

## CURRENT THEOLOGY

### NOTES ON MORAL THEOLOGY: JULY-DECEMBER, 1968

To report moral developments and evaluate them means not only to indicate trends of thought but to assess their worth. This task gives rise to two problems. First, moral theology presumably responds to the needs of the Church. Yet the present situation of the Church is confused and fluid. Second, to assess the value of moral thought demands that the assessor know the direction in which this thought ought to be tending.

The most cursory glance reveals the difficulty inherent in trying to discover the present needs of the Church. A look at the press, religious or secular, shows that significant groups in the community, laity, clergy, and bishops, are working at cross-purposes. Who knows what direction theology should take? There is confusion, dismay, and fear. Indeed, so highly charged with emotion is the atmosphere that we need behavioral science to uncover the real issues.

We shall do just that, interrogate the social scientist as to what is going on. But he can report only psycho-sociological facts and evaluate trends in terms of healthy emotional and social norms. We ought also, then, listen to the theologian so that specifically theological norms may be brought to bear on the present crisis situation.

First, what do sociologists see the condition of the Church to be? It is important that we examine not just any sociological view, for sociologists too are general practitioners or specialists. We turn to the sociologists of religion to enlighten us. Let it be noted from the outset that they speak not just from their current research but from the broad background of the sociology of change in human societies, a respectable body of data. They also reflect the conclusions of another branch of sociological thought, the sociology of conflict, a relative newcomer on the American scene but an observer of long standing in Europe. Their message sounds a note of reassurance for the future but it is muted with a word of warning.

To hear their story we must understand the sociological concept of secularization. This is not to be confused with secularism, a theological term bearing a pejorative connotation. Vatican II characterizes secularism as "that ominous doctrine . . . which attempts to build a society with no regard whatever for religion. . . ." <sup>1</sup> Again, secularism must not be confused with secularity, which expresses the momentous opening of the Church to the world decreed by Vatican II: "At the

<sup>1</sup> Dogmatic Constitution on the Church, no. 36 (*The Documents of Vatican II* [New York, 1966] pp. 63-64).

same time, [the Church] is firmly convinced that she can be abundantly and variously helped by the world in the matter of preparing the ground for the gospel."<sup>2</sup> Elsewhere the Council explicates this help as "the experience of past ages, the progress of the sciences, and the treasures hidden in the various forms of human culture [by which] the nature of man himself is more clearly revealed and new roads to truth are opened."<sup>3</sup> Secularism, then, is a position that rejects the religious, while secularity is religion open to, and welcoming, the influence of the experience of mankind in this world, of science, and of culture.

#### SECULARIZATION AND PLURALISM

Secularization is a broader concept than secularism, for it embraces also the economic, demographic, and technological aspects of society. It is a process at work in human groupings. A secular society is one that encourages openness to the culturally new. Its value system is subject to influence from outside sources. A "sacred" society, on the other hand, resists cultural change and has a closed value system.<sup>4</sup> Thus, for example, the societies of Western Europe since the twelfth century have undergone secularization. This means that they have moved along the continuum of closed socio-economic groups toward open ones.

This secularizing movement has developed in step with the growth of towns into cities and, later in history, into the great urban-industrial complexes which are the cities we know in our developed countries today. The thesis establishing the connection of secularization with urbanization is documented in the classic work of Ernst Tröltzsch, *The Social Teachings of the Christian Churches*.<sup>5</sup> A major conclusion from this study is that Christianity has flourished as a social institution in the cities. In them were to be found the medieval universities and the centers of commerce, both of which were secular forces, since they bring in influences from outside the local community.

Martin Goodridge of the London School of Economics draws important conclusions from the above data. First, secularization has not been antireligion.<sup>6</sup> In this other sociologists of religion concur, Peter Berger of the New School of Social Research for one.<sup>7</sup> The secular

<sup>2</sup> Constitution on the Church in the Modern World, no. 40 (*Documents*, p. 239).

<sup>3</sup> *Ibid.*, no. 44 (*Documents*, p. 246).

<sup>4</sup> Cf. R. Martin Goodridge, "Relative Secularization and Religious Practice," *Sociological Analysis* 29 (1968) 122-35. Contrary to the view of some sociologists, Goodridge, following the highly respected Howard Becker, sees secularization conceived as the decline of religious practice and influence a very inadequate description of the reality.

<sup>5</sup> New York, 1931. <sup>6</sup> *Art. cit.*, p. 133. <sup>7</sup> Cf. pp. 251-52 below.

process does induce religious pluralism, i.e., different religious interpretations in the world view of a society. With pluralism come religious tolerance and freedom. But religious beliefs and practices are not squeezed out by a society's becoming secular. Secularization does not mean a decline in the number of devout religious adherents.

A second conclusion: Christian commitment to the basic tenets of the Church are not notably affected by social change. The belief in afterlife, the desire for eternal salvation, and the doing of the will of God in imitation of Christ show a marked ability to survive the vicissitudes of social change. Urbanization and industrialization, two major factors in secularization, have not seriously threatened, Goodridge finds, basic Christian ideology.

The same data do show, however, the necessity of Christian education for the faith to survive alteration in social structures. Catechetics, liturgy, and theology must continually bring home to people God's revelation to man, if Christian ideology is to motivate the practice of religion. It was the failure of the Church to fulfil this function in the past that accounts for the defection from religion of the rural migrants to the big cities, the loss of the working class, and the like, rather than the processes of urbanization and industrialization as such.

But surely secular society affects religion adversely in some way. Goodridge's study reveals that the practice of religion for reasons of mere custom or social convention suffers, as well as practice by those who are motivated by nonreligious considerations such as adherence to religion as a preserver of peace in society and of social status. Though it has meant the loss of these weaker adherents, secularization has exercised a purifying influence on motivation. Further, it has been the matrix of reform, renewal, and intensification of religion according to the evidence.

From this sociological analysis we see that the secularizing process has not been the unmitigated bugaboo we are inclined to see it. We should keep this in mind as we evaluate change or resistance to new cultural influences in the following pages.

Peter Berger develops the concept of pluralism vis-à-vis the North American scene.<sup>8</sup> If historically the medieval universities were centers of ferment from the currents of fresh thought that swept through them, and if commerce opened men's minds to new worlds and therefore to new world views, the process has been quickened in our time by the burgeoning of the mass media of communication. Furthermore, pluralism is here to stay, Berger holds. As a result, a single religious view of man and the universe is increasingly hard to maintain. Only

<sup>8</sup> Unpublished lecture delivered at Woodstock College, Jan. 28, 1969.

by dint of isolation rigidly enforced can this be done and only by a small society of men. What is happening in the Church is what usually happens: the adherents of religion have become buyers in a free market of ideas, to use Berger's economic metaphor. The influx of new ideas conflicting with the older world view inevitably leads to a credibility crisis in its regard.

Narrowing our focus to the intellectual sphere, religious pluralism involves a theological crisis. The analysis sheds light on the theological conflict presently obtaining in the Catholic community. It was an inevitable development, something to be expected. Had we realized this, we would not now be so shaken by the winds of theological change and diversity, nor so fearful of direful consequences from pluralism.

What institutional options are open to us in the current crisis, as Berger and the sociology of change see the situation? Sociologically and therefore humanly speaking, we have two choices. We can try to maintain the older structure of our lives as Catholics or seek accommodation with the forces for secularization. Let it be noted that an accidental change here and there, like snipping bits from a nun's habit, is not accommodation in the sociological sense.

There are difficulties with either option. Keeping the older structure intact would demand neutralizing the effect of the communications media. They are the main source of ideas conflicting with the older ideology. On the other hand, accommodation carries a built-in escalation factor. Opting for change sets up a momentum that may create division in our ranks.

Such predictions are not made unconditionally. They are the course events are most likely to take. Sociologists like Berger who go out on the limb of projection are careful to say that such will occur provided the over-all situation does not radically change, for example, by a nuclear world war. Or there could be an unexpected resurgence of the sacred, as in Japan today. Or secularization might prove to be inviable by reason of an inadequate theodicy, the inability to explain God's justice in permitting evil.

Thus far in this exploration of the situation of the Catholic Church in America we have delved into the sociology of change. How we have come to where we are and whither we are headed has been illumined by two key concepts: secularization or movement from a relatively closed society to a more open one, and its daughter pluralism or a diversity of world views in society regarding the social, economic, and other aspects of life. The authors we have consulted have sketched with broad lines the course change has taken in our culture as a whole

and in the Christian Churches. Against this background we now project a sociological view of the Catholic Church in its present period of transition.

#### A SOCIOLOGICAL VIEW FROM WITHIN THE CHURCH

William Osborne of the Department of Sociology of St. John's University, Long Island, over the past three years has surveyed Catholic reaction on the West Coast, Midwest, East, and Deep South.<sup>9</sup> We shall outline the current situation in the Church, as he sees it, then report his projection, and finally set down the direction in which we ought to move according to sociological norms.

Osborne distinguishes changes in peoples' norms of right action, in their values, which the norms express and implement, and in their behavior. These three he denominates *religious* reform, to be distinguished from *ecclesiastical* reform. The latter involves the establishing of new committees, new policies, and the like—in a word, change in structure. He finds a striking contrast between the two reforms. While *de jure* the two should proceed hand in hand, *de facto* they are moving almost independently of each other. This bodes ill for the ecclesiastical reform, which is lagging far behind. If the organized Church is ultimately to survive, Osborne holds, it must adapt to changing religious thought and practice, as the history of every institution, including the Church, dictates. Speaking theologically for the moment, the question raised by Osborne's data is, how are our bishops, who are chiefly responsible for the ecclesiastical reform, using their God-given position to guide the pilgrim in her progress? Much is at stake, the unity, growth, and happiness of God's people—in a word, salvation.

Let us see what evidence the author reviews to support his thesis of cleavage between the inner life of the Church and its external structure. First, the norm for the regulation of births, the prohibition of artificial contraception, has been severely questioned. Indeed, "the norm is extinct," so wide is the debate, so extensive the noncompliance, as research has shown.<sup>10</sup>

The implications of this are shocking. Recall, Osborne suggests, that for generations Catholics internalized this prohibiting norm, not merely as guaranteed by the authority of the Church, but as supported by natural law. Their belief was sustained by the sanctions of mortal sin and eternal damnation. "The Church cannot possibly be

<sup>9</sup> "Religious and Ecclesiastical Reform: The Contemporary Catholic Experience in the United States," *Journal for the Scientific Study of Religion* 7 (1968) 78–86.

<sup>10</sup> *Ibid.*, p. 80.

wrong about this," was the conviction of the faithful. Now all this has changed. The certitude traditionally attached to papal teaching and the authority of the Church has now become uncertainty, doubt, or ambiguity.

