

## CURRENT THEOLOGY

### NOTES ON MORAL THEOLOGY: JULY, 1969–MARCH, 1970

After a glance at the concept of pastoral theology and the relation of moral and dogma, this survey will look at length into peace and war, and abortion and the law. Next, development in the moral analysis of sterilization and artificial insemination will be briefly assessed. Finally, some observations on the race question will be presented. Most of these pages are given over to the peace and abortion issues, on which the published material has been extensive.

#### BASIC MORAL

Karl Rahner turns his expansive and erudite eye to pastoral theology and seminary training.<sup>1</sup> By pastoral theology he means something far more profound than the *ad hoc* training programs and courses earlier designated by the term, such as rites, administration of penance, hospital chaplaincy, and the like. His delineation of the scope of pastoral makes this clear. It should provide a strictly theological analysis of the present situation of the Church and should bring the student to a solid grasp of the total life of the Church and its problems. Thus it is both current and theological.

Speaking of the seminary curriculum in its entirety and the traditional divisions into courses on grace, sacraments, etc., he finds a basic flaw. The familiar curriculum lends itself nobly to research, but not, it would seem, to teaching. To substantiate this criticism, he essays that most elusive, debatable, and thankless of tasks, the explicitation of the aim of theological teaching. The aim is none other, he says, than the formation of pastors capable of communicating to others what they themselves live as human beings and as Christians. Not that pastoral theology is all-absorbing. Other branches of theology retain their autonomy. They ought, however, to have a pastoral orientation. In Rahner's conceptualization, they should be concerned with the actual transmission of the data of revelation and not just with the data itself. They ought to be oriented to the preaching of the Word, not limited to just critical reflection on the Word.

To express it baldly, Rahner seems to be asking seminary teachers the touchy question: Are you training priests for the active ministry—or theologians? We are reluctant to face this issue. We like to think that we are both educating active ministers of Word and sacrament and providing them with a professional grasp of theology. Perhaps we

<sup>1</sup> "Neue Ansprüche der Pastoraltheologie an die Theologie," *Gregorianum* 50 (1969) 617–37.

cannot do both—in the old way. Perhaps we cannot impart most of the theological formation and information we did in the past and still present the new. Should we make up our minds that our seminaries are in the business primarily of educating priests for the ministry and recognize that this can be done by a program that is genuinely and profoundly theological, by pastoral theology?

Josef Fuchs of the Gregorian University addresses himself to the same subject matter but under a different formality, the relation of moral to dogmatic theology.<sup>2</sup> The author first establishes the unity of the two disciplines. The old distinction of moral as concerned with action, while dogma is concerned with belief, is only a convenient rule of thumb. In reality, faith is an act. There is, then, one theology.

Taking the division of theology into its moral and dogmatic branches, Fuchs explains how they are considered to be related. Moral is an explication of dogma; Christian morals are the extension of faith into life. Dogma underlies moral. But—and here he adds a new emphasis—dogma must be anthropologically oriented. It best serves moral when it emphasizes that revelation was made for man and his salvation.<sup>3</sup>

Fuchs's anthropological orientation is closely akin to Rahner's pastoral-theology conception. Both theologians have taken seriously the challenge to theology laid down by Vatican II, a pastoral rather than a dogmatic council.<sup>4</sup>

#### PEACE AND WAR

##### *New Testament, Early Church, Behavioral Science*

The geographic extension of the war in Vietnam (to avoid the disputed term "escalation") has heated up the moral tone of the litera-

<sup>2</sup> "Moraltheologie und Dogmatik," *Gregorianum* 50 (1969) 689-716.

<sup>3</sup> A similar conclusion is reached by Frans Jozef van Beeck in his "Sacraments, Church Order, and Secular Responsibility," *THEOLOGICAL STUDIES* 30 (1969) 613-34. The article may be the dark horse of the writing produced in the period under review. Time did not allow its inclusion in the text above.

<sup>4</sup> Other articles that should have found space in the text above follow: Charles Curran, "Social Ethics and Method in Moral Theology," *Continuum* 7 (1969) 50-62; "Dialogue on Moral Issues and Health Care," a paper from the 1969 Meeting of the Christian Medical Commission of the World Council of Churches in Geneva: John Bryant, M.D., "Moral Issues and Health Care," pp. 1-8, and especially David Jenkins, "Theological Comments on the Issues Raised by John Bryant," pp. 8-17 (though concerned with problems of public health and technology, it deserves inclusion under basic moral questions; Jenkins' reflections are a model of Christian ethics in today's changing, technological world; unfortunately I have not found it published in periodical or book form); John Milhaven, "A New Sense of Sin," *Critic* 28 (1970) 14-21; *id.*, "Exit for Ethicists," *Commonweal* 91 (1969) 135-40; and James Gustafson's response to Milhaven, "Responsibility and Utilitarianism," *ibid.*, pp. 140-41.

ture and highlighted the relevance of ethical theory on peace and war. Heat does not always generate light or promote consensus. While we should welcome debate, we cannot but deplore the lack of communication that has characterized the extreme polarization of the political community. Communication implies trust in others, a moral value of immense social importance. It demands that one listen—not just demand a hearing for himself—and a willingness to give ground, to change one's view, should the evidence warrant.

We shall in due time come to moral judgment on controversial points. First, however, certain facts will be set forth about which there is no dispute. Argument is best begun on common ground.

John O'Rourke examines the New Testament as a historical record of the attitude of the early Church toward military service. The evidence is scanty, he admits, but sufficient to determine the existence of a missionary effort directed to those in military service.<sup>5</sup> Centurions were the special object of Christian concern. Was the aim of this effort to persuade military personnel to abandon their harsh profession? How the Christian community responded to Christ's teaching of love for all men, even of enemies, is especially instructive of our own attitudes and directive of our actions. O'Rourke's answer is careful: the New Testament evidence "seems also to support the view that this effort was directed with no view of the military having to abandon their careers. . . . There is no evidence of conscious bias against the military as such."<sup>6</sup>

This conclusion may disappoint us. We like concrete, definite answers clearly for or against an issue. Neither Old nor New Testament provides such answers in this matter, as with the question of slavery or what to do with unjust government. Deplore as one might this lack of specificity in revelation, one should not discount the advantages thereof.

First, we avoid the error of simplicism or biblical fundamentalism when we are as careful as O'Rourke with the sacred text. Second, the experience of the pristine Church presents an excellent model for sane dialogue in the current national debate. The original community did not condemn or oppose military service *in globo*. It found the soldier a legitimate subject for evangelization. Implicitly it acknowledged the awful business of violence and war as a sometimes necessary evil. Yet the profession of death-dealing was not so irreconcilable with the Christian way of life that its practitioners should be condemned forever to exterior darkness or cast outside the pale of the Church.

<sup>5</sup> "The Military in the New Testament," *Catholic Biblical Quarterly* 32 (1970) 227-36.

<sup>6</sup> *Ibid.*, p. 236.

What pertinence does this New Testament experience have for the war in Southeast Asia? The war has aspects which are not black and white, not all bad or all good. Some measure of stable government in South Vietnam has been established. The presence of chaplains, supporting the war effort by their very presence but exercising their healing ministry, is in accord with early Church practice. Too many discussions of the war distort reality by ignoring the ethical complexity of the situation, a Joseph's multicolored cloak.

We misread the New Testament if we look for moral conclusions which would pronounce judgment on social problems of today. So much of the detailed moral teaching of both Testaments was borrowed from neighboring cultures, was therefore not revealed by the Spirit and is of questionable perennial value. Moreover, we risk missing the unambiguous messages of Scripture—peace, fatherhood of God, one race of mankind, its unparalleled motivation through love and faith—when we look for concrete solutions in its pages.<sup>7</sup>

Some years ago, in the aftermath of World War II, Edward A. Ryan studied Christian teaching and practice regarding military service from the apostolic age through the reign of Constantine. He found that modern claims of Christian pacifism in the early centuries of the Church had overlooked certain historical data. Up to 170 A.D. "orthodox Christians made it sufficiently clear during this period that they were not opposed to the Roman armed forces as such."<sup>8</sup> Idolatry in the form of emperor worship, the prohibition of marriage for soldiers, and the like were their motives for declining military service. While admitting a pacifist movement in the Church in the late-second-century and third-century writings, notably in Tertullian, Origen, and Marcion, Ryan noted that "no conciliar decree against service had appeared" at a time when councils had great power in shaping Church policy.<sup>9</sup> Warfare did indeed create serious problems for the Church in this period. Moreover, the Church was then, and always will be, for peace. But the position of the Church vis-à-vis Christians serving in the legions of Rome was far from simple endorsement or condemnation.

Ryan's scholarly study of the question in the context of the pacifist debate of the fifties was in response to certain voices from the Christian pacifist movement. His conclusions have subsequently been ignored by some writers on the subject. It is appropriate that they be

<sup>7</sup> For a brief study of biblical moral teaching stressing the limitation of code morality contrasted with basic moral truth, cf. Séan Freyne, "The Bible and Christian Morality," in *Morals, Law and Authority*, ed. J. P. Mackey (Dayton: Pflaum, 1969).

<sup>8</sup> "The Rejection of Military Service by the Early Christians," *THEOLOGICAL STUDIES* 13 (1952) 1-32, at 11-12.

<sup>9</sup> *Ibid.*, p. 31.

recalled in the great debate of the seventies. Such work as his takes the ground out from under the feet of the ethical totalizers, who take an all-good or all-bad stance on warfare. They are to be found in the ranks of both doves and hawks.

There are also those who take the position of ambiguity, to use a favorite phrase of the late John Courtney Murray. The international situation is so complex, it says, the ethical data so conflicting, or at least so inconclusive, that one cannot take a moral stand. One source for ambiguity is the anthropological literature on conflict in human societies. Is man by nature violent? A yes to this question limits one to a maximum goal of merely restricting warfare destined to be on the human scene till the end of time. Zoologists tend to adopt this limited goal.

Not so Ashley Montagu, anthropologist, biologist, and humanist.<sup>10</sup> He first sketches the present configuration of the old heredity-versus-environment debate. Today it is interactionism versus biologism. The former sees nature and nurture complementing each other, but man able to control environment. The latter holds a natural determinism in man, but acknowledges some environmental influence on human behavior. In the present context, biologism holds man to be innately aggressive, like the ape or wolf, with, however, a limited capacity to co-operate with his fellow humans. He is a tribal animal, and tribes are formed in part to repel aggression by other tribes, a conflict destined to go on forever. Man is not an ape, Montagu holds. He is "a creature that creates and controls his own environments instead of being created and controlled by them."<sup>11</sup> Tribalism is learned behavior, he asserts, not an instinct. Biologism fails to account for the fact that children form gangs only when they have learned this from their elders.

