

CURRENT THEOLOGY

NOTES ON MORAL THEOLOGY: APRIL-SEPTEMBER 1975

Since the last edition of these "Notes," the literature dealing with moral questions has shown no inclination to slow up. There are interesting entries on sin¹ and, as was to be expected, on the new rite for the sacrament of penance.² Marital and sexual ethics never escape treatment.³ The notion of natural law continues to receive attention in a variety of forms,⁴ as does the relationship between faith, reason, and morality.⁵ The place of authority in morality is another subject of

¹ Paul Martin, "Sin, Guilt, and Mental Health," *Christian Century* 92 (1975) 525-27; Timothy E. O'Connell, "The Point of Moral Theology," *Chicago Studies* 14 (1975) 49-66; Eric W. Gritsch, "Bold Sinning: The Lutheran Option," *Dialog* 14 (1975) 26-32; Klaus Demmer, M.S.C., "Theologia peccati anthropologica mediata," *Periodica* 64 (1975) 75-98; Donald Evans, "Moral Weakness," *Philosophy* 50 (1975) 295-310; Alfons Auer, "Ist die Sünde eine Beleidigung Gottes?" *Theologische Quartalschrift* 155 (1975) 53-68; Marciano Vidal, "Definición teológica de pecado para un mundo secularizado," *Sal terrae* 63 (1975) 563-72.

² Robert Coffey, "Why a Reform of the Sacrament of Penance?" *Furrow* 26 (1975) 259-69; Ludwig Bertsch, "Sakrament der Wiederversöhnung—Zur Neuordnung von Busse und Bussakrament," *Geist und Leben* 48 (1975) 63-72.

³ James Downey, O.S.A., "Polygamy: Wrong Reasons," *African Ecclesiastical Review* 17 (1975) 147-53; Eugene O'Sullivan, O.P., "Humanizing Sexuality," *Catholic Mind* 74 (1975) 11-17; Guy Charles, "Gay Liberation Confronts the Church," *Christianity Today* 19 (1975) 1142-45; G. M. Debuissou, "Théologie mariale et mystère du couple," *Eglise et théologie* 6 (1975) 195-240; L. C. Bernal, "Génesis de la doctrina sobre el amor conyugal de la Constitución 'Gaudium et spes,'" *Ephemerides theologicae Lovanienses* 51 (1975) 49-81; Antonio Vargas-Machuca, "Los casos de 'divorcio' admitidos por San Mateo: Consecuencias para la teología actual," *Estudios eclesiásticos* 50 (1975) 5-54; David R. Cartlidge, "1 Corinthians 7 as a Foundation for a Christian Sex Ethic," *Journal of Religion* 55 (1975) 220-34; Richard Sherlock, "Creation, Procreation and the Gift of Life," *Linacre Quarterly* 42 (1975) 38-53; Hans Rotter, S.J., "Zur Grundlegung einer christlichen Sexualethik," *Stimmen der Zeit* 193 (1975) 115-25; Adolfo F. Diaz-Nava, "Paternidad responsable," *Sal terrae* 63 (1975) 601-8.

⁴ Edward A. Malloy, C.S.C., "Natural Law Theory and Catholic Moral Theology," *American Ecclesiastical Review* 169 (1975) 456-69; Raymond Bradley, "The Relation between Natural Law and Human Law in Thomas Aquinas," *Catholic Lawyer* 21 (1975) 42-55; William E. May, "The Natural Law, Conscience, and Developmental Psychology," *Communio* 2 (1975) 3-31; Bernice Hamilton, "A Developing Concept of Natural Law," *Month* 236 (1975) 196-200; Robert B. Ashmore, Jr., "Aquinas and Ethical Naturalism," *New Scholasticism* 49 (1975) 76-86; John F. Harvey, "Law and Personalism," *Communio* 2 (1975) 54-72.

⁵ James J. Walter, "Christian Ethics: Distinctive and Specific," *American Ecclesiastical Review* 169 (1975) 470-89; Donald J. Keefe, "Toward a Eucharistic Morality," *Communio* 2 (1975) 99-125; Pietro Palazzini, "Gli autentici valori morali del vangelo," *Divinitas* 19 (1975) 16-34; Raimondo Spiazzi, "Fede e morale nella prospettiva teologica di San Tommaso," *Doctor communis* 27 (1975) 123-36; Edouard Hamel, S.J., "La théologie morale entre l'Écriture et la raison," *Gregorianum* 56 (1975) 273-319; Joseph de Finance,

abiding importance.⁶ This survey will confine itself to three areas of concern where the literature has been especially heavy: behavioral moral norms (their meaning and limit), care for the dying and euthanasia, human rights and the mission of the Church.

MORAL NORMS: MEANING AND LIMITS

The question of moral reasoning and the norms that result from it continues to be one of burning interest. In his address to the members of the International Theological Commission (Dec. 16, 1974), Pope Paul VI called attention to the fact that the very principles of the objective moral order are a matter of controversy.⁷ After noting the importance of biblical teaching for moral theology, he stated: "Theological reflection will then have to move from the Scriptures to a proper definition of moral norms in accordance with the established principles of faith and of exegesis and hermeneutics."

This concern with norms and their permanence was of particular concern to the Commission. It is sometimes said that all the directives and value judgments of the New Testament must be questioned because they are historically conditioned. M. Schürmann's careful study addresses this question and concludes that the vast majority of Pauline value judgments retain permanent validity.⁸ This is so because they are transcendental in character; that is, they are concerned with the gift of self as love of God and neighbor.

S.J., "Il valore morale e la ragione," *Rassegna di teologia* 16 (1975) 305-16; John P. Boyle, "Faith and Christian Ethics in Rahner and Lonergan," *Thought* 50 (1975) 247-65; Volker Eid, "Befreiende Rede von Gott in der praktizierten Moralthologie," *Theologische Quartalschrift* 155 (1975) 117-31; Frederick Carney, "On Frankena and Religious Ethics," *Journal of Religious Ethics* 3 (1975) 7-26; Stanley Hauerwas, "Obligation and Virtue Once More," *ibid.*, pp. 27-44; William Frankena, "Conversations with Carney and Hauerwas," *ibid.*, pp. 45-62.