Osborne next examines the Mass. "As the mass goes, so goes the church," he concludes. The basis for this conclusion are the findings of Boas, Malinowski, and other anthropologists on the importance of ritual.<sup>11</sup> Therefore, "what occurs in or around the mass—religious reform—carries far more import for the future of the Catholic Church than what happens to structure or to the chancery—ecclesiastical reform."<sup>12</sup> What is happening to the Mass, the core ritual of the Church? Having studied the spectrum of liturgies from "underground" Masses to that of the parish church, Osborne finds the religious experience of community or fellowship the emerging meaning of ritual. The older liturgical pattern reveals itself as one of a religious service, attended or heard, offering the satisfaction of "worship performed or duty fulfilled."<sup>13</sup>

Here the prognosis is more hopeful than for authority and Church teaching. The religious-ecclesiastical gap may possibly be bridged by the developing theology of the Mass as the expression of communal unity in Christ and by the beginnings of official authorization of experimental liturgies, though this has to date been cautiously and hesitantly given.<sup>14</sup>

There is a real problem, Osborne recognizes, in that the large body of the faithful has not been brought abreast of the reforming minority. This is explainable in terms of two conflicting sets of values held by the religious reformers and the ecclesiastics:

The chancery is concerned generally with what it terms "orderly change," the preservation of decorum and respect for the Blessed Sacrament; while the priest, responding to the cultural pressures that promote religious reform, is concerned with trying to hold down drop-out rates among young people by developing an attractive or meaningful liturgy, or he is simply trying to cultivate a "community of believers."<sup>15</sup>

Next Osborne surveys the conflict of lay and clerical groups with their bishops, from the informal "Cardinal's Carpet Club" in Los Angeles to the Association of Chicago Priests. The picture he limns is one of the curbing of episcopal power by the "strong growth of counter-vailing power."<sup>16</sup> Moreover, the old sanction of obedience to authority lest others be scandalized by airing internal disputes is being gradu-

<sup>11</sup> *Ibid.*, p. 81.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*, p. 83.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, p. 84.

ally eroded. Surprisingly to the lay mind, the prognosis here is sociologically hopeful: "'Ecclesiastical reform' at its more distant stage will thus develop from this conflict into 'religious reform.'"<sup>17</sup> The basis for this projection is the sociology of conflict, too technical a subject to report in a survey. Suffice it to state the thesis: conflict exercises an integrating function. There is one condition to be fulfilled, Osborne holds, for the projection to be validated: "provided that those dissenters still engaged with the conflict do not lose interest."<sup>18</sup> The struggle must continue for the gap between the two reforms to be closed.

The author further explicates the condition as follows: "Indifference is the major threat of the moment. Indifference to parish, diocese, bishop and the current organizations of the Church (Interracial Councils, laymen's associations, Priests' Senates, etc.) would be fatal to the process just described."<sup>19</sup> Reflecting on this analysis, we may conclude that dissent in the Catholic community cannot be dismissed simply as revolt or irresponsibility. Any reasonable judgment on the dissent must take into account the sociology of conflict. Dissenting may well be a right, even a duty. This does not say, of course, that all disagreement is justified or responsible, nor does it exult in the fact that conflict with its pain and turmoil is necessary.

Lastly, Osborne casts a trained eye upon the dropouts in the Church. Admitting that comprehensive statistics are lacking, he can only say, "dropout rates among priests, brothers and sisters present a crisis."<sup>20</sup> The value of the priesthood is "in a state of painful eclipse."<sup>21</sup> Again we have a reflection of the divergence between religious reform and ecclesiastical. Note that the dropouts withdraw from the ecclesiastical structure, from service in the organization, not from Christianity. From the limited data that exists, their motives are religious and humane: "dissatisfaction with the progress of reform in the church, the desire to form 'healthy' or 'normal' human relationships, which would be in too sharp a contrast with the role or pattern of priestly behavior, the desire to marry, and for some it is a crisis of faith."<sup>22</sup>

The final question, whether the Church is holding together or falling apart, Osborne does not answer categorically. Research is needed to determine the dropout rate of Catholics who cease taking part in liturgy and officially approved organizations. If the rate is found to be accelerating, "then, of course, the church in the bureaucratic form

<sup>17</sup> *Ibid.*, p. 85.

<sup>18</sup> *Ibid.*, n. 12.

<sup>19</sup> *Ibid.*, p. 86.

<sup>20</sup> *Ibid.*, p. 85.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

in which it is known, can be said to be passing out of existence."<sup>23</sup> The basis for this judgment is that religious reform cannot be headed off by the ecclesiastics, so strong is the momentum of the forces for change as seen in the dissolution of the norms on artificial birth control, the eroding of obedience toward authority in the present form of its exercise, and the ineffectiveness of existing sanctions. Holding to the *status quo* will toll the death knell of existing structures.

Andrew Greeley is less sanguine than Osborne about the likelihood of the ecclesiastical reform. Reporting the reaction to the Bishops' Pastoral Letter of November 15, 1968, he finds the statement ambiguous. "No one seems to be quite certain whether the pastoral letter was a 'hard-line' or a 'soft-line' document. . . ."<sup>24</sup> The author's second thought: this ambiguity may not be important. The position adopted by the hierarchy has hardened into a pattern likely to perdure over the next ten years. Barring a dramatic reversal such as a revolt by the moderate majority of the bishops—an unlikely event—the present ecclesiastical course will continue, Greeley predicts.

If so, then present trends will persist in the rate of dropouts, in vocation decline, and in rejection of Church teaching authority in sexual matters. There will be continued conflict in the Church, but there will be no mass exodus from the Church in this country. The loss of priests and nuns to public service in the community Greeley predicates chiefly upon the diminution of social sanctions against leaving and the secularization of the priestly and religious vocations. New members for the priesthood and sisterhood will continue to decline in number. The effective recruiters are not recruiting, he declares, and are probably discouraging youth from entering. In addition, mass-media publicity of priests joining in protests against ecclesiastical structures and leaving the active ministry diminishes the public image of sacerdotal service. The number of priests and nuns after ten years? Greeley hazards the guess that there will be less than half the present number.

As for the Church's teaching on sex, the laity and lower-echelon clergy tend to reject not just the official position against artificial contraception, but the whole of the magisterium's sex doctrine, he says, thus corroborating Osborne's conclusion; "the Pope and the bishops do not know what they are talking about" is an expression of their attitude.<sup>25</sup> He sees lamentable irony in the papal reaffirmation of the doctrine of *Casti connubii*. One reason for holding the official line was

<sup>23</sup> *Ibid.*, p. 86.

<sup>24</sup> "The Next Ten Years," *Overview*, Jan. 1, 1969, p. 1.

<sup>25</sup> *Ibid.*, p. 2.



fear that a change in teaching would open the door to abortion, sterilization, and extramarital sex. Pope Paul's insistence on the older teaching has effected the very attitude it sought to avoid.

Conflict will continue in the form of increased incidence of confrontation by bishops and their clergy, resulting in isolation of the bishops and their powerlessness to guide the course of events. The reason Greeley sees no massive apostasy taking place is that religious affiliation by Americans is not significantly affected by institutional and policy blunders, as witness American Protestantism over the past two centuries. The ranks of the underground Church will, however, continue to swell.

Summing up, Greeley corroborates Osborne's finding of increasing ineffectiveness of sanctions and hardening of resistance to authoritative teaching. Both observers conclude that the ecclesiastical reform, maintaining a *status quo* position with minor modifications, is unable to cope with the current situation. Hierarchical authority is in decline. Leadership by our bishops is not forthcoming and the crisis of credibility in the institutional Church is of serious proportions.

As regards the number of lower clergy and religious, both as presently constituted and as envisioned for the future, Osborne calls for research while Greeley predicts rapid decline. The latter does so, however, on the basis of ordinary observation of the current situation. His position at the prestigious National Opinion Research Center, however, lends credence to his dire prognosis.

It is at the Center that the professional psycho-sociological study of "The Pastoral Life and Ministry of the Priest" is scheduled to be conducted. At last report, however, the project was bogged down for lack of funds. Given the transcendent function of the priest in God's Church and the current loss of status of the priestly ministry, not to mention the happiness of troubled priests who have worked well and hard for the kingdom, some such study ought to be done. To neglect it would be to refuse the human instrumentalities the Church has at her disposal to promote Christ's work. With the credibility gap and the ebbing of morale in the Catholic community, the fact that a pastoral-ministry study is to be done ought to be made known. Will the needed funds be appropriated or raised? Will some other professional study be authorized? Good public relations call for divulging this information, as well as restoration of faith in our bishops.

An observation is in order with regard to Greeley's report on the rejection of all authoritative teaching about sex in the reaction to *Humanae vitae*. A tactical error is involved here. The tendency is to wheel into action the canons of logic: the conclusion is broader than its premises; difficulty with papal teaching on contraception does not render

all official sex teaching suspect. Or recourse is had to direct refutation: the Pope is not wrong because . . . . But such answers do not meet the problem of disillusionment in the ranks and how it got there. Devotees of the nice distinction, whether bishops or theologians, tend to forget that people of less formal education think and speak in simpler, more generalized terms. In a word, there is folk morality. For many less-educated Catholics the official moral doctrine of sex, prior to five years ago, was something like this: before marriage, no sex; within marriage, anything goes except contraception. This is a gross caricature of magisterial and theological teaching. Yet it is a reality and one that is not faced. The older teaching is gone, so authoritatively was it promulgated.

A parallel is the reaction of the press to episcopal statements. Inevitably there is oversimplification and therefore distortion. Here again we find a fact of life in today's world. Too little attention do we give to popular interpretation. We attend too exclusively to careful wording in technical language of documents, largely in an idiom foreign to the ears of the hearers, and then wonder why we are misunderstood.

This was a viable procedure when communication was from the hierarchy through the lower clergy to the people. Now, however, other lines of communication are in operation. Pluralism is with us. The Pope speaks and the same day radio and television give an oversimplified version to people in the whole world. The older line of communication has not only been scooped but bypassed. One direction we must move in is more and better relations with the news media; else we fail in our teaching ministry to God's People.

#### HOUTART AND MURRAY ON THE CHURCH

François Houtart, Professor of Religious Sociology at Louvain University, gives an outsider's view in "A Sociologist Looks at the American Church."<sup>26</sup> He is concerned not just with the ecclesiastical reform, as was Greeley, but with the religious reformation as well. In general, he sees strengths and weaknesses in both areas of renewal. His over-all impression of the American Church is promising: "what is happening in the church in America, and also in Holland, has more meaning for a renewal of the thought and structure of the entire church [than in many European countries]."<sup>27</sup>

A weakness is to be found, Houtart feels, in the absence of a connection between renewal within the Church and the currents of reform in American society at large. He cannot discover stirrings in the Catholic

<sup>26</sup> *Louvain Studies* 2 (1968) 132-40. Houtart is author of the well-received study *The Eleventh Hour—Explosion of a Church* (New York, 1968).

<sup>27</sup> *Ibid.*, p. 132.

community corresponding to the secular drive for racial justice, the antipoverty movement, and the like. Something is amiss, he fears, in Catholic thinking on the relation of the Church to society.