Science, then, at least the interdisciplinary scientific approach, cannot be advanced to excuse man from sin in his warring on his own kind. The convenient excuse for human aggression, innate depravity, cannot be alleged, Montagu concludes, on behavioral scientific grounds.

<sup>10</sup> "Morris on Man: A Basic Urge to Cooperate," *Scientific Research* 17 (1969) 17-19. Montagu reviews Desmond Morris' *The Human Zoo* (New York: McGraw-Hill, 1969).

<sup>11</sup> *Ibid.*, p. 19. From extensive study of animal behavior a body of literature has developed in recent years on whether man is innately violent. Cf. Konrad Lorenz, *On Aggression* (New York: Harcourt, Brace and World, 1963). Erik Erikson disagrees with Lorenz's method in transferring conclusions from animal behavior to man. Lorenz uses Freud's model of instinct, essentially derived from sexual behavior; but sexuality in man differs from that of animals, Erikson points out in *Gandhi's Truth* (New York: Norton, 1969) p. 427. Cf. also Jerome Frank, M.D., *Sanity and Survival* (New York: Random House, 1967); also Group for the Advancement of Psychiatry, *Psychiatric Aspects of the Prevention of Nuclear War* (New York, 1964).

*World without War?*

Even if we admit that man is not innately hostile and that the early Church did not condemn military service because of war's inherent brutality, the subject of war and peace is not exhausted. Other aspects of the question exist, aspects that remain within the area of possible consensus. One indisputable fact is the Christian vocation to work effectively for a world that will have forever beaten its swords into ploughshares. The subject transcends the debate over Southeast Asia and prescind from whatever position one may take on that dreadful combat. Yet the urgency of this vocation seems to escape many Catholics. An implicit defeatism seems to infect their thinking and paralyze their will.

There can be no denying it: we have a divine calling to wage peace. The vision of a world where lion and sheep lie down together is not some illusion destined to mock man for the rest of his existence in time and space. The biblical message of the brotherhood of all men is not some ideal doomed to nonrealization. How could the Spirit mock us? Evidence that He cannot is found in the Cain and Abel story. The religious teaching of this fourth chapter of Genesis is, in part, an explanation of original sin: "Man's revolt against God leads to his revolt against his fellow man; the crime of murder confirms the fallen state of man."<sup>12</sup> This state of sin Christ came to take away by bearing its marks in His own body and by summoning mankind to grow into a state of love for the Father and for all His children. If being our brother's keeper does not mean being a keeper of the peace, it has no meaning.

There can be no doubt that warfare through the centuries is an integral part of our revolt against man, a consequence, therefore, of man's primeval fall. Just as clearly as Christ came to purge man of original sin, He suffered in His flesh that mankind be purged of the warfare which is part of that sin: "As one man's trespass led to condemnation for all men, so one man's act of righteousness leads to acquittal and life for all men."<sup>13</sup> In the light of this it cannot be said that peacemaking belongs to the scriptural category of counsel. We have a divine injunction to exorcise war from our midst. Nor should we forget the promise of effective assistance: "Grace abounded all the more [than sin]."<sup>14</sup>

Our vocation to peace is also found in Galatians: "There is neither Jew nor Greek, there is neither slave nor free, there is neither male

<sup>12</sup> *Jerome Biblical Commentary* (hereafter *JBC*) 2:30, Genesis, p. 13.

<sup>13</sup> Rom 5:18 (*Oxford Annotated Bible* translation, used through these pages).

<sup>14</sup> Rom 5:20.

nor female; for you are all one in Christ Jesus."<sup>15</sup> "Considered from the standpoint of union with Christ, such ethnic and social distinctions are valueless," is Joseph Fitzmyer's exegesis of the text.<sup>16</sup> Likewise, we have the teaching of the Sermon on the Mount: "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist one who is evil. But if anyone strikes you on the right cheek, turn to him the other one; and if anyone would sue you and take your coat, let him have your cloak as well; and if anyone forces you to go one mile, go with him two miles. Give to him who begs from you, and do not refuse him who would borrow from you."<sup>17</sup> John McKenzie comments on the passage: "It is difficult to see how the principle of nonresistance and yielding could be more clearly stated."<sup>18</sup>

Jerome Rausch, O.S.C., evaluates this teaching in detail.<sup>19</sup> It does not, it is true, present a negative categorical absolute: resistance is not always prohibited. The text, he finds, is consistent with resort to force to save a civilization or preserve precious freedom won by man. Yet the teaching of the Sermon does contain a quality, a direction, a dynamic. "The quality of the principle of nonresistance is clearly enunciated: one must love the foreigner, must bless the persecutor."<sup>20</sup> The direction is not that of categorical norms the fulfilment of which could easily be measured by outward observance, but of an ideal not yet realized. Lastly, the teaching is that of a process or a dynamic governing the growth of Christian life. "The whole thrust or direction of the Sermon on the Mount . . . is for peace; . . . in a sense we must all be relative pacifists."<sup>21</sup>

The scriptural call to peace, then, is integral to the biblical message of original sin and of love of neighbor, a love that forms one commandment with the love of God. Accordingly, should we not consider it not merely teaching but part of the proclamation of the Good News itself? Love and sin are surely part and parcel of the proclamation.

Perhaps we Christian sluggards have in the back of our minds Matthew's eschatological discourse, where we read of "wars and rumors of war, nation rising against nation" at the end of time.<sup>22</sup> There is, however, no exegetical basis for such a judgment. The words are either literal or apocalyptic. If the former, they refer to the fall of Jerusalem in 70 A.D.; if the latter, they are stylistic, not said of actual events.<sup>23</sup> Sound exegesis gives no support for a view of war inevitable till the end of time.

<sup>15</sup> Gal 3:28.    <sup>16</sup> *JBC* 79:163, p. 827.    <sup>17</sup> Mt 5:38-42.    <sup>18</sup> *JBC* 43:40, p. 73.

<sup>19</sup> "The Principle of Nonresistance and Love of Enemy," *Catholic Biblical Quarterly* 28 (1966) 31-41.

<sup>20</sup> *Ibid.*, p. 37.    <sup>21</sup> *Ibid.*, p. 41.    <sup>22</sup> Mt 24:6-7.    <sup>23</sup> *JBC* 43:164, p. 166.

Or we may have in mind Vatican II's statement in the Constitution on the Church in the Modern World (no. 78): "Insofar as men are sinful, the threat of war hangs over them, and hang over them it will until the return of Christ."<sup>24</sup> The word used is "threat" of war. The Constitution continues: "But to the extent that men vanquish sin by a union of love, they will vanquish violence as well."<sup>25</sup> We would do violence to the statement were we to extract from it a prediction of war until the end of time.

The message of peace has been faithfully transmitted and preached from the housetops by the Church through the centuries. She has proclaimed "No more war" from Peter to Pope Paul.<sup>26</sup> Even during the moments of history when she was offering prayers for victory for one side, she called for peace, as in the Roman wars during the Christian era. To view her as now for peace, now for war, as neutral on the subject of peace, is to miss an essential of her teaching and to denigrate the guidance of the Spirit in her midst.

We have, then, a mandate to wage peace which no Christian may shrug off. He may indeed hold or deny that the world is ready to accept the message of peace at this moment of time. He may not say "A world without war is not a goal of this life," and remain true to his commitment to Christ. Furthermore, the mandate to end war is all the more imperative in the world of today capable of destroying itself, a world where most of mankind is experiencing the upheavals of transition from poverty and colonialism to national consciousness.

The vocation to wage peace has been stated above in terms of the Judeo-Christian tradition. In reality, however, it does not stand or fall with revelation. The nonbelieving ethical humanist can accept the proposition. Still, the biblical data does impart a special urgency and motivation.

Granting the validity of the world-at-peace thesis, where and when does one begin?<sup>27</sup> A helpful tool is the annotated bibliography, just published, *To End War: An Introduction to the Ideas, Books, Organizations That Can Help*.<sup>28</sup> First appearing in 1968 with 49 pages, drawn up by the World Without War Council, this third edition is expanded to 261 pages with 663 entries between paper covers. All aspects of the subject are covered: the causes of war, disarmament,

<sup>24</sup> *The Documents of Vatican II*, ed. Walter M. Abbott (New York: America Press, 1966) p. 291.

<sup>25</sup> *Ibid.*

<sup>26</sup> Cf. 2 Pt 1:7; Paul VI before the United Nations.

<sup>27</sup> Rather than attempting the impossible, a survey of the legion of articles on war and peace, the reviewer takes the easier, but hopefully more helpful, road of surveying bibliographies. Besides, one needs to read books, not articles, to stay abreast.

<sup>28</sup> Edited by Robert Pickus and Robert Woito (1730 Grove St., Berkeley, Cal., 1970).

world development and world community, international relations, crisis areas (Vietnam, Middle East, etc.), nonviolence, conscientious objection, peace efforts, peace research, and resources for action. The editors speak with a competency born of eleven years of work in the field of peace. But they are more than editors; they are authors of the helpful introductory essays prefacing each bibliographical section and the end pieces following some sections. These essays present, briefly and fairly, opposing schools of thought. For example, disarmament is juxtaposed to arms control and is itself broken down into its unilateral and multilateral forms, the latter in turn subdivided into disarmament by negotiated agreement and by unilateral initiative.

But this is only a sampling. The authors are not committed to a one-road approach to end war, such as international law, achieving weapons parity, or facing the problem of the military-industrial complex. The bibliography attacks peace on all fronts simultaneously. As an introduction for the student of peace and war, this is as it should be. The book is for the ordinary citizen, not the expert, to enable him to make an enlightened decision on matters not requiring expertise.

Some of the editorial comment is worth citing. Surveying present thought in North America, they conclude: "There is a new liberal-radical form of isolationist thought moving in America today. . . . It rejects engagement in world politics not because of other nations' shortcomings, as was common in the thirties, but because America itself is seen as inadequate."<sup>29</sup> A loss of confidence in our ability to resolve problems of development and conflict abroad and at home is one of the causes.