⁶ John E. Skinner, "The Meaning of Authority," *Anglican Theological Review* 57 (1975) 15-36; Luigi Ciappi, "Libertà di pensiero e magistero della Chiesa in San Tommaso d'Aquino," *Doctor communis* 27 (1975) 64-73; "Décret au sujet de la vigilance des pasteurs de l'église sur les livres," *Documentation catholique* 72 (1975) 361-62; Jeremy Moiser, "Law, Liberty, Church, and Gospel," *New Blackfriars* 56 (1975) 100-110; G. Martelet, S.J., "Praxis humaine et magistère apostolique," *Nouvelle revue théologique* 97 (1975) 525-28; Bernhard Fraling, "Die moralische Autorität der Kirche," *Theologie und Glaube* 65 (1975) 89-99.

⁷ Pope Paul VI, "Membris Commissionis Theologicae Internationalis Romae plarium coetum habentibus," *AAS* 67 (1975) 39-44; cf. also *The Pope Speaks* 19 (1975) 333-39.

⁸ Heinz Schürmann, "Haben die paulinischen Wertungen und Weisungen Modellcharakter?" *Gregorianum* 56 (1975) 237-71. This was a presentation to the 12th Congress of Polish Bible Scholars (Breslau, Sept. 3-5, 1974) and was part of the dossier of the International Theological Commission. A shortened French version is available in *Esprit et vie* 85 (1975) 600-603 and *Documentation catholique* 57 (1975) 761-66.

Interest in norms is manifested in other quarters. An entire issue of *Dialog* (with essays by Franklin Sherman, Larry Rasmussen, and James Burtness among others) is devoted to decision-making in the contemporary world.⁹ Kenneth W. Thompson believes that the "one art most needful of restoration is the ancient art of moral reasoning, of wrangling not about personalities or policies, but about the moral propositions and values underlying them."¹⁰ New facts and possibilities force us to ask new questions, or at least to test old formulations in light of such developments.¹¹ This concern need not imply that ethical reflection does or ought to begin with the question "What ought I do?" as Stanley Hauerwas suggests.¹² Hauerwas believes that in approaching the fascinating problems of, e.g., modern medicine, one is involved in a kind of moral engineering that only reinforces the assumptions behind modern medicine. Of course, that can be the case. But it need not be. It is the function of good moral discourse to lay bare and challenge the assumptions involved in the very statement of the problem. Be that as it may, only a few recent contributions on norms can be reviewed here and other pertinent material footnoted in the process.

Timothy E. O'Connell argues that the recent discussions on material moral norms (e.g., the work of Knauer, Fuchs, Schüller, and others) represent an emphasis that is not justified.¹³ The implicit premise of this concern for the importance of material norms, he contends, is that formal norms are unimportant. Contrarily, O'Connell's thesis is that "for the Christian moral life formal norms are, if anything, more important than material norms."

He offers several arguments for this thesis. First, the primary thrust of Catholic emphasis on natural law is that moral obligation is objective, not primarily that it is immutable. Secondly, and more positively, he believes that formal norms are very important, a point he thinks is widely missed by contemporary authors because they presuppose that the primary function of moral norms is instruction, whereas he believes that it is motivational. "I would assert that the primary function of moral

⁹ *Dialog* 14 (1975) 21 ff. Cf. also T. Urdanoz, O.P., "La moral y su valor objetivo," *Angelicum* 52 (1975) 179-227; Denis O'Callaghan, "What Has Happened to the Ten Commandments?" *Furrow* 26 (1975) 36-42; Charles Curran, "How My Mind Has Changed: 1960-1975," *Horizons* 2 (1975) 187-205.

¹⁰ Kenneth W. Thompson, "Right and Wrong: A Framework for Moral Reasoning," *Christian Century* 92 (1975) 705-8.

¹¹ Bernhard Stoeckle, O.S.B., "Das Problem der sittlichen Norm," *Stimmen der Zeit* 100 (1975) 723-35.

¹² Stanley Hauerwas, "The Ethicist as Theologian," *Christian Century* 92 (1975) 408-11.

¹³ Timothy E. O'Connell, "The Question of Moral Norms," *American Ecclesiastical Review* 169 (1975) 377-88.

norms is not instruction at all, but rather motivation. . . . ”¹⁴ The reasons he proposes for this are: (1) Value systems are pivotal in the development of the person, as is clear from many disciplines; but it is formal norms that articulate these values. (2) The kind of norms that have a motivational focus (formal norms) seem to be more universal within the family of man. (3) At the level of the commonplace activities of life, the occasions requiring moral information are outnumbered by the occasions where moral motivation is needed.

There are two aspects of O’Connell’s useful essay that are somewhat puzzling. First, it is not at all clear that the implicit premise of recent concern for material norms is the unimportance of formal norms. The more obvious premise is simply that material norms are more problematical. The vast literature in moral philosophy on moral norms is sufficient testimony to this. Add to this the fact that the problematical character of some moral norms is inseparably associated with some moral concerns of the first magnitude (the magisterium and the use of authority in the Church, the theological weight of tradition, dissent, the meaning of *sensus fidelium* in moral matters, pluralism in theology, the weight and meaning of reasoning in theological ethics, pastoral guidance, etc.) and it is easy to see why recent Catholic literature has devoted the attention it has to such matters.

The second reason is closely related to the first and concerns moral norms as motivational. O’Connell argues that the presupposition of contemporary concern with material norms is that “the primary function of norms is instruction.” He denies this and says that the primary function is motivational. When one says that moral norms are primarily motivational in function, he is saying something rather obvious, if it is understood that formal moral norms are in question. No one, as far as I know, has ever doubted this. However, such a statement is not true of material moral norms. It is the precise function of material norms to be instructional of what formal norms state in general and even trivial terms.

For instance, “Thou shalt not murder” is a truism, for the term “murder” is a highly compact value term that means “unjust killing.” Therefore, when one uses such propositions (truisms), it is clear that the purpose is not to convey information about the specific content of the proposition; the purpose is parenetic: to remind one of what he is presumed to know and to exhort him to do (or avoid) it.

This raises once again the important distinction between parenetic discourse and explanatory discourse. Formal norms fall into the category

¹⁴ *Ibid.*, p. 385.

of parenetic discourse. They invite, exhort, judge. They do not primarily inform or instruct, because they presume that the specific content is clear and known. This does not mean that they are "useless."¹⁵ The New Testament is full of parenetic discourse. St. Paul found it not only useful but indispensable. For instance, the works of the flesh are enumerated in Gal 5:19-21: "immorality, impurity, licentiousness, idolatry, sorcery, enmity, strife, jealousy, anger, selfishness, dissension, party spirit, envy, drunkenness, carousing, and the like." These terms are compact value terms like "murder" and "adultery." They do not convey information about the exact content of what is prohibited, but presuppose this. They are still useful, but for a different purpose: to remind, exhort, etc.