Addressing himself to the ecclesiastical structure, he finds too great institutionalization, that is, the Church is too tied to schools and parishes to be able to play gadfly to American society. Catholicism has become too acculturated, identified with the dominant culture and its values. This is a shocking indictment, for it means that we are not fulfilling the traditional function of the Church of challenging what is false and wrong in the world. In scriptural terms, we are not bearing witness to the crucified Christ, stumbling block to men. Interrogated about our bishops, he says:

Because one has the impression that the bishops, when they were in Rome for the Council, were progressive and eager to sign some texts, it seems impossible to comprehend why they have such great difficulty concretizing even the most essential values which have been affirmed by the Council. There are many reasons for this. For one, because they are bishops.<sup>28</sup>

The author seems to refer here to the traditional role of authority of preserving structures and unity. He continues:

Sociologically speaking, this is already quite a problem. But this is especially due to the fact that they have a great difficulty in really finding a way of exercising authority in the church. As persons they are in very difficult positions. Also there is the fact that all too many bishops are not intellectually prepared to bring the principles of Vatican II to realization. Among the American hierarchy, for example, you do not find many men who are used to an analysis of situations from a wider point of view than from the practical pastoral point of view, or from the point of view of the inside of the institution, e.g., in terms of canon law. This makes it difficult for them to accept such a rapidly changing situation.<sup>29</sup>

A further lament of Houtart's is at least partly unfounded: the bishops have failed to exercise a prophetic role regarding the war in Vietnam; they have not grasped the meaning of the situation for the evolution of the moral progress of mankind toward abolishing warfare. No doubt Houtart would modify this judgment in the light of the Pastoral *Human Life in Our Day* published subsequently to his remarks. More on this later in these Notes.

Houtart sees no evidence of real ecclesiastical reform. This will occur "if the church takes seriously its prophetic role in society. But once you do that, you see that it is impossible not to put into question the

<sup>28</sup> *Ibid.*, p. 133.

<sup>29</sup> *Ibid.*

whole power structure and the whole organization of the church, its allocation of means and personnel, its ways of exercising authority, its forms of communication, etc."<sup>30</sup>

To some ears language like this sounds like the rantings of a campus rebel. Coming from a respected sociologist and a dedicated churchman, we cannot but listen to his words if we are serious about Vatican II. As an instance of the prophetic role, he points to the example of Archbishop Camara of Recife, Brazil, who left his episcopal palace to live in a small house and by this kind of action fundamentally changed the ecclesiastical structure in his diocese. But let us not imagine, the author cautions, that radical witness to the gospel is the task only of bishops. It is the vocation of every Christian.

Houtart sees the rapid decline in the number of priests over against the need for small groups and communities "more diversified, more mobile and less institutionalized" than the parish.<sup>31</sup> The decline is very unfortunate at a time when more priests are needed than before to lead these smaller groups. The married diaconate is not the answer. Too few, he feels, will be attracted to it. Most of the deacon's functions can be performed by laymen. A married priesthood is a solution more likely to occur, a change he thinks people will accept, though ecclesiastical acceptance may be long in coming.

Thus far we have seen the present situation of the American Church as analyzed by social scientists. This is admittedly a limited view telling us what we should do for a healthy society. Yet we must admit that their diagnosis is a more penetrating one than nonsociologists are capable of making. Furthermore, though they reach sociological conclusions about the Church's survival and health, these are reductively theological judgments. It is the survival and strength of the Body of Christ for which they are prescribing. We would be guilty of sinning against the light if we fail to heed their warnings. Simply to reaffirm the norms and values of the past, e.g., the doctrine of *Casti connubii*, without a substantial development therefrom, is to be unrealistic. It is to say, "All that Catholics need do is to get a firmer grasp on natural law and strengthen the traditional adherence to authority." In Berger's terms, this is opting for the *status quo*, rejecting the alternative of accommodation, attempting the impossible, and ignoring the obvious realities of pluralism and secularization.

The prognosis for the future of the Church might be hopeful, had we not ignored the same message from prophets in the past. Two and a half years ago John Courtney Murray said many of the same things Osborne, Berger, Goodridge, Greeley, and Houtart are saying now. They have

<sup>30</sup> *Ibid.*, p. 134.

<sup>31</sup> *Ibid.*, p. 137.

not been heeded. The inescapable conclusion is that we have sinned, albeit in ignorance, against the Spirit. Murray's article bears review because of its pertinence to the present state of the Church.<sup>32</sup> It takes on added weight by reason of confirmation from subsequent events.

He first establishes the thesis that the relation between authority and freedom is unbalanced, weighted in favor of authority. This imbalance is in need of redress. His data is historical, the doctrine of Leo XIII reflecting an earlier reality, the threat to the Church from the Reformation and the French Revolution. Such traumatic experiences called for a strengthening of authority. Even in Leo's own day Laicism and Jacobinism required an authoritarian Church.

But the times have changed, calling for "that 'compenetration' between the Church of today and the world of today of which *Gaudium et Spes* has spoken."<sup>33</sup> (One can hear echoes of the secularization of the sociologists.) Moreover, new signs of the times have appeared, notably an increased awareness of the dignity of the person, "which requires that he act on his own responsibility and therefore in freedom."<sup>34</sup> Where the earlier doctrine demanded simply compliance with the doctrinal and jurisdictional authority of the Church, "sheer submission to the will of the superior and mere execution of his orders do not satisfy the exigencies of the dignity of the person. . . . Still less do they exhaust the responsibilities of the person, which are to participate fully in community and to contribute actively to community."<sup>35</sup>

The lag of ecclesiastical reform, the distance between it and the ongoing religious reform detailed above, suggest that the exercise of authority in the American Church is a clinging to an older pattern that no longer fits the times. At any rate, Murray concludes this section of his ecclesiological study with a warning that unfortunately has proven prophetic: "[The contemporary difficulty] is not to be solved by methods of repression. Nor will it yield to mere reiteration of the principle of authority: that authority is to be obeyed simply because it is authority."<sup>36</sup>

How, then, ought authority be exercised in the changed conditions of the times? In fulfilment of its function of unifying the People of God in communion, authority should use "dialogue with the charismatic body of the faithful," eliciting "from the charismatic community of Christian faith the insights of each into the faith, for the enlightenment of all."<sup>37</sup>

Will not such dialogue result in disunity? Murray thought not:

<sup>32</sup> "Freedom, Authority, Community," *America* 115 (1966) 734-41.

<sup>33</sup> *Ibid.*, p. 735.      <sup>34</sup> *Ibid.*      <sup>35</sup> *Ibid.*, p. 736

<sup>36</sup> *Ibid.*      <sup>37</sup> *Ibid.*, p. 737.

"*Lumen Gentium* is careful to provide room in the Church for all manner of legitimate diversities and pluralisms—in rites, theologies, spiritualities, apostolates, etc.—which, so far from damaging the unity of the community, constitute an enrichment of it."<sup>38</sup> Here Murray was asking, in harmony with the directives of the Vatican Council, for an opening to change, the accommodation and pluralism of the sociologists. That the latter should complain two years later of the lack of ecclesiastical recognition of these same realities is a sad commentary. The prophet is not always heard in his own country.

But Murray did not pretend to know the exact forms that accommodation should seek. He did point to experimentation as the way to find them:

New structures of communication need to be created (for instance, the Synod of 1967). Older structures need reformation, as in the case of the Roman dicasteries. Experiments are called for that will yield the necessary experience. The problem is not simply to conceptualize in theological terms the relation between authority and freedom in the Christian community, as it appears in new perspectives; this relation must be lived, in all concreteness and practicality.<sup>39</sup>

Having treated the unitive function of the Church, Murray turns next in his ecclesiology of Vatican II to the decision-making and directive function of authority. Here he points to a crucial need of the Church: "the performance of this secondary function supposes that the primary [unitive] function has already been performed; that the dialogue, whether doctrinal or pastoral, has been afoot between the community and its teachers and pastors; that therefore the decisions and directives, without ceasing to derive their force from apostolic authority, *are also the decisions and directives of the community*, whose common good they serve."<sup>40</sup> Instead of dialogue, our sociological survey above has shown a widening rift between ecclesiastics and reformers. There are, of course, refreshing exceptions here and there, but the general picture is one of demands being made upon each other by two sides to a dispute, or worse, of no communication whatever.

The final function of Church authority in Murray's systematic theology is punitive:

What comes to the fore today is the need that the corrective or punitive function of authority should be performed under regard for what is called, in the common-law tradition, "due process." The demand for due process of law is an

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, p. 740. For guidelines affecting bishops and Catholic universities, cf. Ladislav Orsy, S.J., "Academic Freedom and the Teaching Church," *Thought* 43 (1968) 485-98.

<sup>40</sup> *Art. cit.*, p. 740; italics added.

exigence of Christian dignity and freedom. It is to be satisfied as exactly in the Church as in civil society (one might indeed say, more exactly).<sup>41</sup>

Voices are being raised now in the Church, not just from laymen but from legal professionals, against violation of due process. Where this right is not observed, the Church is unchristian.<sup>42</sup>

It is no one-sided ecclesiology that Murray elaborated. He was aware of the responsibilities of subjects in the Church. These responsibilities are, in general, the response of the community to the functions of authority. Primarily the response consists in using the charismatic gift of the Spirit. "Concretely, the community uses the gift of the Spirit by sustaining its part in the dialogue with authority, in that confidence of utterance that reveals—in our times, as in those of the Acts of the Apostles—the presence of the Spirit."<sup>43</sup> One wonders whether laity and lower clergy, apart from certain instances, have always done their part to initiate dialogue with the bishops.

Was Murray aware of the conflict contingent upon the implementation of his ecclesiology? "This more adequate understanding of the ecclesial relationship does not indeed dissolve the inevitable tension between freedom and authority."<sup>44</sup> More concrete norms for weathering the inevitable storm he did not indicate. He did, however, enuntiate the spirit required to do so successfully: "by situating this perennial polarity within the living context of community, it can serve to make the tension healthy and creative, releasing the energies radiant from both poles for their one common task, which is to build the beloved community."<sup>45</sup>

There is a remarkable convergence between what Murray projected and what the religious sociologists report. This fact contains an important implication for our lives as Christians. What the Church does must be formulated not only in terms of her self-image but with the knowledge that sociology and history provide.<sup>46</sup>

<sup>41</sup> *Ibid.*

<sup>42</sup> There have been noteworthy contributions during the period under review to the restructuring of Church law according to American legal traditions. Cf. Canon Law Society of America, "A Declaration of Christian Freedoms," *Catholic Lawyer* 14 (1968) 270-77; "Due Process in the Church," *America* 119 (1968) 275.

<sup>43</sup> *Art. cit.*, p. 740.

<sup>44</sup> *Ibid.*, p. 741.

<sup>45</sup> *Ibid.*; cf. also the contribution of Bishop Christopher Butler, "Struggle within the Church," *Guide* 234 (1969) 8-11.

<sup>46</sup> For a Protestant view of the Protestant Church and change, cf. James T. Laney, "Consensual and Prophetic Morality," *Ethical Issues in American Life* 6 (1968) 89-105; Thomas Ogletree, "The Church and Worldly Responsibility," *ibid.*, pp. 66-88. Too late to be included in this survey is another Catholic contribution, Thomas O'Dea's "Can

## THEOLOGICAL AND EPISCOPAL REACTION TO THE ENCYCLICAL

Before recording the comments of theologians on *Humanae vitae* we ought logically consider the Encyclical itself. There are several reasons, however, for not doing so. Richard McCormick, S.J., in last December's survey in these pages treated the Encyclical competently and at length.<sup>47</sup> Besides, contraception is no longer the issue. What is chiefly at stake is the teaching authority of the official Church. So widespread has been the divergence from Pope Paul's conclusion on the part of significant elements of the hierarchy, clergy, laity, and among theologians that the Encyclical appears incapable of providing the basis for unity in the Church. Some development of doctrine, preserving the authentic tradition but going beyond the Encyclical, is necessary.