The picture is no brighter for seminary education: "The discussion of the root questions of ethics and war is desultory and shallow even in our seminaries."<sup>30</sup> One can only say amen to their criticism and suggest that seminary courses must be multidisciplinary in their treatment of war and peace. War is not adequately treated apart from its context of international relations, the economics of development, and the psychosocial data of conflict resolution. A course on the morality of war limited to the study of ethical and religious materials runs the risk of ignoring much of the reality about which ethical and religious truth is speaking. Political scientists, economists, psychologists, and sociologists have a valid and distinct contribution to make to our ethical and religious teaching. The experience of reading in one of these fields necessarily enriches and modifies our ethical thinking.

*To End War* contains a religious and ethical section with 69 entries. Acknowledging the crucial role of ethical norms in any society, the

<sup>29</sup> *Ibid.*, p. 2.

<sup>30</sup> *Ibid.*

authors find ethical confusion in our cultural context. This very confusion is a major hurdle on the way to a world without war because of "the lack of agreed upon standards by which men can decide what is right in the use of violence."<sup>31</sup> The naturalistic position tends to hold that there is no way to justify ethical standards. Similarly, extreme situation ethics impedes the progress of peace in that all norms are subject to changing situations. Again, extreme forms of personalism that limit ethical obligation to individual self, family, and friends, excluding duty to political structures, cannot offer solutions to the problem of war. Both pacifism and just-war theorists, however, can share this goal consistently with their traditions.

One source for an interdisciplinary approach to war and peace is the *Journal of Social Studies*, which has devoted one issue, 167 pages with an extensive bibliography, to "Misperception and the Vietnam War."<sup>32</sup> The author is Ralph White, Sino-Soviet expert, with the assistance of Morton Deutsch, Jerome D. Frank, Herbert Kelman, and Charles Osgood, all good men and true in the field of international relations. Prof. White establishes that each side in the Vietnam conflict has been highly unrealistic in perceiving and understanding the thinking of the other.

It comes as a shock to the amateur to discover that there is another world view on Vietnam so totally opposed to his own. Deficient communication on the national level, of which we are all aware these days of extreme polarization, is compounded on the international level, where cultural barriers supervene. To end war requires that we all learn, much more than we have in the past, from the experts in international studies.<sup>33</sup>

There is another form of misperception, not cross-cultural in nature but ethical, to which attention ought to be called. Twice during the months covered by this survey it came to the fore, once in connection with Apollo 13, a second time during the publication by the press of the alleged Songmy atrocity. While the lives of three astronauts dangled in mortal jeopardy out in space, a whole world agonized over their

<sup>31</sup> *Ibid.*, p. 102.

<sup>32</sup> Vol. 22 (July, 1966).

<sup>33</sup> Other bibliographical sources are: The Catholic Peace Fellowship, *Catholicism and Peace* (Nyack, N.Y.: Box 271); *Concilium 15: War, Poverty and Freedom* (New York: Paulist, 1966): surveys pacifist literature in English, Dutch, French, and German; Council on Religion and Foreign Affairs, *List of Publications* (New York: 170 East 64 St.); Richard Falk and Saul Mendlovitz, eds., *Books and Other Materials for Universities and Colleges* (New York: World Law Fund, 11 West 42 St.); Richard Barnet and Richard Falk, *Security in Disarmament* (Princeton: Princeton Univ. Press, 1965). The local Friends Society publishes a bibliography on war and peace.

fate, eloquent witness to concern for human life. At the same time hundreds of lives were hanging in the balance in the hospitals of our large cities. Yet we did not feel concern for them. Why is our human empathy and love of neighbor stirred in the one instance, not in the other? Again, the pictured accounts of women and children allegedly being gunned down by our troops in Vietnam provoked moral indignation or nausea in us. Yet few of us reacted in 1967 to reports of Air Force use of the latest lethal weaponry on inhabited hamlets where Viet Cong were suspected of hiding amid children and old people.<sup>34</sup> How explain the moral inconsistency?

There are, no doubt, many factors at play—ignorance, denial of reality, and the like. One factor we can be sure of is depersonalization. We see with our own eyes the child shot down in the road protecting his little brother; TV bombarded our senses with the plight of the astronauts. People strafed in a village from the air neither we nor the pilot see. The dying in hospitals we are only dimly aware of. The knowledge factor is different in each instance. With the one we have immediate experiential knowledge; in the other our knowledge is statistical, depersonalized.

We had heard all along from the historian of warfare and the psychologist of conflict that warring has become progressively remote, a matter less of hand-to-hand combat, more of rockets released from afar by push-button action. Apollo 13 and Songmy brought this home to us. What moral value emerges from this analysis? Since the dehumanizing effect of war increases with the increase in the technology of military hardware, our ethical assessment of possible justification for its use must become proportionately more critical. And the depersonalizing ratio will rise sharply in the near future, to judge from remarks of General Westmoreland at the meeting of the Association of the United States Army in October, 1969. From our military experience in Vietnam he predicted: "No more than ten years should separate us from the automated battlefield."<sup>35</sup> The nature of this automation he detailed as follows:

I see battlefields on which we can destroy anything we locate through instant communications and almost instant application of highly lethal firepower. . . . On the battlefield of the future enemy forces will be located, tracked and targeted almost instantaneously through the use of datalinks, computer-assisted intelligence evaluation and automated fire control. With first-round kill probabilities approaching certainty and with surveillance de-

<sup>34</sup> Cf. Frank Harvey, *Air War—Vietnam* (New York: Bantam, 1967).

<sup>35</sup> Remarks reported in the *New York Times*, Oct. 15, 1969, p. 14.

vices that can continually track the enemy, the need for large forces to fix the opposition physically will be less important.<sup>36</sup>

Artillery and tactical aircraft, he further reported, have accounted for over two thirds of enemy casualties in Vietnam.

To point to the heightened depersonalization is not to criticize the General. He is doubtless a professional soldier who sincerely practices his deadly trade with sorrow for loss of life. It is a criticism of the military system and the use thereof by civilian superiors of the military. Presumably the destruction described by Westmoreland could be achieved without nuclear weapons. So-called conventional warfare, then, will approach the annihilation capacity of atomic war. The severe moral judgment we have heretofore reserved for nuclear weaponry we shall have to extend to conventional weapons and warfare. Nuclear pacifists, if they are consistent, will become pacifists against conventional war. Mankind will take a giant step forward in the direction of a world without war. And if moral responsibility begins not with the possession of a weapon or a weapons system, but with the knowledge of its practicability, ethicist and citizen, statesman and soldier must take a stand now, not ten years from now, on the morality of automated war.

Man has long known from ordinary observation the brutalizing effect on combatants of participation in war. More penetrating study of the results of battle and imprisonment in wartime has been conducted by behavioral scientists in wars of the recent past. Vietnam is no exception. Robert Lifton gives impressions from interviews with two hundred veterans of our latest war.<sup>37</sup> He finds the subjects studied laboring under a burden of guilt heavier than in other wars. Not one of the two hundred was free of doubt about United States participation in Vietnam. This burden of guilt they bring back with them to civilian life, adding to the social unrest already present in our society.

In Lifton's explanation, atrocities stem from the frustration of seeking an evasive foe in guerilla warfare. There is, he reports, "the momentary illusion on the part of GIs that, by gunning down these figures now equated with the enemy—even little babies and women and old men—they were finally involved in a genuine 'military action'; their elusive adversaries had finally been located... annihilated."<sup>38</sup> One wonders whether we have given an ethically impossible task to our young men when, trained to kill as they must be and motivated to sur-

<sup>36</sup> *Ibid.*

<sup>37</sup> "The Scars of Vietnam," *Commonweal* 91 (1970) 554-56.

<sup>38</sup> *Ibid.*, p. 555.

vive, they are sent into a populated area infiltrated by an unseen enemy and are told to spare civilians but kill the foe. Ought not guerilla warfare of this kind be put on the ethical list of the all but proscribed along with all-out atomic and automated uses of force?

*Economics of War, Conscientious Objection, Pacifism*

Continuing on the behavioral-science level, new material for moral judgment has appeared on the economics of war and peace. Here we enter the arena of public debate, the difficult area of national priorities. How much should we spend on international security, how much public money should be allocated to needs at home? So complex is the question that the economic layman can have only an opinion. Experts, however, can interpret for us.

Charles Schultze reviews the military budget from the viewpoint of one convinced that expenditures should be critically examined but not condemned out of hand.<sup>39</sup> After a complicated analysis of the cost of defense expenditures, he ventures a highly tentative projection for the year 1974, assuming no changes in present basic governmental policies:

Assuming the increase in civilian and military pay mentioned earlier, calculating the annual costs of the approved weapons systems listed above, and allowing for only modest cost escalation in individual systems, it seems likely that on these three grounds alone non-Vietnam military expenditures by 1974 will be almost \$20 billion higher than they were in fiscal 1969. *They would, in other words, almost fully absorb the savings realizable from the cessation of hostilities in Vietnam.*<sup>40</sup>

The size and rapid increase in defense spending is not attributable primarily to the military-industrial complex, in the view of this analyst. The major factor, he feels, is that "the American people, in the cold war environment of the 1950s and 1960s, have pretty much been willing to buy anything carrying the label *National Security Necessity*."<sup>41</sup>

Archibald Alexander studies not just United States military expenditure but the cost of world armaments.<sup>42</sup> He reaches a conclusion similar to Schultze's. The economic picture in the United States is reduplicated elsewhere in the world by rising military budgets. In fact, the rate of increase of security expenditures outstrips that for population increase and gross national product.

<sup>39</sup> *The Public Interest* 7 (1970) 3-24.

<sup>40</sup> *Ibid.*, p. 11.

<sup>41</sup> *Ibid.*, p. 21.

<sup>42</sup> "The Cost of World Armaments," *Scientific American* 221 (1969) 21-27.

Different analysts conclude with different figures. Some allowance must be made for a margin of error. Due allowance made, however, the sense of proportion of even the economic layman is offended. At least he has grounds for inquiring whether those who make policy and political decisions are deciding wisely, and for asking them to account publicly for their stewardship.