When, therefore, O'Connell argues that formal moral norms are "more important" than material norms, he is in a sense comparing the incomparable; for the two types of norms have different purposes, just as parenetic and explanatory moral discourse do. Formal moral norms (parenetic discourse) remind of the right and exhort to it. Material moral norms (explanatory discourse) attempt to state specifically what the formal norms state in compact value judgments. They attempt, e.g., to specify what is to count for "murder." Therefore they are instructional. One form of discourse is not "more important" than the other; they are simply different in terms of function and purpose. Therefore, the presupposition of concern with material moral norms is not, as O'Connell contends, that "the primary function of norms is instruction," but only that the primary function of *material* norms is instruction.

What O'Connell is probably saying is that concern with the problematic aspects of material norms should not lead us to de-emphasize the importance of parenetic discourse in the moral-spiritual life. I believe all would agree with that. Bernard Häring, in a ranging treatment of moral norms, makes exactly this point.¹⁶ Distinguishing between prohibitive (limitative) norms that define the minimum always demanded, and goal-commandments (*Zielgebote*, e.g., the Sermon on the Mount), Häring argues that the latter deserve more stress in a truly Christian moral theology. But the term "norm" then takes on a different sense: "the liberating norm of the 'law of faith,' 'law of grace.' In this sense Christ is our life, the way, the life-giving truth. We follow his 'law' if we are on the road with him. . . ."

Yet it is interesting to note that at the very time Häring says this, he

¹⁵The reference is to John Giles Milhaven's review of *Naturrecht in der Kritik*, THEOLOGICAL STUDIES 35 (1974) 200.

¹⁶Bernard Häring, "Norms and Freedom in Contemporary Catholic Thought." This study, a lecture at Fordham University, is in the process of publication; it should appear shortly.

spends most of his time discussing material norms. He underlines the many considerations (experience, related sciences, historical and cultural knowledge) behind them and hence their provisional character. This provisional character, he notes, is "generally accepted within the community of moral theologians all over the world" but not by all priests and bishops trained in a more static notion of natural law. Häring then notes:

If we understand the provisional character of norms laid down in the past, the provisional character of the data available, and the different historical contexts, then a solid hermeneutics and new efforts by theologians do not have the character of dissent from the teaching of the official magisterium; they are a solidaric part of the continuing effort of the whole Church to find the best possible norms for the ever new historical context. . . .

This is an important point and I will return to it later. Häring uses it as the context of his disagreement with Thomas Dubay. Dubay, he believes, views the sometimes disturbing phenomenon of pluralism in moral theology from a "merely institutional point of view"—one that, under analysis, gives a higher priority to institutional efficiency than to the quest for truth.¹⁷ Häring grants that we must accent the many points on which we are united, "but this agreement should never be won by lack of sincerity or lack of courage to face the real problems of today's world, even when the hierarchy (or rather a part of it) seems not to realize the new situation."

In a long study on the relationship of conscience to moral norms, M. Huftier asks whether it is possible to draw up a list of objectively grave sins.¹⁸ His answer is affirmative. He first notes that the moral quality of human actions is derived from both general/objective and individual/subjective considerations. The study is primarily concerned with establishing a proper balance between conscience and objective morality. In this it succeeds very well and provides an abundance of useful scriptural and papal texts to the point.

In the course of his essay, Huftier turns to the fonts of morality (object, end, circumstances) to establish the proper balance between the general and individual considerations. Some actions, he argues, have a morality *ex objecto* that no good intention can change. "Hate, e.g., is directly opposed to God who is love; the lie is of itself opposed to God

¹⁷ Cf. Thomas Dubay, S.M., "The State of Moral Theology," *THEOLOGICAL STUDIES* 35 (1974) 482-506. Charles Curran's response to Dubay ("Pluralism in Catholic Moral Theology"), a manuscript copy of which Curran kindly forwarded to me, will appear in *Chicago Studies*.

¹⁸ M. Huftier, "Conscience individuelle et règle morale," *Esprit et vie* 85 (1975) 465-76, 481-89.

who is truth."¹⁹ Therefore, although the subjective intention is a source of morality, it does not purify an action that is evil by its object. To say anything else would be to say that a good end justifies evil means.

Huftier then turns to Paul, Augustine, and Aquinas to support his contention that it is indeed possible to draw up a catalogue of objectively grave offenses. He cites Gal 5:19-21 as evidence. Augustine refers to the Pauline list and states of the sins mentioned there: "coetera mortifera peccata, quae uno ictu perimunt." Augustine further affirms: "There are certain actions that are good or bad according to the perversity of the causes that lead us to perform them. . . . But when our actions are sinful in themselves, as are adultery, theft, blasphemy, who will dare say that if we perform them with the intent to do good they are not sins. . . .?"²⁰

Few would want to deny that there are objectively evil actions; but two points must be made. First, in developing this thesis, Huftier has confused parenetic discourse with explanatory discourse. He uses the Pauline list from Galatians to bolster his contention that certain actions are evil *ex objecto* in the traditional sense. That is, prior to a consideration of any circumstances or intent they are morally wrong. The text of Augustine cited above is used in the same way. However, the question is not whether adultery is justified by a good intent. It is rather how the circumstances and intent must be weighed before an action is called adultery (or theft, or blasphemy). Parenetic discourse such as that found in Paul and Augustine does not tell us that. Somewhat similarly, Huftier gives as a general criterion for acts intrinsically evil their opposition to the virtues. No one can question this as a general statement. But the question is: which actions are to count as contrary to the virtues?

The second reflection concerns the axiom "a good end does not justify an evil means." Huftier repeatedly uses this to establish the fact that the intention plays only an attenuating or aggravating role if the means is already morally wrong. That is certainly true. But it is not the crucial question. The crucial question is: what makes the means *morally* wrong? One does not answer that question by referring to texts condemnatory of murder, adultery, theft, etc.; for these terms contain value judgments, *scil.*, that the evil in question (e.g., the killing) is not justified.

Therefore the axiom under discussion must be carefully understood. If it means that a nonmoral good (end) does not justify a morally bad means, it is correct. If, however, it is understood to mean that no good end (whether the good be moral or nonmoral) can justify a *nonmoral* evil

¹⁹ *Ibid.*, p. 470.