This seems to be the underlying assumption of Karl Rahner, S.J. Nowhere in his article does he state that Pope Paul's conclusion or that of the dissidents was right or wrong. Nor does he "treat the questions of content and truth which constitute the heart of the Encyclical."<sup>48</sup> He is content to suggest how laymen, priests, theologians, and bishops should act toward one another and the Church in the present confused situation. Thus, he states that Catholics who practice contraception, conscientiously disagreeing with Pope Paul, need not think of themselves as sinfully disobedient. Theologians are not bound, Rahner holds, either to defend the Encyclical to the hilt on the one hand or simply to remain silent.

Two observations about Rahner's apparently ambiguous position. First, he is supremely realistic. He faces up to the present doctrinal and authority situation. He then brings to bear his considerable theological acumen on what people ought to do now: "What shall therefore engage us in this article is the simple fact that even within the Catholic Church itself the Encyclical will find no unanimous agreement either in theory or in practice."<sup>49</sup>

The second observation is a presupposition to the first. Evidently

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Catholicism Make It?" *Christian Century* 86 (1969) 283-87. O'Dea spares no group in the Church: "If the bishops and older clergy do not grasp what is happening, the newer liberals, clerical and lay, show signs also of a lack of apprehension. Enthusiasm too often substitutes for solid intellectual performance" (p. 286). He holds that efforts to preserve the old unity of the Church are doomed to failure; pluralism means permitting dissent.

<sup>47</sup> "Notes on Moral Theology," *THEOLOGICAL STUDIES* 29 (1968) 707-41.

<sup>48</sup> "Zur Enzyklika 'Humanae vitae,'" *Stimmen der Zeit* 182 (1968) 193-210, at 195. The article has been widely reprinted or cited in English; cf. *National Catholic Reporter*, Sept. 18, 1968, p. 6. Quotations are from the original.

<sup>49</sup> *Art. cit.*, p. 196.



Rahner feels that neither position is theologically untenable, the official position (artificial contraception is always objectively wrong) or the dissident one (contraception is sometimes justifiable). Otherwise, in all honesty he would have to place his support behind one view or the other. To this we ought to answer amen. If only both views can be, not just tolerated, but accepted as respectable, we would be taking a large stride toward the needed unity in this time of crisis.

Nor should this unity be based solely on love for one another: "I don't understand your intellectual position on this question, but I accept you." Our acceptance of one another ought to be solidly grounded on evidence. Rahner presents two lines of thought serving this goal of unity amid diversity. First, we have a consensus regarding many values: "that sexual behavior is regulated by moral norms springing from the essence of this reality itself, and which insure human happiness to man's sexual life; that likewise moral norms, flowing from the nature of marriage, rule the sometimes necessary individual and social control of births; and that hedonism and moral libertinism lead to inhumanity and unhappiness."<sup>50</sup> Secondly, the papal position may be true, Rahner suggests, in the same way that the value of monogamy was valid in Old Testament times. Though the value could not always be realized in the social conditions then obtaining, it remained a value, a moral imperative to be implemented later.<sup>51</sup> This suggestion coincides with the history of morality, an evolving awareness over time of moral values, admirably suited to the Council's concept of the Church as pilgrim. In this view noncontraceptive intercourse is an ideal which cannot always be lived in an overpopulated world.

John Mahoney, S.J., does not see how the Encyclical can be interpreted as some ideal not now realizable: "it is impossible to see the encyclical as simply *recommending* a married life without contraception. And it is also impossible to see it as proposing one 'value' which must be considered alongside others when one has to make a decision in a particular situation; this 'solution' is ruled out by the statement that contraception is 'intrinsically wrong.'"<sup>52</sup>

Mahoney holds, clearly, that there is no theological alternative to implementing the Encyclical's teaching. Within these confines he still finds considerable freedom. Though serious matter is involved, contraceptive intercourse "*need* not always be a mortal sin."<sup>53</sup> Where the couple see their choice as involving a lesser evil than, say, family disaster, "in such a state of mind they are not sinning."<sup>54</sup> This freedom

<sup>50</sup> *Ibid.*, p. 195.

<sup>51</sup> *Ibid.*, pp. 199-200.

<sup>52</sup> "Understanding the Encyclical," *Month* 226 (1968) 233-44, at 233-34.

<sup>53</sup> *Ibid.*, p. 235.

<sup>54</sup> *Ibid.*, p. 236.

does not extend, in Mahoney's view, to the pulpit. Priests who find themselves sincerely unable to accept the Encyclical ought "to refrain from preaching or teaching the opposite opinion."<sup>55</sup>

A viable position on this issue would allow both views to be taught but with objectivity and respect for the other side. So Bernard Häring, C.S.S.R., among others, holds: "Priests must instruct the faithful clearly about the Pope's teaching. However, I do not see how they can be denied the right to speak out their own opinion with equal honesty."<sup>56</sup>

Fred Flynn, of St. Thomas College in St. Paul, casts an incisive eye upon natural law as presented in the Encyclical.<sup>57</sup> First he distinguishes the two senses of nature in the philosophical tradition, nature-as-primitive, or what we are born with, and nature-as-perfected, which is nature in the prior sense as improved upon by man. The first is given to us; the second is man-made or artificial. His example is from Aquinas, who calls both polygamy and monogamy "natural." Polygamy is natural in that man's spontaneous inclinations dispose him to it; monogamy is natural as reason improving on primitive nature. So far so good.

A crucial error crept in when the metaphysical distinction was transferred to the ethical order. Nature-as-primitive became the norm of the good; nature-as-perfected, the artificial, became evil. The philosopher Rousseau, Flynn informs us, became the main popularizer of this fallacy in his theory of the noble (and good) savage. By a curious irony of history he was condemned by the Church, yet became our tutor.

The same fundamental error infected the concept of natural law, which was confused with the laws of nature, of physics, and biology. But "nature in the raw cannot be a moral guide for man, and any attempts in this direction would be supreme moral idiocy, and in the strict Christian view, a blasphemy, an oblique denial of Divine Omniscience."<sup>58</sup> It would imply that God does not know the difference between physical "laws" and moral laws.

Flynn does not claim credit for uncovering the fallacy. His research discovers two Catholic scholars in 1928 questioning the accuracy of "unnatural" applied to artificial contraception, Msgr. John A. Ryan

<sup>55</sup> *Ibid.*, p. 241.

<sup>56</sup> "The Encyclical Crisis," *Commonweal* 88 (1968) 594. Häring's article is an interesting account of behind-the-scenes battling, with certain officials in Rome still refusing to hand over policy-making to the bishops.

<sup>57</sup> "Humanæ vitæ and Natural Law," *Priest* 25 (1969) 81-88.

<sup>58</sup> *Ibid.*, p. 83.

of Catholic University and Fr. Edward J. Mahoney of England.<sup>59</sup> Authority in the form of *Casti connubii* ended the public discussion of the question a short time later.

"To reduce the human to the merely animal, as *Humanae Vitae* seems to do, is to confuse two wholly different orders and meanings of 'nature.'"<sup>60</sup> Calling the "rhythm method" natural, Flynn states, confuses two different things: the ovular cycle, which is natural in the biological sense, and the method, which is man-made, hence artificial. His conclusion: "responsible parenthood seems to call less for 'respect for biological processes and their functions,' as the Encyclical demands, and more for an intelligent modification of those brute processes in the interest of human welfare."<sup>61</sup>

Flynn is right, we did get confused. Those of us who opted for the Thomistic norm of morality in our school days (that which is in accord with right reason, nature-as-perfected) did well. We recognized that excision of a diseased limb was against a natural function (nature-as-primitive) but in accord with nature-as-reason. Unfortunately, when we judged artificial contraception evil because unnatural, we shifted our ground to another philosophical system, which held the norm of morality to be harmony or disharmony of an act with nature. This school of thought held an act contrary to a natural purpose to be bad. We forgot that the Thomists, in the ongoing controversy over the norm of morality through the centuries of Scholasticism, always answered the opposition: an act against nature-as-physical is in the physical order; it does not become moral until reason decides whether it is right or wrong to place such an act. Had we remembered this bit of Scholastic history, preserved in our textbooks, we would not have been so ready to brand artificial contraception unnatural.

We have seen two theological views of the Encyclical, Rahner's and Mahoney's, and an analysis of the philosophy of natural law in the Encyclical. Let us next see something of the diverse reaction of the various national hierarchies to the same document. First it should be noted that this diversity should not be exaggerated. Each pastoral letter speaks to a diverse cultural context. Not everything expressed in them is applicable within another culture. The Dutch hierarchy, e.g., was speaking to a relatively sophisticated audience. The Dutch Church has had ten thousand discussion groups at work over the past

<sup>59</sup> Edward J. Mahoney, "The 'Perverted Faculty' Argument against Birth Prevention," *American Ecclesiastical Review* 79 (1928) 133-45; John A. Ryan, "The Immorality of Contraception," *ibid.*, pp., 408-11.

<sup>60</sup> Flynn, *art. cit.*, p. 87. <sup>61</sup> *Ibid.*, p. 88.

several years. Their bishops could thus take a far more open stance and leave more freedom for responsible conscientious response.

A second point is not to be lost sight of: there is much common ground in the various national statements. All direct their people to read the Encyclical with the attention and respect due to the papal teaching office. They underline the positive values of conjugal love and of children in the Encyclical. Finally, they give pastoral direction to their faithful on contraception and the reception of the sacraments. None is so explicit as to say that contraception is objectively blameless.

Yet there is a basic diversity from the Encyclical in some of the episcopal statements, as is well known. Granting the consensus on certain points, the fact remains that a number of hierarchies disagree with Pope Paul and hold that it is not always objectively evil to use contraceptives. There is also a divergence in their guidance to conscience. Both the Dutch and Italian bishops state that there are other considerations to be weighed than those of the Encyclical in reaching a decision. All admit that the married Christian must follow his conscience, but the emphasis on conscience and the duty to follow objective norms is differently nuanced. The Canadian and Austrian pastorals are characterized by special concern for those Catholics who have sincerely studied the official teaching and yet find their consciences in discord with it.<sup>62</sup>

The Scandinavian bishops' pastoral expresses an acceptance of doctrinal pluralism, coupled with a refreshing plea for attention to more important matters than birth control, unique among the various national statements: "For the world of today presents greater problems than how precisely these intimate aspects of marriage should be regulated. So long as this sense of proportion is preserved, a certain divergence of opinion may even be necessary and beneficial, on condition, however, that mutual peace and harmony, as well as veneration and loyalty to the Pope, be preserved."<sup>63</sup>

In a world racked with problems of race, alienation, poverty, and war Catholics need to hear far more of love, peace, and Christian stewardship over wealth from our bishops than how to avoid sin in married life. God will hold us responsible for having been so absorbed in this internal strife over doctrine and authority. The Scandinavian hierarchy does well to call our attention to these greater issues, which *Populorum progressio* highlighted. Yet we must continue to reserve some measure

<sup>62</sup> For a survey of the teaching on conscience in the various national statements, cf. John Haughey, S.J., "Conscience and the Bishops," *America* 119 (1968) 322-24.