But money for security systems is not the whole story. Dollars also buy food and drink and other goods of higher value: "half the world's annual output of critical, nonrenewable resources and one-third of its total production go toward satisfying the consumption aspirations of six percent of the world's population that happens to be American."<sup>43</sup> These are figures that even the novice can understand. Allowing for a fractional variation of wide proportion to account for divergent economic computations, allowing, too, for a bigger slice of the economic pie to those who work harder, we still have a consumption figure calculated to give anyone ethical shudders. We cannot always measure matters of justice to a nicety. Just profit is an example. But there are clear instances that go beyond all norms of what one may legitimately demand. Our consumption of what the world produces is one of these. Do we wonder why youth rails at the system?

Our Scholastic tradition makes a strong case for private ownership. The great Scholastic writers were, however, just as sure of the *communis destinatio bonorum materialium*, namely, that the material goods of the universe are willed by God for the health and happiness of all mankind. According to the tradition, one may not opt for private ownership and rule out common possession, or vice versa. The former has always been limited by the social function of property, the good of all. To pass over the teachings of earlier Popes, both John XXIII and Paul VI have called for redress of this imbalance in the use of the world's wealth and pointed to the ever-widening gap between rich and poor peoples—to little avail. If half the moral energy spent defending the papal teaching on contraception had been channeled into world poverty and malnutrition, we might be well on the way to feeding people a subsistence diet the world over.

A program for this and other world problems has been worked out for American Catholics by the Division of World Justice and Peace of the United States Catholic Conference.<sup>44</sup> As its subtitle suggests, it is action-oriented: "Designed to assist diocesan programs for implementing

<sup>43</sup> Richard Du Boff, "Books: U.S. Foreign Policy," *Commonweal* 91 (1970) 560-62, at p. 562.

<sup>44</sup> *Pastoral Guide*, Feb., 1970 (22 pages).

the Church's teaching about international justice, global development, world peace." "Implementing" is the key word. We are so capable of high-sounding words—that never get put into practice! This document has a minimum of theory, mostly from papal and episcopal teaching, then gets down to the real issues of how to educate laity and clergy, adults and young people, to world consciousness, to use of the mass media for implementing the Church's social message, and how to organize on the diocesan level to get things done.

An exception there has been in the matter of draft counseling, pursuant to the U.S. bishops' forthright espousal of legal recognition of selective conscientious objection two years ago.<sup>45</sup> Bishop Cletus O'Donnell of the Diocese of Madison has set up a program to advise young people of their legal and ethical rights vis-à-vis the draft.<sup>46</sup> In Worcester, Massachusetts, the Church cosponsors such a center with Protestants and Jews.

A statement issuing from the USCC expresses concern that some draft boards and military tribunals do not recognize the eligibility of a Catholic for exemption by reason of conscience.<sup>47</sup> Because of the Church's espousal of the just-war theory, the argument runs, a Catholic from his religious background cannot believe that all war is wrong. To set the record straight, the statement says: "A Catholic viewing his tradition, the message of the Gospel, and recent conciliar and papal statements . . . can be a conscientious objector 'because of religious training and belief.'"<sup>48</sup>

The Congress to date has not given legislative recognition to the status of the selective conscientious objector. The Massachusetts Legislature, however, has passed a law making it possible for the draftee to contest in court the legality of his summons by his draft board, and Judge Wyzanski of the Federal District Court in Boston, in *U.S. vs. Sisson*, has declared unconstitutional the requirement of religious training or belief as qualification for CO status.<sup>49</sup>

Too often behind the opposition to draft exemption there lurks an attitude that pays lip service to the rights of conscience but in reality harbors disrespect for the person. The attitude may be not only the

<sup>45</sup> *Human Life in Our Day*, USCC edition, Nov., 1968, p. 44.

<sup>46</sup> For the bishops' pastoral letter announcing the program, cf. *Catholic Mind* 68 (1970) 12.

<sup>47</sup> "The Catholic Conscientious Objector," Division of World Justice and Peace, USCC, Oct. 16, 1969.

<sup>48</sup> *Ibid.*, p. 2.

<sup>49</sup> Cf. John Rohr, "Judge Wyzanski and Selective Conscientious Objection," *American Lawyer* 15 (1969) 182-85. Cf. also Gaillard Hunt, "Selective Conscientious Objection," *Catholic Lawyer* 15 (1969) 221-37.

draft official's but the counselor's, a subtle feeling of "I hold the war in Vietnam justified; therefore you should not hold otherwise." The same would be true of the counselor who personally condemns the present war and feels he cannot permit the draftee to fight who conscientiously sees it as his duty.

The USCC statement makes further recommendations beyond that of diocesan draft-counseling centers. It urges that "Catholic organizations which could qualify as *alternative service agencies* consider applying for that status, and support and provide *meaningful* employment for the conscientious objector."<sup>50</sup> Finally, the document recommends to civil officials that they "consider granting amnesty to those who have suffered imprisonment," as part of the revision of law to include recognition of selective conscientious objection.<sup>51</sup> This would be a remarkable step forward in respect of the person, if our law can be changed in this way.

The literature on pacifism was notably enhanced with the publication of Erik Erikson's psychological biography *Gandhi's Truth*.<sup>52</sup> Books are not ordinarily reviewed in this survey. A few observations, however, on this one are necessary for two reasons: the problem of violence in our culture and the deep spirituality of the Christlike figure of Gandhi. His Satyagraha is perhaps best translated truth-force rather than non-violent resistance. This does not imply that nonviolence was not an important part of his religio-ethical code. It is to put the emphasis where Gandhi himself put it, on the force of truth in the hearts of people willing to suffer for it. Violence is built into a situation when social force mounts to resist economic and political repression. It is sometimes inevitable, as Gandhi well knew. As a civil-rights leader in our own country said of a peaceful procession in a racially tense city, replete with police permit, "The moment you send black children down the street in a demonstration, you are asking for violence." The line is too finely drawn sometimes between violence and nonviolence. The speaker, intent on avoiding all violence, makes no distinction between violence intended as a means to a legitimate goal and violence reluctantly permitted as an inevitable evil. Moreover, the ethical restriction on violence is not an absolute, a universal moral prohibition, either against property or persons.

It must, however, be restricted. Here Gandhi is our teacher. He required as necessary prerequisites to any "truth in action" an objective investigation of the facts and honest effort to arbitrate. "Satyagraha must appear to be a last resort in an unbearable situation which allows of no other solution and is representative enough to merit a commit-

<sup>50</sup> *Op. cit.*, p. 3.

<sup>51</sup> *Ibid.*, p. 4.

<sup>52</sup> New York: Norton, 1969.

ment of unlimited self-suffering.”<sup>53</sup> Furthermore, the goal for Gandhi and his followers was not just redress of economic and political repression, but a change of heart of both sides in the confrontation, management and laborers. “In the end only a development which transforms both partners in such an encounter is ‘truth in action’; and such transformation is possible only where man learns to be nonviolent toward himself as well as towards others.”<sup>54</sup>

Account must also be taken, in any evaluation of violence, ugly as it is, of a likely reaction of sympathy and conversion among the noncommitted when overreaction occurs. Lynchings and the murder of civil-rights workers have been the blood of martyrs whence social reform has sprung.

In the writings of Gandhi one senses echoes of Christian *metanoia*, redemption, and the cross. Little wonder that James Douglass of Notre Dame University has seized upon Christ, the Suffering Servant of Yahweh, and Gandhi’s Satyagraha to construct his theology of peace and resistance, the best theological writing on the subject in this country in a decade.<sup>55</sup>

#### ABORTION

The temperature of the abortion controversy can be taken from newspaper, magazine, radio, and TV. Periodicals are no exception. The quality of the literature, however, does not always correspond with the quantity. Unfortunately, too much of the ethical writing starts out with false presuppositions. The rabid proponent of liberalized law writes as if abortion were of no concern to political society, a decision involving only mother and doctor. But we have a population problem, overpopulation in many areas where present resources are inadequate to nourish new life, underpopulation in some places where, for example, the labor force is undermanned. Such problems cannot be effectively countered without political policy and action. Population is a legitimate concern of government. The writer rules out one of the interested parties; he presupposes what he ought to establish.

Another writer, say of the Catholic tradition, implicitly absolutizes human life, holding that it must be preserved in all circumstances. He thereby expunges from the record that part of his tradition which has allowed innocent life to be sacrificed when extraordinary means would be required to preserve it, and to save the life of a mother threatened

<sup>53</sup> *Ibid.*, p. 414.

<sup>54</sup> *Ibid.*, p. 439.

<sup>55</sup> *The Nonviolent Cross: A Theology of Revolution and Peace* (New York: Macmillan, 1968).

by cancer of the uterus, by hemorrhage from ruptured fallopian tube in ectopic pregnancy, by acute hydramnios, and the like. If confronted with this evidence, he would, of course, reply: "But these are forms of *indirect* abortion."

To this a fourfold answer is pertinent. First, he overlooks his implicit admission: the relative value of human life. Fetal life may be sacrificed when the mother's life is imperiled, as in the instances above, or moribund maternal life allowed to perish to save a bouncing baby by cesarean section. A second answer from the tradition is that we sometimes did not know whether we were directly or indirectly terminating fetal life, yet we still went ahead and intervened to save the mother.<sup>56</sup> Thirdly, the basic reasoning behind, the justification for, the direct-indirect model was to preclude doing *moral* evil that good might come of it. There was here a presupposition that may be questioned: Is it always a moral evil directly to abort, say in India when a midwife empties the uterus of an embryo to save the mother when both will otherwise die, in the absence of modern medical facilities that can save both lives? Finally, our writer nods epistemologically in making a universal prohibition of a rule that can be only a secondary principle of natural law. What is beyond dispute is that life is indeed an overarching value. The prohibition of direct abortion is an excellent rule, though not unexceptional. He who would attack innocent life must clearly establish his right to do so.

The basic question, then, is not: Is it direct or indirect abortion? Rather it is: How great a value must be present to countervail the sacrifice of life? If we writers from various traditions, Christian, Jewish, humanist, could only start with this as a consensus, instead of making an implicit assumption of possessing some absolute, either allowing or prohibiting intervention against fetal life, the printer would conserve his ink, trust would be engendered, and communication could begin.

#### *Epistemology of the Abortion Debate*

John Milhaven deplors this failure of discourse and investigates it from the viewpoint of the epistemology of philosophy.<sup>57</sup> He is at his best on this level. A superior grasp of the validity and invalidity of evidence enables him expertly to defuse an argument, as well as fuse a sounder one.