²⁰ *Ibid.*, p. 475. The reference is *De baptismo contra Don.* 2, 6, 9 (PL 43, 132).

means, it is false; for it is precisely the good end envisaged that justifies causing or permitting a nonmoral evil.²¹

This point is made clearly by Franz Scholz.²² He notes that "the sentence 'a good end can justify a physically evil means' stands in agreement with the thought of Aquinas, who sharply distinguishes moral evil from innerworldly (scil., nonmoral) evil." Scholz's study is an interesting summary of the attitudes of Thomas and Bonaventure on exception-making. He begins by noting several problem areas where earlier formulations are undergoing modification. For instance, the formulations of many manualists (e.g., Prümmer, Noldin-Schmidt, Zalba, Ermecke) and of the magisterium (e.g., Pius XII) forbade direct abortion even to save the life of the mother. Now, however, we see statements similar to that of J. Stimpfle, the Bishop of Augsburg: "He who performs an abortion, except to save the life of the mother, sins gravely and burdens his conscience with the killing of human life."²³ Scholz sees this as a process of adjustment, a shifting of marginal instances which, logically speaking, converts an exceptionless behavioral norm into a rule of thumb. He cites other areas where such development is occurring: e.g., the suicide of an intelligence agent whose disclosures can gravely harm his country.

Is such development justified? It is at this point that Scholz refers to the thought of Thomas and Bonaventure as a basis for an affirmative answer. For Thomas, the order of reason is the criterion of the morally right and wrong. It is reason that constitutes the natural moral law. Thomas distinguished two senses of the natural moral law, the strict (and proper) and the broader. In the strict and proper sense it refers to those principles of practical reason that are intuitively clear (we must act according to reason, good is to be done and evil avoided, etc.) and to those conclusions that follow from them without discursive reflection. These are exceptionless principles because they correspond to the initial intention of the lawgiver or law. In the broader sense there are derivative applications of these formal principles (e.g., "Thou shalt not directly kill an innocent human being"). It is Scholz's thesis that for both Thomas and Bonaventure these more concrete norms can suffer exceptions.

²¹In this respect I believe Karl Hörmann has misunderstood and therefore misrepresented the position of Joseph Fuchs (cf. K. Hörmann, "Die Bedeutung der konkreten Wirklichkeit für das sittliche Tun nach Thomas von Aquin," *Theologisch-praktische Quartalschrift* 123 [1975] 118-29.) Hörmann writes as if Fuchs (and to some extent Knauer and Schüller) would say *nothing* about the moral quality of a class of acts prior to the weighing of the intention. This is not Fuchs's position.

²²Franz Scholz, "Durch ethische Grenzsituationen aufgeworfene Normenprobleme," *Theologisch-praktische Quartalschrift* 123 (1975) 341-55.

²³From the *Kirchenzeitung für die Diözese Augsburg*, cited in Scholz, p. 342.

Thomas treats the matter when asking about the possibility of dispensations from the Decalogue.²⁴ An exception is possible only when there is a difference between the original sense of the norm and its verbal formulation. Scholz argues that this possibility exists even where concrete prohibitions such as the fifth to seventh Commandments are involved. Thomas seems to deny this in the corpus of the article, but Scholz believes his final word on the point is contained in the answer to the third objection, where the distinction between original sense and formulation appears.

Scholz takes the fifth Commandment as an example. The formulation of this prohibition forbids the taking of human life. Yet there are the instances of war and capital punishment. How do these make sense if the Decalogue is "beyond dispensation" (exceptionless)? For Thomas, so Scholz argues, the divine intention is aimed only at the unjust destruction of life ("occisio hominis . . . secundum quod habet rationem indebiti"). Thus the verbal formulation is not precise enough. As imprecise, it must be viewed as conditional, scil., applicable to those cases in which the taking of life contradicts the original divine intent. For this reason the formulated norm must be regarded as a rule of thumb where exceptions cannot be excluded.

On this basis Scholz argues that Thomas clearly distinguishes the factual notion (*Tatsachenbegriff*, killing) from the value notion (*Unwertbegriff*, murder). The only thing that is exceptionless is the sense of the norm that underlies the notion of murder. Thus, eventually it is for men to determine what physical actions are to count as "murder," "adultery," and "theft." This cannot be determined a priori.

How is it, Scholz asks, that an action which appears to be murder really is not? Thomas uses the axiom "change of matter" (*mutatio materiae*) to explain this. The object or matter of the fifth Commandment is not simply killing, but unjust killing. Therefore, when a killing is justified, it no longer falls under the matter of this prohibition. The "matter" has changed. This change is possible because of the difference between the sense and the formulation of the norm.

Therefore Scholz concludes that Thomas clearly distinguished between physical and moral evil. The evil remains physical (better, nonmoral) when there is no proportionate reason for its existence. In this Thomistic analysis Scholz sees the basis for the rejection of actions that are intrinsically evil (a rejection, however, that Thomas himself did not accept). Something very similar must be said of Bonaventure, though this will not be detailed here. Ultimately, then, Scholz suggests that it is the task of reason to determine whether and which proportionate reasons

²⁴ *Sum. theol.* 1-2, q. 100, a. 8.

remove concrete human actions from the class of prohibited actions; for he thinks it clear that some of our formulations (e.g., "never directly kill an innocent person") do not possess the precision demanded by Thomas to make them altogether exceptionless.²⁵

Walter G. Jeffko of Fitchburg State College approaches the question of norms from out of a processive view of reality (the total human situation is itself in process).²⁶ This would seem to deny the very foundation of any moral absolutes. Jeffko sets out to show why this is not so.

After explaining why he believes community is the ultimate standard by which we can judge the morality of any action, Jeffko argues that this absoluteness or ultimacy of community as a value does not mean that other values are provisional or relative. To explain this, Jeffko distinguishes between intrinsic and prima-facie good and evil. Intrinsic evil denotes a specific act which is universally and necessarily evil, or evil in all actual and realistically possible situations. In contrast to such a notion, prima-facie evil denotes an act that is "significantly evil and therefore evil in general, or evil in the ordinary run of situations." Where prima-facie evil is concerned, it is necessary to distinguish between the common and particular features of an act. The common features refer to those shared by all instances of a class of acts. For instance, an individual war is included within the class "war" because of certain features which apply to all wars and without which they would not be called wars. These common features are the "essential core" of the act. The particular features of an act denote the individuating circumstances of a singular, concrete act within a given class, which circumstances make it that act or occurrence and no other: e.g., the Vietnam War. The notion of prima-facie evil applies to the common features, the essential core of an act.