<sup>63</sup> "The Scandinavian Bishops' Statement," *Herder Correspondence* 5 (1968) 378.

of attention to contraception. The solution to the population crisis depends in part on it.

#### U.S. BISHOPS' STATEMENT

##### *Contraception and the Sacraments*

Came November, 1968, and the awaited meeting of the National Conference of Catholic Bishops. They were not assembling under the most favorable circumstances. The Encyclical had appeared on July 28 in the secular press. Rome seemed to have bypassed collegiality, leaving them with little time to draft a release to the inevitable reporters, not to mention consultation with resource experts. To complicate matters for them, the "87 Theologians" issued a press statement of dissent in Washington the day after Pope Paul's decision had been blared into every home in the nation.<sup>64</sup>

Several alternatives were open to the bishops as to the core question, is contraception always evil objectively speaking? (1) They could acknowledge the appearance of the Encyclical but postpone their directive to the people until after study and consultation, a wait-and-see position. (2) They could express acceptance of the positive teaching on conjugal love and generation but respectfully disagree with the controverted conclusion. (3) They could opt for acceptance of the Encyclical as a whole but leave the door slightly ajar on the issue of artificial birth control. (4) They had the alternative of immediate and total endorsement of the position of Pope Paul. They chose the last mentioned:

The Holy Father, speaking as the supreme teacher of the Church, has reaffirmed the principles to be followed in forming the Christian consciences of married persons in carrying out their responsibilities.

Recognizing his unique role in the universal Church, we, the bishops of the Church in the United States, unite with him in calling upon our priests and people to receive with sincerity what he has taught, to study it carefully, and to form their consciences in its light.<sup>65</sup>

There the matter rested for over three months until the bishops' semiannual meeting in November in Washington. In the meantime

<sup>64</sup> Subsequently the ranks of the dissenters swelled to seven hundred and more members of the theological profession, not all theologians, but still an impressive élite in the American Church, not to be ignored.

<sup>65</sup> "U.S. Bishops' Statement on *Humanae vitae*," July 31, 1968 (United States Catholic Conference publication). The dissenting theologians made an irenic response, saying that their position was "not irreconcilable with the bishops" (*New York Times*, Aug. 2, 1968, p. 10). The phrase "form their consciences in its light" had caught their eye. Bishop Bernardin replied in the name of the bishops, denying such reconcilability.

other national hierarchies had issued their statements, as had various clerical and lay organizations. It was becoming clear that the Encyclical could not be the basis for unity among Catholics. To enforce immediate compliance would only widen the rift in the ranks, as was already occurring in Washington.

An unprecedented range of topics faced the bishops to complicate their deliberations on contraception, which had now become the broader and more serious issue of the teaching authority in the Church. The national debate over Vietnam, arms reduction, and foreign aid policy, the issue of arbitration and due process in Washington and San Antonio, clamored for their attention.

To give due credit, the agenda was admirable, addressing itself to all of the above issues, a testimony to the courage and foresight of our bishops. More favorable treatment should have been accorded this breadth of interest by the press. If the meeting was not a success, the reasons were procedural, not substantive. No *periti*, lay or clerical, were allowed inside the conference room. The time allotted to the meeting was too short in proportion to the gravity of the issues. In addition, as several observers pointed out, the moderate majority of the hierarchy apparently did not make its voice heard above the din of the minority far right. At any rate, no one can deny that their pastoral letter *Human Life in Our Day*,<sup>66</sup> appearing at a time of crisis, made history.

"The purpose of this pastoral letter of the United States bishops is precisely the doctrine and defense of life."<sup>67</sup> Eschewing the tactical error of treating contraception in isolation, the letter addresses itself to the broad question of "the maturing of life in the family and the development of life in a peaceful world order."<sup>68</sup> In admirable imitation of Vatican II, the value of life is recognized as one highly esteemed in our culture and dialogue with secular humanists on the basis of this cultural consensus is encouraged. The bishops pay tribute to the recognition in *Humanae vitae* of the value of conjugal love, something too easily overlooked in the furor of controversy: "The encyclical *Humanae Vitae* is not a negative proclamation, seeking only to prohibit artificial methods of contraception. In full awareness of population problems and family anxieties, it is a defense of life and of love . . ."<sup>69</sup>

Behind this support of Pope Paul, of course, is a protestation of loyalty to the supreme teaching authority in the Church, an authority sternly challenged in a number of sectors in the Church and in need

<sup>66</sup> Washington, D.C.: U.S.C.C., 1968.

<sup>67</sup> *Ibid.*, p. 5.      <sup>68</sup> *Ibid.*, p. 6.      <sup>69</sup> *Ibid.*, p. 11.

of support. Robert Hovda puts this issue, largely overlooked in the controversy, in proper perspective:

The present crisis regarding the exercise of the Church's moral authority was not invented by Pope Paul's recent encyclical, *Humanae Vitae*. One need only think of his encyclical *On the Development of Peoples* to recall how little influence papal teaching has on the practical lives of Catholic people. There was little excitement when the teaching of the latter document was ignored or rejected in practice by large numbers of laypeople and clergy, including bishops.<sup>70</sup>

On the subject of contraception the bishops take the stand that it is always objectively wrong: "no one following the teaching of the Church can deny the objective evil of artificial contraception itself"; but this is modified by the admission that "circumstances may reduce moral guilt."<sup>71</sup>

No new evidence is advanced to substantiate the moral conclusion of objective evil. The text does, however, recognize that an agonizing conflict of values may occur for the married. On this question of conflicting demands the doctrine is less than felicitous. "If [parenthood] is to be responsible, it cannot be the result of mere caprice nor of superficial judgments concerning relative values as between persons and things, between life and its conveniences."<sup>72</sup>

First, such wording as "mere caprice" and "superficial judgments" awakens deep resentment in our Catholic laity, many of whom do not experience a sense of evil when using artificial contraceptives. Secondly, the argumentation does not face the issue; it leaves untouched the real problem of parents trying to be responsible and weighing relative values by judgments that are not capricious or superficial, e.g., another child or better care of the ones we have?

A similar argument is presented elsewhere in the Pastoral: "We must not suppose that there is such conflict between authority and freedom, between objective values and subjective fulfillment, that one can only prevail by the elimination of the other."<sup>73</sup> The proposition is stated generically, not specifically as a conclusion about contraception, for the next sentence begins "For example" and applies the foregoing statement of principle to the "sexual expression of conjugal love."

As a statement of principle, the proposition is difficult to harmonize

<sup>70</sup> "Our Liturgical Celebrations and Our Christian Moral Crisis," *Living Worship*, September, 1968, p. 1.

<sup>71</sup> *Human Life in Our Day*, p. 16.

<sup>72</sup> *Ibid.*, p. 10.

<sup>73</sup> *Ibid.*, p. 15.

with the tradition long followed on this question by Christian ethicists. They have held that in a conflict of two duties one prevails "by the elimination of the other." True, "duties" and "values" are not the same thing, but a duty may be defined as the prosecution of a value one is obliged to pursue. Thus, one may have a duty to respect the life and happiness of another, two values.

The typical presentation of the "conflict of duties" in the standard authors has three parts. First, in a conflict of this kind, the collision is only apparent. No conflict exists objectively. Secondly, the reasoning usually followed is that neither right reason nor God's will can be self-contradictory. Lastly, the solution offered to perplexed consciences for eliminating the apparent conflict is to determine which duty prevails according to objective norms: a higher or more universal law prevails over a lesser or more particular law, etc. The one duty that results from this process of elimination is the only one that actually exists.<sup>74</sup>

Next the Pastoral takes up the thorny issue of the relation of the principle of following conscience to the principle of listening to the teaching magisterium. Aware of their pastoral office of guiding the faithful, many of whom had opted for contraception, they must yet save the authority of papal teaching. Would they put their authority behind the Pope, or would they back collegiality on the grounds that Rome had neglected collegial consultation?

Only a pastoral-theological break-through, keeping the tradition yet moving it forward, could save the day. To repeat the traditional formulas could not succeed; these had been tried over the past few years and been found wanting in terms of unifying the Church. Indeed the credibility crisis had deepened. Notice had been served by the dissent expressed in theological journals and in the press, by lay and clerical groups, that real leadership would have to be shown.

Conscience, the bishops said, "though it is inviolable, is not a law unto itself."<sup>75</sup> The tired but true formula is called once more into service. Appeal is next made to the Word of God, "the true light that enlightens all men," who had entered history, and "still enlightens us in the Church of Jesus Christ. . . ."<sup>76</sup> This is again to assert what is unassailable and unquestioned but does not face the issue. The precise

<sup>74</sup> Cf. Theodorus Meyer, S.J., *Institutiones iuris naturalis* (2nd ed.; Freiburg, 1906) no. 593: "a priori pro certo habendum est collisionem iurium vel officiorum *objective realem* nullam esse, sed eam, ubicumque occurrat, mera apparentia constare" (emphasis in the original). Similarly V. Cathrein, *Philosophia moralis* (6th ed.; Freiburg, 1907) no. 258, or any of the standard authors.

<sup>75</sup> *Human Life in Our Day*, p. 14.      <sup>76</sup> *Ibid.*



question in the controversy is, does the divine enlightenment extend to artificial contraception and thus rule it out of the realm of free moral decision by the Christian couple?

Furthermore, the text takes no notice of theological work of the past several years. Respectable efforts had been put forth to save the tradition and simultaneously to develop it, so as to confront the current problem of authority and conscience. Not to mention new theological development on the role of the magisterium, there was sound biblical theology that bears on this question. The New Testament makes a clear distinction between proclamation of the gospel and teaching, separate offices in the Church. Over the course of time these two functions had gotten compounded into the one term "authoritative teaching."<sup>77</sup> In the one term the New Testament distinction had been lost. To illustrate, Jesus did indeed teach; He drew upon the Old Testament to illustrate and explain. But this was secondary and subsidiary to His proclamation of the kingdom, His great and primary work.

Both offices, teaching and proclaiming the good news, may indeed be exercised by the same persons—the apostles, e.g., or their successors. Nonetheless they remain distinct. When they become identified, God's word becomes confused with the human effort to understand and explain. The authority of the Lord is lent to catechetical, pastoral, or theological constructs. This is to expose divine revelation to the risk of error, a kind of blasphemy.

Biblical support for the hierarchical pronouncements on contraception has been seriously challenged. This indicates a status of teaching, not of gospel proclamation, for the Encyclical and *Human Life in Our Day*.<sup>78</sup> Unfortunately, our bishops have chosen to ignore this basic biblical distinction. They thus run the risk of leading the faithful into error. A number of theologians who were aware of the distinction felt they could not in conscience stand aside and allow the risk to be taken.