<sup>56</sup> Cf. the divergent answers proposed in Thomas O'Donnell, S.J., *Morals in Medicine* (2nd ed.) pp. 183-90, and in Charles McFadden, O.S.A., *Medical Ethics* (2nd ed.) pp. 172-76; both authors discuss puncture of the fetal sac in hydramnios, one concluding that this is direct attack on the fetus and forbidden, the other holding that it is indirect and permissible.

<sup>57</sup> "Epistemology of the Abortion Debate," *THEOLOGICAL STUDIES* 31 (1970) 106-24.

He takes his cue from Newman: "in any inquiry about things in the concrete, men differ from each other, not so much in the soundness of their reasoning as in the principles which govern its exercise. . . . The first principles are hidden. . . . You do not so much appeal to them as act upon them."<sup>58</sup> One epistemological method to take the measure of arguments in the abortion controversy, Milhaven suggests, is to compare the position a writer takes on the question with the positions he takes on related issues, in common with others who share his over-all outlook. Thus, his stance on killing in war, capital punishment, and euthanasia should be compared with his stance on abortion.

Two divergent views emerge from the literature. Position 1 holds human life to be sacred and inviolable. Those who put forward this principle prohibit the taking of life by mercy killing or abortion, but do not exclude killing in self-defense or the loss of some civilian lives in bombing a military target. Position 2 is more ready to allow abortion or mercy killing but more reluctant to tolerate loss of life in war or by capital punishment. The explanation, Milhaven rightly holds, is not inconsistency in either view. Rather it lies in both instances in the respective underlying ethical stance or view of reality stemming from a diverse tradition.

A study of the two positions, too detailed to present here, reveals that Position 2 leans more heavily in ethical analysis on the experience of the person facing death and of others sharing the experience, for example, the man in death row, his wife and children, the victims of war in Vietnam. By the same token, it is not so concerned about unborn life as Position 1 and does not see why it does not logically lead to infanticide or genocide.

The author next identifies the two positions more clearly, showing the roots of the one in the classical-medieval tradition, from Plato through Augustine to Aquinas. The other, voiced by Husserl and Dewey, goes back through Pascal and Descartes to Kant and Rousseau. In its present configuration Position 2 is principally concerned with: "(1) what is revealed in [man's] experience of this world, (2) as the experience would be even if there were no God, (3) as it is shaped, or can be shaped, by man's technological power, (4) as it occurs in the lives of ordinary men, (5) as it is created by the unique self of the man. . . ."<sup>59</sup> Milhaven finds that this modern ethical world view exhibits more moral concern and achievement than its counterpart for the unemployed, people who are discriminated against, for the developing nations, etc. This is not evidence that Position 2 is more moral than 1. Ra-

<sup>58</sup> *Ibid.*, p. 111, citing the *Grammar of Assent* and *Present Position*.

<sup>59</sup> *Ibid.*, p. 121.

ther: "their position on abortion arises organically out of their strength, a responsible, intelligent, moral synthesis that has served the nation well, whatever be its limitations and drawbacks. The laws of the nation should treat these men with their views as a mature segment of a pluralistic society. The law should not prohibit their carrying out their basic moral convictions."<sup>60</sup>

This conclusion represents a public policy on abortion based on sound reasoning. Though one may hold a different view, this one cannot be summarily dismissed on the grounds that the prohibition of all direct abortion is the sole legitimate position to be enacted into law.

#### *Historical Data on Abortion*

Most Roman Catholics, if asked to chart the history of their Church's position on abortion, would probably draw a straight-line progression from the condemnation of the grosser forms of attack on life in antiquity, such as infanticide, through the delayed-animation view of prenatal life by Aquinas, to Vatican II's declaration of respect due to life from the moment of conception. Such a progression would lend strong theological weight to the Church's present position. It would be like the development of the Christian view of woman as equal in personhood to man, a growing consciousness over the centuries, under the guidance of the Spirit, of the pristine revelation of equality: "There is neither male nor female in Christ Jesus."<sup>61</sup> Such a development of dogma would indeed sustain the firm position of the official magistry in the current controversy.

In reality, the history of Catholic thought would have to be graphed as a series of ups and downs. This does not, of course, mean that there is no evidence for the official position. George Williams, distinguished Church historian at Harvard Divinity School, essays to establish the historical record.<sup>62</sup> He presents the classical sources of current Catholic, Protestant, and Jewish thought on abortion. He is, then, taking the same approach as Milhaven—uncovering preconscious presuppositions. Williams' is a historical study, whereas Milhaven's is philosophical. The two complement each other remarkably, though both contributors are working independently in this special issue of *THEOLOGICAL STUDIES* (March, 1970) on abortion.

The patristic period of Christian thought, Williams shows, was far from unanimous about the prenatal genesis of man. What theologians

<sup>60</sup> *Ibid.*, p. 123.

<sup>61</sup> Gal 3:28.

<sup>62</sup> "Religious Residues and Presuppositions in the American Debate on Abortion," *THEOLOGICAL STUDIES* 31 (1970) 10-75.

held depended on the diverse influence of three sources: scriptural data, Greek philosophy, and the embryology of the age. None of these three sources presented within itself a clear and unified view of prenatal life. The biblical data bearing directly on the subject was an obscure punishment in Exodus for miscarriage, and a clear prescription of a stern penalty for accidental abortion interpolated into the same text in the Septuagint version.<sup>63</sup> There was also, of course, the doctrine of original sin in Paul and the necessity of explaining its transmission. The prevailing philosophical views held either a bipartite or tripartite explanation of man, or maintained the pre-existence of the soul. The embryologists were either epigenists or preformationists, holding respectively that life comes about in successive stages or that all parts of the organism pre-exist in seminal form and merely unfold in gestation.

With so many variables, little wonder there was divergence of view on the human fetus. The Fathers of the Church accordingly divided on the question, some holding specifically human life at conception, others at a later date in fetal development. Subsequently, as is well known, creation of the soul at some point during gestation prevailed over pre-existence of the soul and traducianism. Only in the last-mentioned thesis were soul and body present from conception, the dominant view among the early Latin Fathers.

In addition to these sources, subsequent influences shaped Catholicism's modern respect for intra-uterine life. Williams adduces the immaculate conception of Mary, the virgin birth and conception of Christ, the scriptural accounts of the quickening of Jacob, Esau, and John the Baptist, and Jesus' conception by the Holy Spirit. These beliefs could not but enhance reverence for life prior to birth.

It is especially in his report of Protestant influence on Catholic thinking and the interaction of the two traditions that Williams enriches the discussion. Both Lutheranism and Calvinism, in keeping with their strong emphasis on original sin and predestination, revived patristic traducianism. "Luther was determined not to allow human reason to escape the effect of original sin and therefore considered the [rational] soul latent in the seed of the father," and thus insisted on full humanity from conception.<sup>64</sup>

Calvin presumed the fetus from conception predestined to be saint or reprobate. Quite possibly, Williams thinks, despite its differing view of original sin and predestination, Roman Catholicism was influenced by the Reformers in the total context of the religious dispute to abandon the Aristotelian-Thomist delayed-animation theory and the Septuagint

<sup>63</sup> Ex 21:22 f.

<sup>64</sup> *Art. cit.*, p. 33.

distinction between *foetus inanimatus* and *animatus*. At any rate, a new phase opened for the Catholic Church: "the present regnant Catholic view began to prevail in the eighteenth century. It is clearly not medieval but both post-Protestant and revived patristic."<sup>65</sup> In line with this new development, Catholic moralists and canonists of the time applied the commandment *Non occides* to every stage of prenatal life. Archbishop Cangiama, for example, in his widely-used pastoral treatise, taught conditional baptism for a fetal sac appearing *sans fetus*! But Williams is not grinding a Protestant axe: "All Christians and humanists, too, must recognize in the millennial effort of the Catholic Church . . . a tremendous moral achievement, namely, the recognition even in the unformed fetus . . . of primordial personhood in the sight of God and man."<sup>66</sup>

Moreover, Williams finds potential support for the official Catholic position on abortion legislation in sectors of liberal Protestant and Jewish opinion, if further reflection convinces them to "repossess the still valid testimony of the common Catholic-Protestant and Hellenistic Jewish tradition about intra-uterine life and restrains them from uncritical support of any unexamined technocratic practice of abortion."<sup>67</sup> In general, Williams admits, Protestants are less tradition-minded than their Catholic counterparts, in keeping with their view of Scripture as the sole source of revelation, and have accordingly been more influenced by science and culture. Still, "in the contemporary American discussion both the National Council of Churches and evangelical Protestantism have alike expressed opposition to abortion," though their spokesmen have not been as vocal before legislatures as Roman Catholics.<sup>68</sup>

Scholar that he is, Williams is not satisfied with the above oversimplification of Protestantism, weak on tradition, strong on science. He nuances his historical account in a manner too detailed to report here. To select one piece of historical evidence, he points out that while Anglicans retained the primacy of procreation as an end of marriage after the break with Rome, the Puritans placed companionship and mutual trust in first place.<sup>69</sup> Obviously, opposition to abortion will wax stronger or wane as procreation is emphasized or not in a given period.

This observation of the author is unsettling for us Catholics. At a time in our history when a new view has arisen to challenge the primacy of generation, we do not like to think that this might affect our stand on abortion. Williams does us a service, however, in making this observation. He is speaking, though, of influence, not of argument. He

<sup>65</sup> *Ibid.*, p. 39.      <sup>66</sup> *Ibid.*, p. 41.      <sup>67</sup> *Ibid.*, p. 52.

<sup>68</sup> *Ibid.*, pp. 41-42.      <sup>69</sup> *Ibid.*, pp. 45-46.

does not assert, nor does it necessarily follow, that evidence for the new view on contraception is intrinsically and logically connected with a proabortion stand.

In his interpretation of the new biological evidence about prenatal life, Williams adopts the stand "The fetus only needs time." The basis for this judgment is the fact that the complete genetic code is set with the union of sperm and ovum. Joseph Donceel, S.J., reaches a different conclusion.<sup>70</sup> A heart removed for transplantation and artificially sustained, Donceel points out, also possesses the chromosomal package of genes for a complete human being. Furthermore, it looks human, as does the embryo, yet it is not potentially a person. It is only vegetatively alive. "Why should we not say the same," Donceel asks, "of the fecundated human ovum during the early stages of pregnancy?"<sup>71</sup> Moreover, every cell of the embryo in the earliest stages of development of animals is capable of growth into a mature member of a species, which may be true of man. Nor can we rule out the possibility of parthenogenesis among humans. Donceel concludes that the virtuality of developing into an adult is not proof that the zygote is already a human person.