"It is," Jeffko argues, "the evilness of this essential core which makes a given class of acts evil in general, or evil in the ordinary run of situations. However, since prima-facie evil as such does not apply to the particular features of an act, we cannot say that the evilness of the common features makes every instance of that act evil."²⁷ It is possible for the particular features of an act to possess more good than the evil contained in its common features. According to Jeffko, this happens relatively rarely because the essential core tends to override or outweigh the particular features.

²⁵ Cf. also Bernard Häring, "Dynamism and Continuity in a Personalistic Approach to Natural Law," in *Norm and Context in Christian Ethics*, ed. Gene Outka and Paul Ramsey (New York, 1968) pp. 210-11.

²⁶ Walter G. Jeffko, "Processive Relationism and Ethical Absolutes," *American Benedictine Review* 26 (1975) 283-97.

²⁷ *Ibid.*, p. 294.

He then turns to intrinsic evil. This notion applies to the act *as a whole* (including common and particular features). That means that an act is intrinsically evil "when its essential core is so gravely evil that no actual or possible set of circumstances, whatever goodness they may contain, could render an instance of that act good in the concrete. . . ." In the concrete the act always possesses more evil than good. Jeffko gives slavery as an example of something intrinsically evil. It so gravely violates the constituent values of community (equality, freedom, justice) that one cannot conceive of situations where it is morally right. War, by contrast, is a *prima-facie* evil only; the particular features can outweigh the evil of the common features.

Jeffko believes that his moral theory speaks to the situation-ethics debate. The fundamental doctrine of Fletcherian situationism is that moral quality is an extrinsic predicate. That is, no act has an essential core which is morally right or wrong *prima facie*. It is neutral and gets moral quality according as it is "directed by 'love.'" Jeffko therefore contends that Fletcher's basic weakness is that he denies *prima-facie* wrongfulness and locates all morality "within the particular features of an individual concrete act."²⁸

Several things are interesting about this article. First, it is in substance a linear descendant of the work of Schüller-Knauer-Fuchs-Janssens and others. But it uses the language (*prima-facie* evil) most recently associated with W. D. Ross in *The Right and the Good*,²⁹ much as Schüller had. This brings the theological discussion closer to the philosophical—which is all to the good. A step further in this direction would be to point out that the manualist notion of evil *ex objecto* really should have been interpreted as *prima-facie* evil. I believe this is what Fuchs and Schüller have been driving at.

Secondly, Jeffko retains the notion of intrinsic evil but uses it in a way slightly at variance with the traditional understanding. An act is intrinsically evil if its essential core is "so gravely evil that no actual or possible set of circumstances, whatever goodness they may contain, could render an instance of that act good in the concrete. . . ." This insistence that it is the act as a whole that is to be judged is certainly correct. Fuchs is most recently associated with such an emphasis.³⁰ And the notion of intrinsic evil, applied to the act as a whole, is not an inaccurate rendering. However, I wonder if it is all that useful. The term has a history. One of the dominant understandings of the term in recent history is that an action is morally evil prior to a consideration of

²⁸ *Ibid.*, p. 297.

²⁹ W. D. Ross, *The Right and the Good* (Oxford, 1965) pp. 18-36.

³⁰ Joseph Fuchs, S.J., "The Absoluteness of Moral Terms," *Gregorianum* 52 (1971) 415-58.

circumstances and end.³¹ That is not what Jeffko wants, nor, I believe, what he should want. But to continue to use the term could all too easily suggest the validity of its traditional interpretation. Terms such as "practical absolute" and "virtually exceptionless" are probably more useful.

Finally, there is Jeffko's criterion as to whether the good in the entire act outweighs the evil. This criterion is community. Thus, he says of slavery that it "so gravely violates the constituent values of community—equality, freedom and justice—that I cannot conceive a situation in which it would be morally justified." Contrarily, the ultimate justification of war lies in community, its preservation and protection. It would have been helpful if Jeffko had applied this to other problems (abortion, self-defense, business ethics, sterilization, sexual ethics) to test not its legitimacy but its usefulness. There is probably little doubt that conduct which is morally wrong affects community destructively, at least indirectly. But it is not always easy to move backwards from community to see whether an act is morally right or wrong. In this sense it is true to say that Jeffko's study does not tell us how one determines more proximately whether the good in an act outweighs its evil aspects.

These "Notes" have taken issue with Joseph Fletcher more often than not, sometimes because flamboyant rhetoric has been used as if it were moral reasoning. It is a pleasure, therefore, and a kind of verbal restitution to note that with no sacrifice of his beloved pyrotechnics Fletcher has produced what I believe is a very perceptive study.³² In the wake of Watergate, there were those who argued that the whole mess was a working-out of Fletcherian situationism in public life. In the course of his long response to this accusation, he compares Daniel Ellsberg's violation with that of Nixon's "plumbers" to see which can be said to be justified. In both examples the accused appealed to the end as justification of the means. Ellsberg reasoned that he was justified in letting the American people know the hidden facts about the conduct and engineering of the Vietnam War. The "plumbers" who burglarized the office of Ellsberg's psychiatrist appealed to national security.

In analyzing these and other instances, Fletcher points out that the true question is not exactly stated when one asks whether the end justifies the means; the question is "does a worthy end justify *any* means?" He correctly says that the answer is a resounding "no." A proper proportion must be preserved. As a guide to whether the means is proportionate, he cites the advice of Arjay Miller, Dean of Stanford

³¹ I say "dominant" because the term has been used in a variety of ways in the past.

³² Joseph Fletcher, "Situation Ethics, Law, and Watergate," *Cumberland Law Review* 6 (1975) 35-60.

University's Graduate School of Business: "When, if ever, does the end justify the means? As a guide in answering such questions, I propose a very simple test: do that which you would feel comfortable explaining on television."³³ In other words, submit both your goals and means to the scrutiny of the public conscience. This is useful as far as it goes. That is, one who would be unwilling in principle to submit actions involving evil to public scrutiny as a test would be highly suspect. More positively, such scrutiny is a generally valid test of proportionality; but it is no guarantee. Furthermore, if the moral theologian settles for such indirect tests of proportionality, he spares himself the hard work of developing criteria for the hierarchizing of values and the development of a concrete *ordo caritatis* in our time. This sparing is comfortable, but moral science is the loser.