This mistake of methodology is compounded by a second scriptural oversight, the absence of biblical data containing at least implicitly or virtually the contraceptive prohibition. Neither the Encyclical nor the Pastoral gives a reference to a passage of the Bible or appeals to a biblical theology which give divine support for their teaching on artificial birth control. Indeed, as Häring points out, the only

<sup>77</sup> Cf. John McKenzie, S.J., *Authority in the Church* (New York, 1966).

<sup>78</sup> A striking instance of the ignorance of this distinction is the well-known public attack of a certain Archbishop against John McKenzie. The Catholic Theological Society of America supported McKenzie in the altercation.

biblical text that unambiguously and directly touches the genital expression of married love warns against continence too long sustained, a pastoral injunction repeated by Vatican II for our day.<sup>79</sup>

The pastoral solicitude of our bishops does come through in the letter. "The encyclical," they remind their people, "does not undertake to judge the consciences of individuals" or call into question "the good faith" of Catholics who use contraceptives.<sup>80</sup> "We urge those who have resorted to artificial contraception never to lose heart but to continue to take full advantage of the strength which comes from the Sacrament of Penance and the grace, healing, and peace in the Eucharist."<sup>81</sup>

The meaning of the last statement has occasioned confusion in the minds of Catholics. Having stated the objective evil of contraception, do the bishops mean that it is per se a venial sin, with the result that the Eucharist may be received, or a mortal sin requiring sacramental confession? Several bishops teach in their own dioceses that absolution must precede the reception of Communion: "Can a Catholic who practices contraception continue to receive the sacraments? Not if they have made up their minds to go on practicing contraception. But a couple who honestly tried to stop using contraception and fall into sin should not despair even if it happens over and over."<sup>82</sup> Yet the text of the bishops' letter does not explicitly say that penance must precede the Eucharist. An alternative explanation: our bishops meant to adopt the position of other hierarchies in this matter. But other pastorals which recommend the sacraments say contraception may not be a sin. The implication, then, of these other statements is that penance need not necessarily be received before the Eucharist. Let us examine these explanations.

The first, i.e., confession is preredquired unless circumstances substantially diminish culpability, would fit the traditional view of the necessity of penance before Holy Communion. Absolution would serve the double purpose of restoring the state of grace and provide "the strength that comes from the Sacrament of Penance." This is a rea-

<sup>79</sup> *Art. cit.*, p. 593-94. The scriptural reference is 1 Cor 7:1-5. The argument above from the biblical distinction between preaching and proclamation does not ignore the fact that Jesus left open to future development in his Church the uses of authority. One cannot settle on a scriptural basis alone the role of authority in the Christian community. The point is that the New Testament does set limits within which authority must be exercised.

<sup>80</sup> *Human Life in Our Day*, p. 15.      <sup>81</sup> *Ibid.*, p. 16.

<sup>82</sup> Patrick Cardinal O'Boyle's catechism on the Encyclical, *Sex in Marriage: Love-giving; Life-giving* (Washington, D.C., 1968) p. 22.

sonable interpretation of the text, supported in part by the text itself and by elements of the tradition.

Yet, if this is the meaning intended by the bishops, why did they not follow through with the traditional teaching on the minister of the sacrament of penance? The manuals contain the instruction for the confessor that he should not leave the penitent in his ignorance of evil, whether the ignorance be vincible and culpable, or invincible; in the latter instance, however, he may leave the penitent in good faith when instruction would prove fruitless or produce greater harm.<sup>83</sup> Moreover, in the solution of cases of conscience involving contraception, authors in recent years have denied the permissibility of leaving the Catholic onanist in good faith. So clear has been the official teaching that no Catholic could be in invincible ignorance or good faith; at most, good faith could excuse from sin only with regard to past sins of contraception but not for the future.

The requirement of prior confession could easily have been added. Yet it was not. Moreover, it was expected by those familiar with the manual tradition. Joseph Mangan, S.J., ably discusses the question of invincible ignorance and the onanist penitent. He judges that the penitent may indeed be in good faith and finds support for this view from the Encyclical itself: "it seems that the confessor may tolerate such a judgment in favor of the penitent's continuing use of contraceptives without present subjective grave sin."<sup>84</sup>

Certainly the bishops were aware of the perplexed parish priest in need of guidance on the point. In my opinion, the omission of this further explication was deliberate. The bishops were following the lead of the Encyclical: "*Humanae Vitae* does not discuss the question of the good faith of those who make practical decisions in conscience against what the Church considers a divine law . . . ."<sup>85</sup> It would appear, then, that they recognize ignorance and allow reception of the Eucharist without prior confession by Catholics in good faith. And since the silence covers also the distinction as to past and future sins of contraception, penitents may be left in good faith as to the future.

A further consideration corroborates the above conclusion. It is unlikely that our bishops intended to take a position directly contrary

<sup>83</sup> Cf. Dominicus Prümmer, O.P., *Manuale theologiae moralis* 3 (5th ed.; Freiburg, 1928) no. 436; or other standard authors under the heading "De obligatione docendi et monendi poenitentes."

<sup>84</sup> "Understanding the Voice of the Vicar of Christ: A Commentary on *Humanae vitae*," *Chicago Studies* 7 (1968) 227-41, at 240.

<sup>85</sup> *Human Life in Our Day*, p. 15.

to some of their brother bishops in other countries on this question, thus occasioning greater confusion in the Church. A final reason for our interpretation is the thought of certain theologians in Europe, reputed to be the drafters of *Humanae vitae*. The theology referred to is not explicitated in the Encyclical itself, though it is reflected in the tone of sympathy and encouragement of Pope Paul.

Grace is in part illuminative or noetic, the theory holds. Not only does it impel the Christian to the good but it enlightens his mind. Moreover, faith in the heart of man is subject to growth. It is not a once-for-all possession. Those Catholics who sincerely cannot see the evil of contraception by reason, whether expressed in natural-law terms or another idiom, have not reached the point in their spiritual growth where they can grasp by faith the objective evil of this method. Not having received the noetic grace, they are not to be considered unworthy of receiving the Eucharist without prior absolution. Moreover, the sacraments will increase their faith and bring them to a recognition of the evil such as other Catholics have.<sup>86</sup>

The recognition of stages of growth in this theory is a welcome accent. We are all aware of unrealistic demands which our moral teaching has made in the past on those as yet too immature to receive it. But experts in the theology of grace will have to examine this theory from the viewpoint of their branch of theology. Is it a form of fideism in its presentation of the relation of reason and grace, or a theological development worthy of the name? A pastoral question also arises. Will the theory, if widely taught, help unify God's people, or is it likely to divide them into those who are as yet in darkness and those who are the initiate of God? Will it prejudice the needed dialogue in the Church?

For all the above reasons, it is reasonable to conclude that the reception of penance need not precede the Eucharist, unless the penitent is otherwise conscious of grievous offense. The confessor and counselor may so instruct those who consult them. Let us not create a church where onanists in good faith may continue to use the method and receive the sacraments in one diocese but not in another. We have

<sup>86</sup> If it is true that this is the theology of the drafters of the Encyclical, this may explain the "approval" of the Canadian statement by Pope Paul, as reported in the press by a spokesman for their national hierarchy. The Canadian bishops direct the confessor to show understanding "for the sincere good faith of those who fail in their effort to accept some point in the Encyclical." Cf. (Baltimore) *Catholic Review*, Oct. 4, 1968, p. A9. Arriving too late for review in these pages was Gustave Martelet, S.J., "Pour mieux comprendre l'encyclique 'Humanae vitae,'" *Nouvelle revue théologique* 90 (1968) 897-917, and his "Signification et portée de l'encyclique," *ibid.*, pp. 1009-1063.

too much confusion among us without this further disturbing of minds and worrying of consciences, promoted in the name of God's truth!

### *Dissent*

*Human Life in Our Day* next faces the crucial issue of the negative reactions to the Encyclical. Opposition and disappointment were to be expected, the bishops point out, for a number of reasons. Not a few had anticipated a different answer from Rome. Emotion tangled with reason to distort the issue. Mass circulation of the contrary view by the communications media was a significant factor. Lastly, the official position had been too long unquestioned and too recently challenged for an unmixed reaction to be expected. The passage ends with a citation of the pertinent and familiar number 25 of *Lumen gentium*, the "religious assent" to be accorded to the noninfallible teaching of the Holy See.

Two points about this recognition of the reaction to the Encyclical. As a sociological sizing-up of the situation, it is an inadequate assessment of reality. It does not fairly represent the extent of nonacceptance by sincere married people or by a substantial portion of the clergy and the theological profession. Secondly, from a purely prudential viewpoint, the passage adopts a *status-quo*, not an accommodation, position. It is comfortable to think that the dissent is not really as bad as it would seem. One may opt for this alternative, provided he is willing to accept the expected sociological risk, more resistance from the innovators and therefore greater division in the ranks.

The passage is, however, softened by the subsequent paragraphs which recognize academic freedom for theologians. "Lawful freedom of inquiry" is espoused and a legitimate role accorded to dissent. A difference of opinion from official teaching may be expressed "if the reasons are serious and well-founded, if the manner of the dissent does not question or impugn the teaching authority of the Church and is such as not to give scandal."<sup>87</sup> No one would want to quarrel with this expression of norms, taking "scandal" in its technical sense of leading another into sin, not merely causing surprise or consternation. They are eminently fair norms.

Moreover, they are supplemented by an admission of the need of "dialogue between bishops and theologians" to elaborate further guidelines for the public expression of dissent.<sup>88</sup> A final statement for which praise is due: responsible dissent demands "faithful presentation of the authentic doctrine of the Church, when one is performing

<sup>87</sup> *Human Life in Our Day*, p. 18.      <sup>88</sup> *Ibid.*

a pastoral ministry in her name."<sup>89</sup> The expression of the contrary view is not here prohibited; the official position need not be the only one publicly aired.

Not only have the bishops verbally allowed this freedom of inquiry; apparently, with very few exceptions, they have followed it in their dioceses. Some ordinaries have stated this freedom explicitly to their clergy. Few public outcries on this point have occurred in the country as a whole. The parochial clergy, then, according to the mind of the bishops, may present the opposite view, provided this is done objectively, dispassionately, and in the context of a fair presentation of the official doctrine.

In response to the invitation by the bishops to dialogue with them about religious assent, theologians have responded with a diversity of views. One seeks to develop a viable theory of assent and dissent from a pedagogical viewpoint. A second takes a deeper look at the assent demanded by Vatican II.

An example of the first is the one Richard McCormick, S.J., advanced in these pages last year. It is an explanation of the religious assent due to the authentic, though noninfallible teaching of the magisterium, which bears repeating.<sup>90</sup> A teacher, McCormick points out, does not demand the assent of his students. He presents the evidence to their minds, repeats it if necessary, or approaches the subject from a fresh angle. The authority of the teacher is operative, of course, but this is not the reason for the assent. Otherwise the student takes the conclusion merely on the word of the teacher; he has not learned himself. Authority may indeed command the respect and receptivity of the student; but the good teacher wants the student to weigh the evidence, to follow the method called for by the subject matter, and finally to reach a conclusion.

This is a process. It requires time. Ordinarily assent is the end product of the process. This is a far cry from a command-to-be-followed-by-compliance response, which is proper to a more legal context, an order from legitimate authority to which obedience is owed in some matter of discipline.