Williams is remarkably broad in his treatment of abortion. A more recent view of man, to be reckoned with as supplementing the genetic, he calls the sociological. According to it, a person is the result of the process of socialization, the influence of mother and significant others who are the environment of the child. In the context of abortion, the sociological view holds that a complete human being is not present until "the infant draws breath among the living in an accepting social context. . . ."<sup>72</sup>

In his multifaceted approach to abortion, Williams is working toward a "politics" of abortion that will take into account all of the disciplines and traditions and make possible a law acceptable to the various segments of our society. "The proposed model for a politics of abortion is a sacred condominium in which parents and the body politic are understood to share sovereignty in varying degrees and in varying circumstances."<sup>73</sup> Thereupon he sketches the roles of physicians, lawyers, social workers, and clergymen in the condominium. He thus incorporates all the eligibles into his political model, refusing to take the short-sighted and therefore irresponsible way out of the impasse by leaving the matter solely to mother and doctor, ignoring the legitimate concern

<sup>70</sup> "Immediate Animation and Delayed Hominization," *THEOLOGICAL STUDIES* 31 (1970) 76-105.

<sup>71</sup> *Ibid.*, p. 99.

<sup>72</sup> *Art. cit.*, p. 56.

<sup>73</sup> *Ibid.*, p. 54.

of husband, society, and religion. How well the condominium might work must be judged by experts in law and hospital administration.

To his credit, Williams carries his theory in a final section into the casuistry of abortion. In comparison with other positions, his is conservative in tone. In exceptional instances direct abortion might be allowed. For example, in the case of incestuous pregnancy the fetus formed by progenitors acting contrary to the code of society and engaged in a genetic felony should probably be removed. The wish of the mother, on the other hand, to bring to term a child sired by rape should be allowed by law. Similar conclusions are reached with respect to the certainly defective fetus, the product of statutory rape, and adulterous pregnancies.<sup>74</sup>

Williams is to be commended for a coherent theory on abortion. Emptying the uterus on demand, solely on request of the mother, would be, as he insists, a reversal of two thousand years of human experience which has moved in a direction away from the Roman *paterfamilias* as sole arbiter of the life of the infant. His position is corroborated by the experience of the medical ethicist who finds himself consulted by doctors on the life-death decision involving the incurable moribund in terminal coma. Doctors do not want to play God, as they express it themselves. A fortiori, we cannot expect of the expectant mother so momentous a decision.

#### *The Case for Delayed Hominization*

Where Williams takes mainly a historico-religious position and Milhaven an epistemological one, Donceel gives us a philosophico-theological study of Aristotelian-Thomistic "delayed animation." The term is clearly ambiguous, he notes, since it does not specify vegetative or human soul. "Delayed hominization" (the human soul present some time after conception) and "immediate hominization" are his suggestions for terminological clarity.

One's immediate reaction to successive animation by three "souls" may be "Not that again!" Donceel answers: "Aquinas did not derive his philosophy from defective biology nor did he subsume his scientific mistakes under his sound philosophical principles."<sup>75</sup> His affirmation of delayed hominization rests on good philosophy and the common-sense knowledge of reproduction of his times. The good philosophy: "The soul is the substantial form of man. A substantial form can exist only in matter capable of receiving it. In the case of man's soul this means: the human soul can exist only in a highly organized body."<sup>76</sup> Delayed hom-

<sup>74</sup> *Ibid.*, pp. 70-72.

<sup>75</sup> *Art. cit.*, p. 79.

<sup>76</sup> *Ibid.*

inization is implied by Aquinas' hylomorphic conception of man. The common-sense biological knowledge: "it has really nothing to do with the respective functions of food, semen, and blood (medieval biology), or of chromosomes, genes, DNA, and the 'code of life' (our modern biology). It consists simply in the following undeniable fact, of which Aquinas was fully aware: at the start of pregnancy there is not yet a fully organized human body."<sup>77</sup>

Donceel next takes up the question, crucial for the Catholic, of the definition of the substantial form of man by the Council of Vienne. Here he finds theological support for his argument. Textual analysis of the statement of the Council and its historical background lead him to claim not a definition of the matter-form philosophy of man, but an endorsement, a marked preference for it. His argument takes on added weight from a survey of its significant defenders over centuries of time. The Catechism of the Council of Trent and the Roman Ritual from the 1617 through the 1895 edition followed the theory, not to mention other official witnesses and a host of theologians and moralists in the same period.

Thereupon Donceel asks why the doctrine of Aquinas was given up and concludes to two reasons. The first was the erroneous biological theory of preformation, whereby the complete human organism was thought to be precontained in the ovum; the second was the well-known take-over by Cartesian philosophy of the vacuum left by decadent Scholasticism.

A final section examines modern philosophy. With its strong antidualistic bent, it implicitly favors delayed over immediate hominization. The embodied-spirit concept of man is closely akin to classical hylomorphism. From a philosophical analysis of person as self-consciousness he concludes: "I feel certain that there is no human person until several weeks [of gestation] have elapsed."<sup>78</sup> Andre Hellegers, M.D., professor of physiology and biophysics, lends confirmation to this last conclusion by reporting the development of twins in the uterus as late as two weeks after conception and other new biological data.<sup>79</sup> In the light of the evidence Hellegers presents, we must reformulate our moral conclusions about the fetus.

Donceel has uncovered strong historical evidence for his thesis, precedent in official Church teaching, and theological support to be reck-

<sup>77</sup> *Ibid.*, pp. 79-80.

<sup>78</sup> *Ibid.*, p. 101. Donceel thinks that no person can be present until the fetus has senses, nervous system, brain, and cortex.

<sup>79</sup> "Fetal Development," *THEOLOGICAL STUDIES* 31 (1970) 3-9; Hellegers notes that two human cells of the zygote can rejoin after splitting.

oned with. Join to these his point of the kinship of hylomorphism with modern philosophy and his interpretation of the latest biological findings. It all adds up to a respectable case for delayed hominization. Taking a transtemporal view, we may conclude that the Catholic community enfolds a philosophico-theological pluralism on the question of immediate hominization.

### *The Official Position*

Joseph Mangan ably draws up the brief for the official Catholic position.<sup>80</sup> He reviews the biological data and in its light concludes to conception as the time most likely chosen by the heavenly Father for hominization. Neither ovum nor sperm can reproduce itself prior to this moment, he points out, while the zygote can. Citing molecular biology, Mangan finds no qualitative difference from conception on through the whole cycle of gestation to birth: "The potential for future development is as great in the fertilized egg as in the blastocyst, as in the embryo, as in the fetus, as in the premature, as in the infant. as in the child."<sup>81</sup>

Mangan next passes in review a rich selection of scriptural passages showing the dignity of man and the sacredness of human life, the divine love for each unique person created, that God alone has the power of life and death, protects the innocent and the just, the biblical distinction between killing of the innocent and the criminal and between accidental and deliberate killing. His conclusion: "The letter of the law in the Old and the New Testaments did not forbid abortion, but in its reverence for human life the spirit of the law did."<sup>82</sup> Reverence for life is incontestably inculcated by the sacred text. The author, however, seems to equate the spirit of the law with his own position on abortion; for he defines the term as "either the deliberate and direct killing of the fetus in the womb from the moment of conception or the deliberate and direct ejection of the fetus from the womb after conception and before viability."<sup>83</sup> He thereby implies that the spirit of the law prohibits interference with the fetus from the moment of conception. The scriptural teaching on life would appear to be predicable of human life present by delayed hominization.

Mangan is on more solid ground in his citation of the explicit condemnation of abortion by the *Didache* and the *Epistle of Barnabas*, of Popes Sixtus V and Gregory XIV, of moralists Sanchez and Liguori,

<sup>80</sup> "The Wonder of Myself: Ethical-Theological Aspects of Direct Abortion," THEOLOGICAL STUDIES 31 (1970) 125-48.

<sup>81</sup> *Ibid.*, p. 129, citing the International Conference on Abortion, Sept. 6-8, 1967.

<sup>82</sup> *Ibid.*, p. 139. <sup>83</sup> *Ibid.*, p. 133.

leading to the majority view of twentieth-century moralists and canonists. He makes telling use of the Code of Canon Law, the clear denunciations by Pius XI and Pius XII against tampering with life from conception, culminating in Vatican II's teaching of respect for life from the moment of conception.<sup>84</sup> The author does a service to the discussion on abortion in the Church by lining up the documents and commenting ably upon them. His argument is not just from authority but from the evidence. He also records fairly the voices in history dissenting from his own.<sup>85</sup>

Part of Mangan's argument is an appeal to probabilism, or that part of it which requires solidly probable evidence before one may act. In partial substantiation of his argument, he cites three recent authors who say that the more liberal view on abortion may not be reduced to practice: Van der Marck, Springer, and Gustafson in his response to John Milhaven's article in *Commonweal*.<sup>86</sup> I have modified my view since 1967, as is clear from my comments on these pages. Van der Marck may still hold what he wrote in 1965, but the author seems to misread Milhaven and therefore Gustafson's reply thereto. His reading of Milhaven is as follows:

A more recent article by Jesuit philosopher John G. Milhaven included some of the author's "new morality" insights on abortion. This article appeared in *Commonweal*, with a peer-evaluation article by James Gustafson as companion. Milhaven describes with approval what he judges to be a trend of "the new ethics" in evaluating the morality of abortion. "The new ethics," according to Milhaven, uniquely values "experienced life" over the more fundamental right to life of a fetus or another human person. As an example he uses the tragic case of a woman with German measles during pregnancy. He estimates her decision to have an abortion as a morally fitting response to the specific problem.<sup>87</sup>

My own paraphrase of Milhaven's passage is somewhat different: a trend in the new ethics puts great emphasis on the consequences of one's decisions for the *experienced* life of man. Typical of this empha-

<sup>84</sup> Mangan's case would be strengthened if it could be shown from the records of the Council that the teaching means immediate hominization, or at least that the conciliar fathers were frowning on the delayed-hominization view.

<sup>85</sup> For a lengthier treatment in book form, cf. Germain Grisez, *Abortion: The Myth, the Realities and the Arguments* (Washington: Corpus, 1969). Cf. also the careful review of this work by John Connery, S.J., *THEOLOGICAL STUDIES* 31 (1970) 170-76.