Where Fletcher is particularly perceptive is in his contention that neither Ellsberg nor the "plumbers" raised the issue of whether the end justifies the means. "Both Ellsberg and those who burglarized his doctor's office were in agreement that an end could justify a means. . . . What set them against each other lay at a deeper level—their values and ideals—the ends they were serving."³⁴ He is absolutely correct in pointing out that it was not the flexibility of the Nixonites that was wrong, but their motivation. Their first-order priority was to stay in power. The response of revulsion to the arguments used by the Watergate defendants was not traceable to the attitude that the end was thought to justify the means (national security does justify doing some damage if this security is truly at stake) but rather that these means were used to prosecute a thoroughly questionable end (retention of power by Nixon) and then this end was deceptively sanctified as "national security." Whatever objections one may have to Fletcher's ethical system, it would be grossly inaccurate and unfair to say it spawned that type of moral collapse.

In summary, then, here we have three more studies (Scholz, Jeffko, Häring) that are moving in the direction of the thought of Fuchs, Schüller, Janssens, Böckle, and others already reported in these "Notes." I believe this is of great practical significance, and for two reasons, one touching procedure, the other content.

First, this development in moral thought is occurring at the same time that certain concrete actions are being proscribed by ecclesiastical authorities as "intrinsically evil" or at least "never justified." This dichotomizing of thought means that certain official positions will

³³ Cited by Fletcher, *ibid.*, p. 54, from *Harper's*, Oct. 1974, at p. 84.

³⁴ *Art. cit.*, p. 55.

continue to be proposed without the support of the theological community. That is an unhealthy situation in all respects.

One could, of course, respond to this phenomenon (as indeed some have) by saying that theologians ought to get in line, that their reflections have not been sufficiently influenced by pronouncements of magisterium, and so on. I believe this is far too simple an answer and one that is profoundly juridical at its root (i.e., one that faces questions of truth in terms of a dominant concern for superior-subject relationships).³⁵ The task of theologians is not to repeat formulations of the magisterium. It is rather to question, probe, hypothesize, analyze, in an effort to aid the magisterium in keeping its formulations not only consistent with substantial traditional values but also accurate and persuasive in a constantly changing world.³⁶ No single theologian's reflections are the final word on the execution of this indispensable task. In this sense it is improper to take any individual's reflections or writings as decisive. (It should be added here that the faithful need education on this point, as do some of us theologians.) But when there is a growing and, I believe, widespread convergence of opinion in the theological community about the meaning and limits of concrete moral norms, it would be profoundly counterproductive if the hierarchical community, or at least significant numbers of this community, were to speak and act as if this convergence did not exist or need not be attended to. This is not to advocate theological arrogation of hierarchical prerogatives, for the two teaching functions in the Church are distinct. It is simply to say that neither can be exercised without the other.

An excellent example of the co-operative character of these functions is *Dignitatis humanae* of Vatican II. Without the theological perspectives of John Courtney Murray and Pietro Pavan, it is unlikely that this document on religious liberty would exist at all.³⁷ But without the co-operation of the American bishops and the ultimate seal of the Council fathers, it would not exist as an authentic Church document.

³⁵ Cf. Richard McBrien, "Catholic Theology, 1974: Problems and Prospects," *Proceedings of the Catholic Theological Society of America* 29 (1974) 397-411.

³⁶ This task was stated beautifully by Pope Paul VI in his allocution to the International Congress on the Theology of Vatican II, Oct 1, 1966, cf *Documentation catholique* 63 (1966) 1738

³⁷ On Nov 16, 1975, the Woodstock Theological Center sponsored a symposium commemorating the tenth anniversary of *Dignitatis humanae*. Msgr Pietro Pavan ("Ecumenism and the Declaration of Vatican II on Religious Freedom") and Most Rev James Rausch ("*Dignitatis humanae* The Unfinished Agenda") delivered the major papers, with responses by George Lindbeck, Manfred Vogel, and Walter J. Burghardt, S.J. The proceedings will be published at a later date. An abbreviated version of Pavan's talk is found in *Origins* 27 (1975) 357-59

There can be little doubt that the document is in some respects discontinuous with authoritative Church teaching of another era, a point made by Walter J. Burghardt, S.J., in his comments on Pavan's paper. For that reason among others, it took an uphill fight and much personal pain for it to see the light of day. But it could do so only because theologians had questioned earlier formulations of the matter and because this questioning occurred in a context of conversation between these theologians and the episcopal community. Archbishop Joseph L. Bernardin, in his report to the 1974 Synod of Bishops, drew attention to this when he recognized "the need for a new dialogue between the theological and episcopal communities in the Church for the welfare of God's people."³⁸

In this respect it is worth calling attention to a remarkably fine paper by B. C. Butler.³⁹ After describing and carefully distinguishing authority and constraint, Bishop Butler turns his attention to the present situation in the Church. He sees it as a "crisis of authority." Authority speaks "with one voice in the Council and with another voice in its day-to-day performances after the Council." The result is that the measure of consent from the faithful, on which authority depends for its efficacy, is diminished.

What can be done? Obviously, the mature Christian must constantly remind himself of the response due to authority in the Church, an authority derived from the divine authority incarnate in Christ. But Butler then insists that authority is not located exclusively in the pope and bishops. "The authority of Christ in the Church is as extensive and as multifarious as the life of Christ in his mystical body. Thus there is a kind of authority appertaining to theology and sound scholarship despite the fact that theologians as such do not constitute an ordained ministry in the Church."⁴⁰ This diffused or "unofficial" authority, as Butler phrases it, is not confined to matters of practical discipline "but extends to the sphere of Christian doctrinal and theological teaching." Thus he sees the present understanding of the term "magisterium" as unfortunate. "Magisterial authority is not confined in the Church to official magisterial authority"; for we all belong to both the *ecclesia discens* and *docens*. "Everyone in the Church who has reached maturity has, at some time or another, to play the role of the teacher, the *magister*, the *ecclesia docens*."

He then turns to the response due to official Church authority in doctrinal matters. The claim of some teachings is, of course, identical

³⁸Cf. *Catholic Mind* 73 (1975) 17.

³⁹B. C. Butler, "Authority and the Christian Conscience," *Clergy Review* 60 (1975) 3-17.