McCormick's theory bears a resemblance to the traditional explanation of the human act offered by St. Thomas. Aquinas distinguished many elements of every human act: the intellectual apprehension of the good, the will seeking it, the act of intention, counsel which weighs the means to the good, consent or approbation of the

<sup>89</sup> *Ibid.*, p. 19.

<sup>90</sup> "Notes on Moral Theology," *THEOLOGICAL STUDIES* 29 (1968) 714-18.

means, election or choice of one means, use or the process of execution of the good, and fruition or enjoyment of it.<sup>91</sup> In the light of modern psychology we might eliminate one or other of these moments of the act. The fact remains that in the analysis of Aquinas human activity is complicated, involving an elaborate process in the mind and heart of man.

Respect for the person, then, demands patience of the teacher. As every good pedagogue knows, to hasten the process by invoking his authority is to risk not getting a human act at all, but rather the response of a child accepting the answer on the say-so of the mentor.

Louis Dupré takes a stand similar to McCormick's. That objective norms should guide conscience, he takes as indisputable. What can be lacking in official teaching, he feels, is an adequate grasp of the subjective aspect. Conscience must not simply accept what authority prescribes. It must assimilate, make its own, objective teaching.<sup>92</sup> What comes through from McCormick's assent as process and Dupré's assimilation is the necessity that authoritative teaching respect the person as groping his way toward truth. He is not a computer that responds immediately and unfailingly to the evidence fed into its maw.

A second theological development regarding legitimate dissent holds that no. 25 of *Lumen gentium* must be taken in its wider context. Specifically, this refers to no. 12 of the same Constitution: "The holy People of God shares also in Christ's prophetic office. . . . The body of the faithful as a whole, anointed as they are by the Holy One (cf. Jn 2:20, 27), cannot err in matters of belief. . . . It manifests this unerring quality when, 'from the bishops down to the last member of the laity,' it shows universal agreement in matters of faith and morals." Obviously, no theologian claims unanimity in the Church against the Encyclical, nor inerrancy for the dissenting view. The point is that no. 12 says more than that inerrancy obtains when unanimity is had. It says that God's people shares our Lord's prophetic office. The Holy Spirit is, therefore, at work among them even when there is no universal agreement. Other ranks in the Church, clergy, hierarchy, and theologians, must earnestly seek to discover His voice in the plurality of lay voices and sincerely heed it.

Corroboration for this interpretation is found in no. 25 itself, or rather from the records of the Council on this section. The original

<sup>91</sup> *Sum. theol.* 1-2, qq. 8-17.

<sup>92</sup> "What Is the Fight Really about?" *National Catholic Reporter*, Fall Book Report, Oct. 2, 1968, pp. 1-3.

draft of the Constitution on the Church had put into a separate paragraph this teaching on the response due to the ordinary magisterial statements of the Roman Pontiff.<sup>93</sup> The revised version incorporates this teaching into the same paragraph with the doctrine on the teaching role of the bishops. This seems a puzzling juxtaposition of dissimilar roles, until we consult the *relatio*. It informs us that the insertion was made to bring out the point that noninfallible magisterial action on the part of the pope is best understood in the context of the magisterium of the whole body of the episcopate. "We see here another small attempt to reorient our thought away from the mentality left by Vatican I, which separated the head from the body."<sup>94</sup>

The argument goes further than appealing to the "sense of the faithful." Speaking of the response due to infallible pronouncements and commenting on the assent of faith, the *relatio* makes an important remark: "This religious assent of faith is characterized by variability according to the closer or more remote connection of the truth defined with divine revelation."<sup>95</sup> The Commission is telling us that our assent of faith differs, e.g., in accepting the Immaculate Conception of Mary as compared to that given to the truth of our redemption by our Lord. The affirmation of faith is, then, variable; it is not an absolute. Extending this correct explanation of the Commission regarding infallible teaching, the argument applies this variability to authentic, non-infallible doctrine. If the assent of faith is not always an absolute adhesion to truth, a fortiori is this true of religious assent, or ecclesiastical faith, as it has been called.

We may conclude, then, that the ordinary magisterium may command an effort at assimilation, an authentic human-act response. But the affirmation usually resulting from the process need not be an absolute and unwavering one. Accordingly, authoritative teachers need not be fearful that they have failed in their office if something less than acceptance—doubt, hesitation, or dissent—is accorded their efforts. Especially is this true regarding moral teaching, where contingency and variation of the human situation obtain.

Norbert Rigali, S.J., dissents from the dissenting theologians regarding the justification for their protest.<sup>96</sup> Their statement appealed to "common teaching in the Church" as allowing their action. The

<sup>93</sup> Cf. *Textus prior*, no. 19, p. 69.

<sup>94</sup> George B. Wilson, S.J., *Lumen gentium: Vatican II's Dogmatic Constitution on the Church* (unpublished ms., 1966) p. 31.

<sup>95</sup> "... quod quidem fidei obsequium gradus diversos admittit iuxta maiorem vel minorem relationem veritatis definitae cum divina revelatione."

<sup>96</sup> "Right, Duty and Dissent," *Catholic World* 208 (1969) 214-18.



reference was a familiar one. Treating the question of assent to magisterial teaching below the level of faith, moral and ecclesiological texts had long admitted the possibility of error (*doctrina non irreformabilis*). Corresponding to this admission was the right of a competent person, possessing evidence to the contrary, not merely to entertain a different view interiorly but, within bounds, externally too.

Not so, says Rigali: "it would be preposterous for the theologians to maintain that the authors of such texts ever envisioned or intended to justify a situation like the present, public, collective assertion by numerous theologians or similar acts by other groups."<sup>97</sup> Rights, of dissent or otherwise, are grounded in the existential. "This is to say that new demands of the Christian life today obliged them to the unprecedented act."<sup>98</sup> This leaves them, Rigali points out, with a responsibility not yet fulfilled. "As part of the public life of the Church their action is something new, and its theological significance must be explained as something new."<sup>99</sup> The task cannot be done within the frame of reference of "common teaching."

Rigali outlines the beginnings of a new and viable approach. First, the present situation of the Church must be realistically faced: widespread disagreement with the Encyclical and public assertion by theologians of a right to dissent. Second, the absence of authorization from "common teaching" need not be defeating. Prior to Vatican II other rights could not claim the distinction of common support in the Church: the rights to religious freedom, to conscientious objection, to collegiality. "Before the Council it was not common teaching that 'the laity... are assigned to the apostolate by the Lord Himself.'"<sup>100</sup>

Third, a viable theology of dissent must see the Church as a pilgrim, therefore a learning, Church. From this perspective "Vatican II is not the end of the Church's pilgrimage, nor the termination of its search for the truth of reason and revelation."<sup>101</sup> The search must go beyond Vatican II, Rigali concludes. The force of his argument is solidly based. The role of theologians in the Church is not that of some lesser magisterium, recognizing or legitimizing what is or has been accepted.

Rigali does a twofold service. He programs in part the direction to be taken by the theological profession. And he has accepted the bishops' invitation to dialogue about new rules for dissent. The relationship of bishops and theologians over the past months has been in a sad state. Both groups are at fault. The hierarchy can point to the fact that theologians composed the original draft of *Human Life in*

<sup>97</sup> *Ibid.*, p. 215.<sup>98</sup> *Ibid.*<sup>99</sup> *Ibid.*<sup>100</sup> *Ibid.*, p. 217.<sup>101</sup> *Ibid.*

*Our Day*, and helped with the revisions of the text during the lively sessions in November.<sup>102</sup> Theologians protest that they were not represented at the hierarchical deliberations, whether as *periti* in the wings or as resource experts in the closed sessions. They point to the major role given to theologians by the Belgian and Canadian hierarchies while preparing their pastoral letters, not to mention the conspicuous prevalence of theologians during Vatican II.

One senses too much disappointment in all this. Too much fear and distrust characterize what is rather absence of communication, of dialogue. Somehow all this energy expended by both groups must be made constructive. For example, theologians might draw up guidelines for the bishops specifying what would constitute adequate representation of their number for helping draft episcopal statements. On their part, the bishops ought to disclose with sufficient publicity the proposed secretariat of theologians advisory to the Bishops' Theology Commission. The serious and sometimes furious credibility crisis demands that all ranks in the Church know of this forward step and have the assurance that it is truly representative.

### *Teaching on the Family*

The remainder of chap. 1 of *Human Life in Our Day* treats family life. This section manifests a remarkable realism and significant leadership. It begins: "Our concern for family life must extend far beyond the publication of pastoral letters. We pledge ourselves to cooperate in multiplying ways and means toward the renewal of the family. . . ."<sup>103</sup> Theologians are urged to elaborate "a modern and valid ascetical theology of marriage."<sup>104</sup> The laity, with the experiential competence they possess, along with physicians, psychologists, sociologists, and priests, are asked to promote and staff diocesan family-life centers. Adult education programs are to be established.

The bishops, in contrast with the earlier part of the Pastoral, reveal an awareness of family tensions coupled with hope that these very stresses contain the seeds of growth. Thus, "equalitarian marriage patterns have so developed among Americans as to avoid rigid role assignments within the family and thus make possible a deeper family unity."<sup>105</sup>

Noting that our economy provides the same wage scale for the mar-

<sup>102</sup> This was done so privately that little is known of the genesis of the document. About all that has come to light is that Bishop John Wright invited some theologians to Pittsburgh to assist him several months before the November meeting. Who they were, or how representative of the theological fraternity, has not been divulged.

<sup>103</sup> *Human Life in Our Day*, p. 19.      <sup>104</sup> *Ibid.*      <sup>105</sup> *Ibid.*, p. 23.

ried worker as for the single man, they decry the inequality of one sector of the work force bearing "a disproportionately large share of the financial burden of maintaining the child population," which is to become the nation of the future.<sup>106</sup> With praiseworthy sensitivity to the autonomy of the shapers of public policy, they suggest, rather than demand, a family-allowance system or similar program.

Encouragement is given to the adoption of children and preference expressed for foster homes over orphanages. The urban crisis is recognized. Communication is seen as a solution to the generation gap. Clearly our bishops have made refreshing use of the sociology of the family. If we may read between the lines, sociologists were consulted in the preparation of these pages. The Family Life Bureau, under Bishop Curtis and Fr. James McHugh, had done its homework well.

Considerable attention is devoted to the growing recourse to abortion as a solution to family stress. "Let society always be on the side of life," the bishops urge.<sup>107</sup> Such concern is surely called for in a nation where abortion is desired as a backup measure when birth control has failed to avoid the unwanted pregnancy. A defect flaws this section. It fails to mention the legitimate role of government in family planning, as Pope Paul had done in *Populorum progressio*.<sup>108</sup> The omission gives an absolutist tone to the passage, which does not help our image with government. Nor does it ring entirely true from a moral point of view. To be "always on the side of life" is an unrealistic answer to the agonizing question, when does new life work against life already existing?