<sup>86</sup> "Exit for Ethicists," *Commonweal* 91 (1969) 135-40.

<sup>87</sup> *Art. cit.*, pp. 146-47. The paragraph of Milhaven is as follows: "the fittingness of the response is always determined by what results in experience. Typical is the woman today who, having German measles during pregnancy, has an abortion and gets herself pregnant again. Decisive for her is what would be the experienced life of her child. With the odds 40-60 that the child would live with serious deformities, she feels obliged to improve

sis on experience is the pregnant woman with German measles. She feels obliged to intervene against the unexperiencing, potential life within her, since she values consciously experienced life more, the life she fears her defective child would have. True, the new ethic makes less of unborn life and a great deal of life imperiled, for example, in a war situation. But this is not an inconsistency in the new ethic. Life jeopardized by the hazards of war is consciously experienced life. I do not read this as an "approval" of abortion by Milhaven for a mother with rubella.<sup>88</sup>

### *The Law and Abortion*

Biology, sociology, medicine, philosophy, and theology may all have their say about abortion, but lawyers must have the final word as to what is legally viable in our society. Robert Drinan moves the public discussion forward by isolating five points of consensus: (1) abortion is much too serious a matter for a woman to have unaided by a physician; (2) American society by its existing law considers even the nonviable fetus to be *sui juris*, with the right to inherit and to receive damages for injury; (3) easy abortion should not be allowed to become a substitute for conception control; (4) there is some agreement even among the antiabortionists that after rape and incest abortion can be legalized (for example, Catholic medical ethics allows a D and C after rape); (5) the fetus after viability should be inviolable.<sup>89</sup>

Having established an area of agreement more ample than many of us might have suspected, Drinan enters into the arena of religious dispute. He does so not as a theologian, but as a lawyer trying to get theologians of differing traditions to put their heads together and

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chances for a good experienced life. The unconscious, non-experiencing fetus is, for her, merely a potentiality for life. Indicative of the lack of genuine dialogue presently in the Church is the charge of inconsistency in evaluating human life leveled by proponents of the old morality against those of the new. True, the new trend makes less of the human life of a fetus or a patient left only with vegetative functioning, while making more of a life of a prisoner condemned to die or a soldier or civilian in wartime. But this is not inconsistent. What the new trend values uniquely is *experienced life*, conscious personal and interpersonal actions and reactions" (*art. cit.*, p. 140).

<sup>88</sup> Moreover, Gustafson's own respectful ethical theory of life would allow abortion in exceptional circumstances. "Thus while human life is not an absolute value, it is to be preserved unless there are substantial grounds for regarding other values to be of greater significance in the particular circumstances in which judgments are made" (*Proceedings of the Twenty-Third Annual Convention of the Catholic Theological Society of America*, p. 101). For a compelling experiential presentation against abortion by a doctor, cf. James Diamond, M.D., "Humanizing the Abortion Debate," *America* 121 (1969) 33-39.

<sup>89</sup> "Jurisprudential Options on Abortion," *THEOLOGICAL STUDIES* 31 (1970) 149-69.

agree on an abortion *law* that would be acceptable to all, or least offensive. This is a legitimate request. Wondering out loud, he asks whether Protestant, Catholic, and Jewish theologians could not agree that it is wrong to terminate the life of a healthy fetus in the womb of a healthy mother.

Next he states that in the welter of conflicting signals which Catholics receive, "Catholic theologians tend to be silent, while Catholic spokesmen seek to bring together any and all forces which will reverse the tide which is running so strongly to turn abortion over to the private sector and to disestablish it as a part of public morality."<sup>90</sup> At the same time, he continues, when certain Catholic theologians are exploring "an opening to the left," they are treated as fraternizers with the enemy; on the other hand, theologians who follow Vatican II's "hard line" have not hit upon a wave length that reaches non-Catholics. He thus paints a picture of a divided community without communication among its various groups.

Drinan next surveys the existing or suggested legal patterns, from the one forbidding all abortion except to save the mother's life to the one that would withdraw all criminal sanctions from the law, weighs the complex and numerous advantages and disadvantages of each, and concludes: "This author has no easy solutions or ready options for the Catholic legislator, jurist, or spokesman on the question of abortion and the law."<sup>91</sup> He seems to be saying "You pays your money and you takes your choice," and then live with it, good and bad.

### *Psychology and Abortion*

The psychological aspect of abortion will be given summary treatment both because of overextended space and the lack of hard data. The term "psychology" is used here loosely of the writings of psychologists, psychiatrists, and analysts. The layman scanning the literature is confused by articles that clearly and strongly oppose abortion and others that just as strongly support it. An example of the latter is "Abortion Is No Man's Business," by Natalie Shainess, M.D.<sup>92</sup> The title appears tendentious until we reflect that thus far in the history of mankind women have been carrying the babies and men have written the laws. At any rate, the author first surveys the various problems created by the unwanted pregnancy and then reaches her conclusion:

<sup>90</sup> *Ibid.*, p. 158.

<sup>91</sup> *Ibid.*, p. 168. For other legal evaluations, cf. John Noonan, Jr., "Amendment of the Abortion Law: Relevant Data and Judicial Opinion," *Catholic Lawyer* 15 (1969) 124-35; David Granfield, "The Present Status of the Abortion Controversy," *American Ecclesiastical Review* 162 (1970) 195-204.

<sup>92</sup> *Psychology Today* 3 (1970) 18-22, 74-75.

We should not permit an unwanted child to be born. An unwanted child destroys a woman's mastery of her life and creates great stress and anxiety, damaging to her and all around her. But the real victim is the child. For we hide from the unpleasant fact that an unwanted child is a hated child and will be treated cruelly—by overprotection, by inattention, by destructiveness or abandonment, by child-battering, by murder. And ultimately society suffers: hated children become hate-filled adults, even more destructive to their own children.<sup>93</sup>

Other voices from the psychological fraternity take a different key. Dr. R. Bruce Sloane of Temple University, writing in the *New England Journal of Medicine*, states: "there are no unequivocal indications for therapeutic abortion."<sup>94</sup> Where a pregnancy is allowed to go to term, precipitation of a psychosis or aggravation of one is a slight risk and an unpredictable one. Suicide rarely occurs.<sup>95</sup>

The likely explanation of such conflicting voices, according to the Group for the Advancement of Psychiatry, is "the lack of consistent psychiatric data on the effects of both abortion and an unwanted pregnancy. . . ."<sup>96</sup>

Joseph Rheingold, M.D., reaches a similar conclusion: "No generally accepted evaluative criteria have as yet been established."<sup>97</sup> He explains why: "The impossibility of exact judgment inheres in the predictive nature of the psychiatrist's decision. He may err in either direction: the woman may be aborted, with regrettable consequences, or she may not be aborted, with regrettable consequences. There are far too many variables, including the unforeseeable, to allow of scientific accuracy of judgment."<sup>98</sup> The alternative, Rheingold believes, lies in total support of the pregnant woman by all community resources, medical, social, and religious.<sup>99</sup>

With so many question marks punctuating the above pages on abortion, it is clear that much work remains to be done in all areas, psychological, medical, legal, sociological, and philosophical-theological. As far as Catholics are concerned, there is a sign of hope. Some have acknowledged the presence of new data from the various disciplines. The tremendous complexity of the question should not deter us from taking part in the public discussion. The debate is here to stay, both in society at large and in the Church.

<sup>93</sup> *Ibid.*, p. 18.

<sup>94</sup> Issue of May 29, 1969, cited in *the Medical-Moral Newsletter* 6 (1970) 27-28.

<sup>95</sup> *Ibid.*, p. 27.

<sup>96</sup> As reported in the *New York Times*, Oct. 12, 1969, p. 40.

<sup>97</sup> "Some Psychiatric Aspects of Induced Abortion," unpublished ms., p. 1, from the International Conference on Abortion (1967), sponsored by the Kennedy Foundation and the Harvard Divinity School.

<sup>98</sup> *Ibid.*, p. 2.      <sup>99</sup> *Ibid.*, p. 5.

Spokesmen for the Catholic tradition should not speak as if there were no plurality of views in our midst. This would be a failure to be open to the Spirit moving through all levels in the Church, as well as dishonesty in the face of reality. Nor should our spokesmen neglect to enter into genuine dialogue with the other positions that compose our pluralistic society. This would be a lack of trust in the democratic process to which we have committed ourselves, a sin against the virtue of patriotism, if you will, and an imprudent risk to the ecumenical progress made to date.

Too often Catholic spokesmen in the past, both clerical and lay, have given the appearance of a solid phalanx of opposition to change in law, when there was in reality no phalanx behind the solid wall of shields in the front ranks. This happened a few years ago with the battle over the repeal of statutes prohibiting the public sale of contraceptives. Within our ranks grave doubt had been raised about the legality and morality of such laws. The motivation behind Catholic resistance was partly to see Catholic morality remain on the books, partly poor strategy. The strategy held that if we yielded ground on contraception, the floodgates would be opened to the repeal of laws against abortion and homosexuality. The spokesmen were right about abortion and homosexuality, but they failed in their strategy. They did not keep the statutes on the books.

Had we yielded in the public discussion over public sale and taken a stand on firmer ground, we might now have far more support from Protestants, Jews, and humanists with regard to abortion-liberalization bills. Instead, the phalanx gave Catholics the public image of being intransigent and of trying to foist their view on a pluralistic society.

Can we not at least admit publicly that there is Catholic support for delayed hominization, that some theologians are rethinking the prohibition of direct abortion in the instance where mother and child will both die? This is still a far cry from abortion on demand. Who can be for abortion on demand when the majority of petitioners are married mothers who do not want another child?

#### *Co-operation in Abortion*

The *Clergy Review* presents a forum, with a moralist, a physician, and two nurses participating, on the question of conscience and abortion: What should doctor and nurse do when the implementation of abortion law violates conscience?<sup>100</sup> The background of the article is England, where the new and liberal abortion law went into effect in

<sup>100</sup> Fr. Pius, O.F.M.Cap., "Conscience and the Abortion Law," *Clergy Review* 55 (1970) 288-97.

April, 1968. The problem, recognizably, is the classical one of co-operation in moral evil.