⁴⁰*Ibid.*, pp. 12-13.

with the claim of divine revelation itself. However, he continues, "to require the same adhesion for doctrines that are indeed taught by officials with authority but to which the Church has not irrevocably committed herself is to abuse authority." What is the proper response? Butler refers to the "respect that is due to the considered actions and utterances of those in positions of legitimate and official authority." More specifically, "the mood of the devout believer will be . . . a welcoming gratitude that goes along with the keen alertness of a critical mind, and with a good will concerned to play its part both in the purification and the development of the Church's understanding of her inheritance. . . ." ⁴¹

It will come as no shock to readers of these pages to learn that the compositor considers this essay superb. When Bishop Butler speaks of "respect" and "welcoming gratitude" combined with a "critical mind" and "good will concerned to play its part in the purification and development," he has put the matter as well as it can be put. The theologian is in the service of the Church. He serves it well neither by uncritical obedience nor by disrespectful defiance, for neither of these contributes to the "purification and development of the Church's understanding of her inheritance." If Butler's "keen alertness with a critical mind" means anything, it implies the possibility of disagreement, and precisely as part of that "good will concerned to play its part both in the purification and development. . . ." If such disagreement is experienced as a threat and treated as such, something is wrong.

In other words, the effort to articulate our faith and its behavioral implications in our time is a dialogical and processive one. This point was specifically highlighted by Bernard Häring in the essay reported above. ⁴² He concluded: "There is no doubt that for her own growth, for her abiding in the truth, and for the fruitful exercise of her pastoral magisterium, the Church needs an atmosphere of freedom to examine the enduring validity of traditional norms, and the right of a sincere conscience humbly to doubt about norms which, in many or even most of the cases, are not accepted by sincere Christians." Here Häring and Bishop Butler are at one.

The second point I should like to raise concerns content and is of some urgency. It touches the difference between two types of moral reasoning and therefore teaching in a concrete area. Direct sterilization, as it is commonly understood, can serve as an example. Most, or at least many, members of the theological community believe that direct sterilization is not always morally wrong. The official position, however, is that it is never justified. What is "never justified" can be argued in two ways—

⁴¹ *Ibid.*, p. 16.

⁴² Cf. n. 16 above.

and these two ways represent different types of teaching, the second coming very close to what one might call moral policy.

The first type is a kind of act analysis which concludes that direct sterilization is a violation (as contraceptive in intent) of the purpose of the sexual endowment and therefore intrinsically evil. The analysis can be made in any number of ways, e.g., from a faculty-finality approach to Grisez's direct choice against a basic good (procreation). I do not believe that the conclusion ("never justified") can be taught on bases such as these. Why? As I read the literature, the answer would be as follows: such sterilization is a nonmoral evil which, like all nonmoral evils, may be caused or permitted for a truly proportionate reason. If we say anything else, we are attributing a value and an inviolability to the sexual endowment which tradition has refused to give to life itself.

However—and this brings us to the second type of teaching—even though individual acts of direct sterilization cannot be shown to be intrinsically evil, such sterilization is certainly a disvalue to be avoided in so far as such avoidance is compatible with other urgent values at stake. Indeed, there could be cultural and atmospheric reasons why its total exclusion could be taught (a policy) as the better path to follow, all things considered. The type of reasoning used by many sixteenth- and seventeenth-century moralists (e.g., danger of abuse, the consequences *ex semel licita*, etc.) leads one to believe that many prohibitions they said were "against nature" and "intrinsically evil" were really conclusions drawn on what I have called policy grounds.⁴³ But if this is the case, it is the reasons for the policy that ought to be weighed and argued.

For instance, would a moral stance permitting individual exceptions lead, in our atmosphere, to so much abuse, to such mushrooming of "sterilization mills," that the course of prudence is a policy of total exclusion? That is a possibility. But as a possibility, several things must be noted about it. First, it must be argued on its own grounds—and the grounds of such policy would necessarily be the following two: (1) foreseen and unavoidable harmful effects from any other policy; (2) harmful effects which would outweigh the possible goods to be achieved. Secondly, since general prohibitive policy (in contrast to teaching about

⁴³ E.g., Thomas Sanchez, S.J. (1550–1610) argued that it was never licit to "expel semen" even to save one's life, because of the intense pleasure involved. If such a possibility were ever conceded, he argued, the danger would be such that, blinded by lust, man would easily persuade himself that he had such reasons on many occasions, and thus fornication, adultery, etc. would damage the common good (*De matrimonio* 9, disp. 17). John de Lugo, S. J. (1583–1660) applied similar reasoning to abortion (cf. *De justitia et jure*, disp. 10, sect. 5). See also Dominicus Viva, S. J. (1648–1726), *Theses damnatae*, prop. 34, and Patricius Sporer (+ 1714), *Theologia sacramentalis*, 4, cap. 4, sect. 1. I am indebted to John R. Conery, S.J., for these references.

the inherent moral wrongness of individual actions) is formulated out of consideration of beneficial and harmful general effects, it is clearly dependent on historical and cultural factors that are changeable. Therefore policy is reformulable. Thirdly, such teaching would seem to be close to Church law. As such, it resists exceptions or excusing causes only if it can be successfully argued that the policy is in the category of *lex lata in praesumptione periculi communis*, effectively removing the very discretion of the individual for exception-making. The burden of proof rests on the one who would interpret his policy in such a way, and it is, in the case in question, an extremely heavy burden.

In summary, if one does not make this distinction, the absoluteness of the official position all too easily reverts to and rests on its authoritative proposal. If one makes the distinction but does not rigorously pursue its implications, the same result occurs. In either case the position is held as exceptionless largely in terms of authoritative statement. Eventually this too easily implies that the conclusion is as valid as the authority is legitimate. This represents a kind of juridicizing of the ongoing search for moral truth and is ultimately harmful to the magisterial function of the Church, and therefore to those to whom this function is both unique privilege and absolute necessity.