Despite this oversight the pages on the Christian family are promising. They may well be the blueprint of the future comparable to the great social statement of the hierarchy in 1919. History will tell. There is no doubt that the family sorely needs the succor promised by the bishops. All ranks in the Church should rally to this call to arms. The sad thing is that not all are likely to respond. Too many will say sophistically: "Our bishops have not offered a realistic solution to the birth limitation problem; therefore they will not implement the massive program for the family they propose." Such a reaction is understandable but lamentable. It falls prey to the "danger of indifference" cited above from the sociologists. Indifference in this critical period for the Church would be sinful.

Psychologists are not likely to leap at the invitation to staff diocesan family clinics, judging by the response to the Encyclical issuing from the American Catholic Psychological Association Convention. Sixty psychologists questioned the papal statement's dualistic conception

<sup>106</sup> *Ibid.*, p. 26.

<sup>107</sup> *Ibid.*, p. 27.

<sup>108</sup> No. 37.

of man in terms of body and soul, its understanding of intercourse as mainly a "physiological episode," the sufficiency of its treatment of human love, the evidence for the judgment that "contraceptives lower women's dignity and encourage immorality."<sup>109</sup> A similar group of dissenters at the annual meeting of the National Federation of Catholic Physicians' Guilds supported Pope Paul's authority but withheld endorsement of his ban on contraception. They resolved that more study of the issues involved be undertaken.<sup>110</sup>

### *Peace and War*

Important and topical developments are to be found in chap. 2 of *Human Life in Our Day*. The November statement of the hierarchy broke new ground by taking a stand in favor of the nuclear non-proliferation treaty and against the Sentinel ABM System, two questions warmly debated in Congress five months later while these Notes were in preparation. The bishops also changed the position on the Vietnam war previously taken in their 1966 statement.<sup>111</sup> They likewise called for a review of priorities in government policy, approved the bombing halt, deplored the reduction in foreign aid, recommended trade agreements favoring the poorer nations, went on record against technology as a solution to internal political conflict. Lastly, they espoused the recognition in law of conscientious objection to a particular war and declared for the right of public dissent against the war.

Conscious of their responsibility of moral leadership in "a nation in many ways the most powerful in the world . . . whose arsenals contain the greatest nuclear potential" for good or evil, the bishops go far beyond the position adopted in 1966.<sup>112</sup> They stated at that time: "it is reasonable to argue that our presence in Vietnam is justified."<sup>113</sup> In the light of the situation in 1968 they ask: "Have we already reached, or passed, the point where the principle of proportionality becomes decisive?"<sup>114</sup> This is spelled out in terms of "inhuman dimensions of suffering" and of the expenditures of manpower and money.<sup>115</sup> These resources are not viewed absolutely but relatively to the great needs of health and education at home and abroad.

True, this questioning of the war is done in the same breath with the statement "Would not an untimely withdrawal be equally disas-

<sup>109</sup> *New York Times*, Sept. 3, 1968.

<sup>110</sup> *New York Times*, Dec. 2, 1968.

<sup>111</sup> *N.C.C.B. Statement on Peace*, Nov., 1966.

<sup>112</sup> *Human Life in Our Day*, p. 30.

<sup>113</sup> *N.C.C.B. Statement on Peace*, Nov., 1966.

<sup>114</sup> *Human Life in Our Day*, p. 41.

<sup>115</sup> *Ibid.*

trous?"<sup>116</sup> Some will see this further question as yielding to the hawks, modifying as it does the prior question they had raised. It does soften their stand. Yet the withdrawal-or-stay dilemma is part of the total situation. Moreover, the final decision is not for churchmen but for statesmen to make in accord with their primary competence and responsibility in matters military and political. This limitation on the role of the official Church by political autonomy is something overlooked by a number of Catholics today who strongly object to the failure of Church spokesmen to declare apodictically for or against the war.<sup>117</sup>

A lesson learned from the Vietnam experience is: "As a rule internal political conflicts are too complicated to be solved by the external application of force and technology."<sup>118</sup> Turning from Southeast Asia to the world at large, the bishops take exception to government policy: "We seriously question whether the present policy of maintaining nuclear superiority is meaningful for security."<sup>119</sup> It leads only to escalation in defense systems. The ABM shield against China would have the same effect.

Continuing their review of national policy, the bishops find both Congress and the public at fault for the decrease in foreign aid. Not only should we do better in grants to the developing nations; we ought also enter into trade agreements favoring these same countries at the cost of American business—an enlightened and courageous stand by our bishops. Furthermore, the Pastoral requests a review of the priorities in public policy. The war aims should be weighed in the balance against the needs of education, public health, and the relief of poverty at home and in the rest of the world. The voices clamoring for a change in the draft system are supported by the bishops.

To achieve these aims certain steps are imperative. The United Nations should be made into a more effective instrument for peace. Agencies for the education of public opinion are to be created, so that the citizen can fulfil his responsibility for public policy. Catholic scholars are asked to study the morality of insurgency warfare. Ecumenical services for peace are recommended.<sup>120</sup>

<sup>116</sup> *Ibid.*

<sup>117</sup> Paul Ramsey treats at length the role of the Church in public policy. Cf. his *Who Speaks for the Church?* (Nashville, 1967) or his latest work *The Just War* (New York, 1968) *passim*.

<sup>118</sup> *Human Life in Our Day*, p. 42.

<sup>119</sup> *Ibid.*, p. 35.

<sup>120</sup> For a sociological study of the countervailing force to be generated in order to induce general disarmament, cf. Marc Pilsuk and Thomas Hayden, "Is There a Military Industrial Complex Which Prevents Peace? Consensus and Countervailing Power in Pluralistic Systems," *Journal of Social Issues* 21 (1965) 67-117.

It is by now well known that the 1968 Pastoral went on record in favor of selective conscientious objection: "We therefore recommend a modification of the Selective Service Act making it possible, although not easy, for so-called selective conscientious objectors to refuse . . . to serve in wars which they consider unjust or in branches of service . . . which would subject them to the performance of actions contrary to deeply held moral convictions. . . ." <sup>121</sup> The basis of the right to object conscientiously, the bishops declare, is not merely subjective. "Frequently conscientious dissent reflects the influence of the principles" found in official Church teaching and moral doctrine. <sup>122</sup>

Going beyond their forthright espousal of SCO, the bishops express the hope "that, in the all-important issue of war and peace, all men will follow their consciences." <sup>123</sup> After praising "youthful protesters" for their moral insight and "new spirit of dedication to humanity," they make this remarkable statement:

As witnesses to a spiritual tradition which accepts enlightened conscience, even when honestly mistaken, as the immediate arbiter of moral decisions, we can only feel reassured by this evidence of individual responsibility and the decline of uncritical conformism to patterns some of which included strong moral elements, to be sure, but also included political, social, cultural and like controls not necessarily in conformity with the mind and heart of the Church. <sup>124</sup>

This superb statement of the doctrine of conscience and of criticism of conformism in our nation is matched by perceptive acceptance of moral diversity in the Catholic community regarding Vietnam and by firm support for public dissent:

In this debate, opinions among Catholics appear as varied as in our society as a whole; one cannot accuse Catholics of either being partisans of any one point of view or of being unconcerned. In our democratic system the fundamental right of political dissent cannot be denied, nor is rational debate on public policy decisions of government in the light of moral and political principles to be discouraged. <sup>125</sup>

A clearer endorsement of pluralism would be hard to conceive.

This whole second half of the Pastoral is realistic. The bishops face up to the complex and troubled situation of the world, aware of the political and economic aspects of United States policy. Moreover, this

<sup>121</sup> *Human Life in Our Day*, p. 44.

<sup>122</sup> *Ibid.*, p. 43. <sup>123</sup> *Ibid.*, p. 44. <sup>124</sup> *Ibid.*, p. 43.

<sup>125</sup> *Ibid.*, p. 41. For a justification according to our legal tradition of certain forms of public dissent, cf. Joseph Sax, "Civil Disobedience and the Law," *Current* 8 (1968) 5-14. Attorney Sax was defense counsel in the trial of the Fathers Berrigan.

section sounds a note of determination, of the will to follow through, an implicit acknowledgment, hopefully, of the loss of credibility in the Church and the urgent need to retool Church structures and create new ones. They had already set up at the U.S.C.C., prior to the November meeting, a Division of World Justice and Peace, which doubtless had a hand in the preparation of these excellent pages on peace and war. A further step in this direction would be recognition of the work being done by the Catholic Peace Fellowship, the Fellowship of Reconciliation, the World Law Fund of the Institute for International Order, and like organizations.

It is hard to fault chap. 2 of the Pastoral. It could be said that more than a passing reference to violence in our society might have been made.<sup>126</sup> But limitations of space in an already heavily burdened letter may well have dictated otherwise.

The criticism which is in order concerns rather the document as a whole, specifically the clear methodological inconsistencies of chap. 1 compared with chap. 2, between the ideology of war and peace and the ideology of contraception. Chap. 2 accepts pluralism in the Catholic community, a diversity of views ranging from strong pacifism to qualified militarism, with respect to the war effort in Vietnam. Chap. 1 rejects pluralism, allowing only one doctrine even though another is espoused by a respectable portion of the Church representing all ranks from laity to bishops.

Moreover, the doctrine of conscience is not consistently followed in both chapters. In chap. 1 conscience is to be formed in the light of the Encyclical; in war it is "the immediate arbiter of moral decisions," which the bishops hope "all men will follow."<sup>127</sup>

Realistically, the Pastoral recognizes the complexity in war-and-peace issues but not so in domestic economy and world population. Government is invited to reassess policies of war and Selective Service but told to keep out of population control by limitation of births, though both are social problems of legitimate concern to public officials. In short, the document is ethically incoherent.

It is teasing to speculate on how two sections of the same letter could be so ideologically disparate. The obvious answer, diverse authorship of the two parts, is too facile. Evidently the majority of the

<sup>126</sup> For a theology of nonviolence, cf. James Douglass, "A Non-Violent Christology," *Commonweal* 87 (1967) 259-64; also his book *The Non-Violent Cross: A Theology of Revolution and Peace* (New York, 1968).

<sup>127</sup> William McFadden, S.J., chairman of the Department of Theology at Georgetown University, presents a literate and balanced view of this matter in "Moral Approaches in the Bishops' Pastoral," *America* 119 (1968) 552-53.

bishops felt content with the document and were unaware of the inconsistencies. Part of the answer, no doubt, lies deeply imbedded in the American Catholic ethos. We are heirs of a stern sexual ethic from our Christian tradition in the Western world. This has been reinforced by the Irish and Puritan influences we have interiorized. While theoretically we recognize relativity in our sexual code, in practice we allow no exception. That there simply cannot be a change in our sexual morality is our innermost conviction.

But this is only one factor of the problem. Authority is another. As a people we are deeply loyal to those whom God has placed over us. We are strongly committed to the older pattern of authority. This is why the Council's program for decentralization (collegiality, senates, autonomy of the laity) finds us unprepared for change.

No one has all the answers to the tensions that beset us. Three things, however, will be part of any viable program of *aggiornamento*. Collegiality is one. Another is initiative and responsibility in all areas of our living, developing from such freedom accorded to conscience as the bishops accord in matters of peace and war. Finally, we must learn to live with the child of pluralism, diversity of views in liturgy, theology, spirituality, and apostolate, etc.—and still love one another as Christians.

*Woodstock College*

ROBERT H. SPRINGER, S.J.