The forum is reviewed here not as source of rules of conduct, for one cannot simply transpose from one culture to another a concrete set of rules. Rather, attention is drawn to Father Pius' pages for their exemplification of two points of moral methodology. First, the forum has lay participants taking part with the clerical writer in real dialogue. This is in accord with Vatican II's directive of increased responsibility for the laity, in whom the Spirit also moves for the good of the whole Church. Secondly, Fr. Pius provides a set of guidelines for co-operation but recognizes their limitation: "the situations which [the hospital staff] are called upon to face are all individual."<sup>101</sup> He is refreshingly honest: "I believe that we have suffered in the past because moral theologians have attempted to provide clear-cut, black-white, yes/no answers to the smallest details of the problems about which our opinions were asked. . . ."<sup>102</sup> Yet he does not back off from giving an answer:

As a rule of thumb one can say that the more fully one is called upon to cooperate [in unethical abortion] then the more pressing must be the reasons forcing one to that position, but that one ought not to cooperate when the only conclusion that can reasonably be drawn by anyone observing your actions would be that you agreed with what was happening.<sup>103</sup>

#### STERILIZATION AND ARTIFICIAL INSEMINATION

John Mahoney of Heythrop College, England, attempts to reconcile new development with tradition in his "Meaning of Procreation."<sup>104</sup> He begins with the concrete: the married woman who is assured by the doctor that were she to become pregnant again, she would inevitably lose her baby. She could be the bearer of a uterus scarred by multiple cesarean delivery, or the victim of Rhesus incompatibility, or have a past history of miscarriages. The question he raises is this: Would taking the pill or section of her fallopian tubes be sterilization of the kind condemned by the Church?

On the face of it, it would. But Mahoney is not satisfied with taking all Church teaching at face value. One good reason is that such teaching is not always consistent. Traditionally it has been the role of theologists to reconcile inconsistencies.<sup>105</sup> He finds just such a discrepancy

<sup>101</sup> *Ibid.*, p. 292.    <sup>102</sup> *Ibid.*, p. 293.    <sup>103</sup> *Ibid.*, p. 290.

<sup>104</sup> This is Part 2 of "Moral Theology Forum: The Development of Moral Doctrine," *Clergy Review* 55 (1970) 180-93.

<sup>105</sup> One recalls Gerald Kelly's reconciliation in these pages some years ago of the love of neighbor with the principle of totality, the latter apparently ruling out transplantation of organs according to Pius XII.

in the teaching of Pius XII. In an address to haematologists, Pius maintained the immorality of certain drugs to be their purpose of "preventing conception in preventing ovulation."<sup>106</sup> Other statements, however, of the same Pontiff opposed sterilization because it makes *procreation* impossible. Mahoney resolves the inconsistency by concluding that use of the pill is condemned by Pius "because in preventing conception it prevents procreation."<sup>107</sup> He is thus in line with the tradition of the primary purpose of marriage. Moralists and official teachers, he wisely suggests, had presupposed that conception and procreation were synonymous.

A closer look at the teaching of Pius XI, Pius XII, and Paul VI on marriage reveals much more attention to the good of the offspring (*bonum prolis*) than was previously realized. From these sources Mahoney deduces that procreation as a purpose of marriage means not just conception of a child but "the total process including conception, nidation, gestation and parturition culminating in the birth of a live child in human society."<sup>108</sup>

It seems reasonable to take procreation in this broad sense involving mother and child, conception through safe delivery. The teaching would have been shortsighted if it had maintained that the purpose of marriage was solely to conceive. Furthermore, this interpretation does remove inconsistency. How explain "sterilization" of a woman unable to procreate, as in the examples above? Is she not already sterile from the condition of her health?

Sterilization, then, as condemned by the Church, is, Mahoney suggests, a "direct attack on her ability to procreate in this full sense of the term."<sup>109</sup> Accordingly, the mother described above, unable to bring to birth a live baby, might take a contraceptive or have her tubes tied, as the doctor judges better. This may be medical sterilization, but it is not ethically objectionable sterilization.

Nor need she be bound, Mahoney feels, to sexual abstinence. Abstinence is not the only acceptable alternative to unethical sterilization. There is morally permissible sterilization. Moreover, he points out, Pius XII's objection to the pill was that the principle of totality could not be invoked on behalf of the mother. Her health (so went the reasoning) was not being preserved by pill or fallopian section. But in the context of foreseen fetal death another factor enters in, the child, which the Pope did not have in view when he made his statement. A final reason for not insisting on abstinence is the reluctance of moralists to prescribe this bitter pill in such cases.

<sup>106</sup> AAS 50 (1958) 735.

<sup>107</sup> *Art. cit.*, pp. 188-89.

<sup>108</sup> *Ibid.*, pp. 189-90.

<sup>109</sup> *Ibid.*

To take up another matter re-examined by moralists in recent years, but only now appearing in print, Roger Van Allen reconsiders the case of the childless couple and artificial insemination when the semen of the husband is obtained by masturbation.<sup>110</sup> The previous prohibition of this procedure was one that doctors found hard to understand. With their ethical sensitivity and common sense, they could not see why it was wrong. Furthermore, recent moral analysis is disinclined to view the external action by which the semen is obtained as constituting the moral entity of the act.

The author's conclusion takes into account both the common-sense evaluation of doctors and the greater importance of intention in moral matters than the external, physical element of an act: "Masturbation by a husband undertaken out of necessity for the artificial insemination of his wife, when viewed as a human action rather than a biological occurrence, can lose its character of self-abuse and become an unselfish act ordered toward procreation and therefore it may be considered licit."<sup>111</sup>

Rather than "losing its character of self-abuse," other moralists would prefer to say that the action is morally neutral from its object and receives its moral specification of good or evil from the circumstances and the purpose of the agent. They would reach the same conclusion as Van Allen about the liceity of the action of husband and wife.

#### THEOLOGY OF RACE

In combing through the journals for material for these Notes with an eye open for theology and race, it came as a disappointment to discover how little there is to report. One's first reaction is to drop the topic from the survey. On second thought it seems better to report the meager findings and call this to the attention of the moral fraternity, then indicate some of the ethical problems in the area of race.

One reason for the paucity of theological writing, as contrasted with sociological and psychological publication, may be that we are unaware of our hidden racial prejudice. The extent of our anti-Semitism has been borne in upon us of late. A study of anti-Negro prejudice conducted in the Philadelphia area is enlightening, if disconcerting.<sup>112</sup> Catholics come off badly in the survey. Though we may not generalize

<sup>110</sup> "Artificial Insemination (AIH): A Contemporary Re-analysis," *Homiletic and Pastoral Review* 70 (1970) 363-72.

<sup>111</sup> *Ibid.*, p. 371.

<sup>112</sup> Burnham, Connors, and Leonard, "Racial Prejudice in Relation to Education, Sex and Religion," *Journal for the Scientific Study of Religion* 8 (1969) 318-26.

about the country as a whole from a study of one area, it is to be feared that the rest of us would come off no better from a nationwide survey.

But the factual picture is not all dark. The press reported the courageous stand for school integration in Louisiana by the bishops and the local Conference of Major Superiors of Religious Women. They refused to open the Catholic school system to refugees from integration when public authority pressed for integration of public schools in February, 1970. Jesuit major superiors made a quarter of a million dollars available to some five hundred black families as security when they were faced with eviction from their homes in Chicago.

On a higher level, the National Conference of Catholic Bishops struck a blow for black power with the historic decision of November, 1969, to set up the Secretariat for Black Catholicism in response to the demand of the Black Catholic Clergy Caucus. Richard Rashke supports their demand and points to the reaction of fear and anger of white Catholics to the Caucus' charge that the Church is a white racist society.<sup>113</sup> He appeals for trust in our brown brothers. Rashke is right. Somehow the spiritual blindness of fear and anger must cede to recognition and *metanoia*. The virtue of trust must play midwife to the birth of Christian love.

Our failure in regard to the Negro is evil enough in itself. The redress of this crime, by helping him recover what is rightfully his, equality as a person and as a brother of Christ, is all the more a moral imperative in view of the fact that his struggle is symbolic for the peoples of the Third World, recently liberated from political colonialism but still the victims of economic and cultural domination. As the acceptance of the Negro in America becomes a reality, resurrection to an equal place in the sun for people in Asia, Africa, and South America becomes a possibility.<sup>114</sup>

Though a theology of race is a rare commodity, moral questions and problems abound. Black power is one. Bugaboo that it is for white Americans, for the black man it is a response to a dual need, social and psychological. Socially, he needs the power to move upward politically and economically to a place that the white power structure has hitherto denied him. Psychologically, he must discover an image of himself as a person and a child of God in proportion to his merits. Not just slavery, but white reinforcement of his negative identity of himself since emancipation, has robbed him of the self-esteem which

<sup>113</sup> *Commonweal* 92 (1970) 35-37.

<sup>114</sup> *Dialog* 9 (1970) 84-129 devotes a whole issue to the single subject "The Third World and the Mission of the Church."

is a basic human need. He can only capture this esteem by positively identifying with black culture. How achieve this goal?

Black power through black nationhood is an unrealistic dream, according to Theodore Draper.<sup>115</sup> Most other scholars of the subject would agree. Yet the black man must remain within the political and cultural context of North America, without losing some measure of independence of the dominant culture, if he is to find his black identity. There are varying degrees of association-disassociation with respect to white society. Which is to be his?

On the one hand, we must avoid the evil of acculturation, of making him over into our image of man, the white middle-class image. On the other hand, he is dependent on white acceptance to accept himself. Some measure of association with whites must be assured him, for his good and ours. What mode of association must be guaranteed him? What measure of separation from white society must be assured him to preserve his right to be Black-American, as Irish-American, Italian-American, and other ethnic groups have done before him? Surely theology can work out some norms to guide decisions affecting the lives and livelihood, material and spiritual, of a whole people.

Another pressing question to which the ethicist may address himself is the issue of preferential treatment. What is the obligation of a society that has held back a segment of its people to redress the injury by preferential job quotas and college-entrance quotas? It would seem that an obligation exists in justice toward blacks and self-love for whites.

The makings of a theology of race are at hand. One might begin with the Bible and its beginning, the Book of Genesis. The Cain and Abel story says: "Man's revolt against God leads to his revolt against his fellow man."<sup>116</sup>

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<sup>115</sup> "The Fantasy of Black Nationalism," *Commentary* 48 (1969) 27-54. Earlier in the same journal, cf. David Danzig, "In Defense of 'Black Power,'" 46 (1966) 41-46, for a convincing presentation of the need for black power.

<sup>116</sup> *JBC* 2:30, commenting on Gn 4:1-16.