needlessly suffer when we insist on power over others weaker than ourselves, when we seek more than our fair share of the earth's provisions, when our pleasure is enjoyed at the expense of others. Our consecrated life seeks to inspire another vision. We pray to be a sign of prophetic contradiction to humanity gone wrong.

The evangelical vows of chastity, poverty and obedience, lived in community, characterize our Holy Cross lives. Father Basil Moreau, the founder of the Congregation of Holy Cross, identifies these vows as the characteristic virtues of Jesus' life, which marked and defined him. They are meant to define us as well, living in his image.

Chastity draws us to single-hearted intimacy in God's love overflowing in reverence for all people; poverty compels us to live in trusting dependency upon God's love as our greatest treasure, sharing generously all that we possess with those who suffer their lack; obedience allows us to willingly surrender our freedom to the exigencies of God's love. Our vows brand us with the marks of Christ himself so that it is we who live no longer but Christ who lives within us.

We seek to live Christ's life as individuals but ever so importantly, we seek to live Christ's mystical body in our common life. We seek to be a real and vibrant sign of the communion of humanity, all of us, called by name, God's beloved.

The concept of being called by God to live a unique human expression of divine love implies that all creatures are stamped with a certain ontology, a way of being that calls us to be true to ourselves. Our vocational call seems to emerge from a spiritual genetic make-up, as if it is contained in the pattern of our DNA, defining our personalities, making us who we are.

Nobel Prize-winning author Pearl Buck provides an illuminating insight into the mystery of each one's unique ontological vocation. In describing the joy and suffering of one blessed with
a creative mind she captures the sense of a vocational identity formed at the very beginning of our existence.

The truly creative mind in any field is no more than this: a human creature born abnormally, inhumanly sensitive. To him a touch is a blow, a sound is a noise, a misfortune is a tragedy, a joy is an ecstasy, a friend is a lover, a lover is a god, and failure is death. Add to this cruelly delicate organism the overpowering necessity to create, create, create — so that without the creating of music or poetry or books or buildings or something of meaning, his very breath is cut off from him. He must create, must pour out creation. By some strange, unknown, inward urgency he is not really alive unless he is creating.

While she vividly depicts the vocation of a creative mind, we can easily extrapolate a profound understanding of the ontological reality of other vocations as well. God seems to have implanted within consecrated religious an extraordinary sensitivity to life's purpose and meaning, life's destiny.

By some strange, grace-filled inward urgency we are not really alive unless we are making our destiny in Christ known through our very being as individuals and as a community. If our vocation is real and true we cannot live otherwise. Consecrated religious are divinely sensitive to the defining characteristics of Jesus' life of poverty, chastity and obedience.

We religious have the overpowering necessity to express our lives through these vows. Without so loving, it would seem our very life-breath would cease. As the beloved late Pope John Paul II stated: "We cannot live without love. If we do not encounter love, if we do not experience it and make it our own, and if we do not participate intimately in it, our life is meaningless, we remain incomprehensible to ourselves."

The vocational call to consecrated life begs of us a wholehearted response to the divine, ontological imprint inscribed within our very being. We sense an overpowering necessity to live as Jesus lived; to love as Jesus loved. Through this love we seek to invite others to know Christ and to live and love within him.

Of course we can and do fail our vocation — at times grievously. We can betray our inmost being and thus betray God. But God is merciful. Through forgiveness we are allowed to pick ourselves up and move ahead with more determination than ever to be faithful to God's healing and abiding love.

Our Holy Cross Constitutions are consoling: "Some of the most decisive transformations are God's gift to us not when we conform to his will but when we have gravely failed him." Guilt's grace makes us keenly sensitive to divine mercy. Grace abounds in love's forgiveness. Forgiveness is our hope. It is our salvation; it gives each of us a future.

As educators in the faith, we Holy Cross religious seek to reveal the love of God that is at the heart of human existence. This task is an urgent concern in a world inundated with secular meanings and ideologies devoid of true love. Our mission as consecrated religious has a clear focus. We are called to proclaim life's true meaning in a world-culture growing ever more violent, bent on its own destruction.

We in Holy Cross believe the world needs the witness of consecrated life as a sign of trans-
forming love. As consecrated religious, patterned to the person of Jesus through the brand marks of our evangelical counsels, we wish to be a sign of contradiction to a world turned in on itself and a sign of hope for a world looking beyond itself.

Dear friends of Holy Cross, vocations to religious life are dwindling and falling away. The consecrated life seems a relic of the past, rather than a harbinger of the future. But we believe that God still calls people to serve him as consecrated religious and as priests. We believe in Holy Cross and in our mission.

At his inaugural Mass, Pope Benedict XVI issued a clarion proclamation: “The Church is alive!” The multitude overflowing Saint Peter's square responded with cheers of enthusiasm. “The Church is alive!” He proclaimed again. “And the Church is young. She holds within herself the future of the world and therefore shows each of us the way toward the future. The Church is alive and we are seeing it: we are experiencing the joy that the Risen Lord promised his followers. The Church is alive — she is alive because Christ is alive, because he is truly risen.”

We religious of Holy Cross want our congregation to be young and alive. We are at a pivotal point in the history of the Church. We want to revitalize our lives as consecrated religious and as priests of Holy Cross. We want to be faithful to what is most true within us so that we can serve the Church and humanity zealously with God's own love. It is a remarkable and extraordinary vocation, a life to which we happily invite others.

Vocation promotion and recruitment are essential to our Holy Cross mission. Our desire to foster vocations to the consecrated life demands of us more than a mere wish — it demands our ongoing conversion to the depths of our inmost being and to the cry of humanity.

Dear friends of Holy Cross, won’t you help us? Perhaps some of you reading this have thought about a vocation within the Congregation of Holy Cross. Why not act upon it? We need you now. Perhaps some of you have friends and relatives who are discerning a possible vocation within religious life. Urge them to be in contact with us. We need them now.

It is time, past time, for the Congregation of Holy Cross to embark on a new, unstinting effort to encourage people to attend to the Lord's call to the consecrated life.

Perhaps you can also help us as we reflect upon the quality and appeal of our religious lives in the Church today. Please take some time to let us know what you think about us and how we might strengthen our presence in the Church and world today. Thank you for helping us. We need you now.

It is the Lord Jesus calling us. “Come. Follow me!”