CARE FOR THE DYING AND EUTHANASIA

The case of Karen Ann Quinlan focused worldwide attention on the problem of care for the desperately ill and dying patient.⁴⁴ To a lesser degree this happening was foreshadowed by the predicament of Dr. Urs Peter Haemmerli, a Swiss physician.⁴⁵ He was accused of mercy killing when he refused to use artificial life-prolonging measures with dying patients, but sought to give his patients peace and comfort in their dying. Haemmerli stated: "What has happened to me could just as easily happen to any other doctor in Europe or America."⁴⁶

A host of factors, not least of which is the technological sophistication of modern life-sustaining devices, have propelled the problem of care for the dying to center stage.⁴⁷ In some countries groups have formed to

⁴⁴ Cf. "A Right to Die?" *Newsweek*, Nov. 3, 1975, pp. 58 ff.; Peter Steinfelds, "The Quinlan Decision," *Commonweal* 102 (1975) 584; Patrick F. and Carol Berger, "Death on Demand," *ibid.*, pp. 585-89; Thomas A. Shannon, "A Triumph of Technology," *ibid.*, pp. 589-90; Charles M. Whelan, "Karen Ann Quinlan: Patient or Prisoner?" *America* 133 (1975) 346-47.

⁴⁵ *Washington Post*, Feb. 3, 1975, A1. Also "Diskussion um Sterbehilfe und Euthanasie in der Schweiz," *Herder Korrespondenz* 29 (1975) 108-10.

⁴⁶ *Washington Post*, *loc. cit.*

⁴⁷ Some recent literature: K. S. Satyapal, "Should a Patient Be Allowed to Die?" *Journal of the Irish College of Physicians and Surgeons* 4 (1975) 164-68; Jerry J. Griffen, "Family Decision," *American Journal of Nursing* 75 (1975) 795-96; Norman St. John-Stewas,

sponsor and lobby for voluntary euthanasia. Most people are familiar with several versions of the living will and with attempts to get legal recognition for it.⁴⁸ The very definition of death has become problematic, especially as attempts are made to define death with a view to transplantation of organs.

There are many difficulties in discussing this problem in a disciplined way. First, the matter is inseparably intertwined with deep emotional responses and commitments. Several authors see this—especially in circles promoting voluntary euthanasia—as a natural and quite understandable reaction to the senseless prolonging of life to which people are sometimes exposed in their dying. Then there is the term “euthanasia” with its annoying ambiguities. Recent literature from Germany adopts the term *Sterbehilfe* (help in dying) but even that has been clouded by the attempt to include under it what is called *Sterbenachhilfe* (a form of active euthanasia). These ambiguities have not been dissolved, I believe, by Gustave Ermecke’s inclusion under “active euthanasia” of the administration of pain relievers where the intention is pain relief and not directly death, though death is foreseeably hastened.⁴⁹ Nor does Albert Walkenbach’s reverse usage help very much.⁵⁰ He applies “euthanasia” to those forms of care that have been regarded traditionally as morally licit (e.g., noninstigation of artificial life-supports, pain relief during dying) and argues that killing is not truly euthanasia. This is all right, of course, but it will leave Walkenbach talking to himself.

The Quinlan case proved to be the gathering place of unique importance and intensity for the rehearsal of contradictory and confusing statements and claims. Symbolic of this was the statement of Daniel Coburn, Miss Quinlan’s court-appointed attorney. He is reported to have remarked that death with dignity in her case is a “complete shell game. This is euthanasia; one human being, by an act or lack of an act, is going to cause the death of another.”⁵¹

“Euthanasia: A ‘Pleasant Sounding Word,’” *America* 131 (1975) 421–22; Aneka Lant, “Euthanasia—A Patient’s Point of View,” *Nursing Mirror* 140 (1975) 73; “An Easy Death” (editorial), *British Medical Journal*, March 29, 1975, p. 704; Andres M. Tornos, “Para un morir ‘autentico,’” *Razón y fe* 191 (1975) 62–70; Charles A. Curran, “Death and Dying,” *Religion and Health* 14 (1975) 254–64; *Linacre Quarterly* 42 (1975) 86–122 (special issue devoted to care for the dying, with articles by Ned H. Cassem, S.J., Garth F. Tagge, M.D., William Shoemaker, M.D., George J. Annas, J.D., and Richard A. McCormick, S.J.).

⁴⁸ For the Catholic version of the living will, cf. “Christian Affirmation of Life,” *Catholic Mind* 74 (1975) 5–6.

⁴⁹ Gustave Ermecke, “Grundüberlegungen zur ‘Sterbehilfe,’” *Die neue Ordnung* 29 (1975) 128–33.

⁵⁰ Albert Walkenbach, “Lebensverlängerung um jeden Preis?” *Lebendiges Zeugnis* 30 (1975) 21–29.

⁵¹ *Washington Post*, Oct. 21, 1975, A4.

Whatever may be said for the accuracy of Mr. Coburn's analysis, it certainly has not been the way the matter has been viewed for many years. A moral policy with its own widely-accepted vocabulary (ordinary, extraordinary means) had for years enjoyed a kind of pacific possession. By saying this, I do not wish to canonize such language; the point is rather that the value judgments behind the policy were accepted and the policy was implemented, at times not without anguish and doubt to be sure, within an atmosphere of trust and communication between doctor, patient, and family, and above all with the confidence that the best interests of the patient were being sought and served. The pacific possession has been eroded by many factors, prominent among them being the destructive malpractice situation in the United States.⁵² Be that as it may, one of the staples of this policy is the moral difference between not instigating or withdrawing certain life-supports (omission) on the one hand, and active intervention to bring about death (commission) on the other. The distinction is sometimes stated by the use of the terms "active" and "passive" euthanasia, though this terminology is itself objectionable, as will become clear in this roundup. While care for the dying must issue from perspectives far broader than these and while the moral problems of this care range far beyond this distinction, I shall, in reporting recent literature, constantly return to it in one way or another—especially since several key articles attempt to challenge the distinction.

In an interesting article Kenneth Vaux contends that "widespread acceptance of euthanasia will not occur because man is constitutionally unable to acquiesce in the face of death."⁵³ This inability has profound biological and spiritual roots that synthesize into a medical commitment to preserve life and the social prohibition of euthanasia. What will emerge from the present crisis, Vaux believes, is a wholesome corrective to the excesses of life-prolonging technology.

However, if there would be a general acceptance of euthanasia, both active and passive, Vaux foresees three things to follow: there will be a corrosion of the unique value of the individual; the physician is likely to become in increasing measure a technician and a tool of public policy; we will erode our responsibilities as a society to deal constructively with health problems.

Vaux's study is a thoughtful bit of social history. At one point,

⁵² Cf. Richard A. McCormick, S.J., "The Karen Ann Quinlan Case," *Journal of the American Medical Association* 234 (1975) 1057.

⁵³ Kenneth Vaux, "The Social Acceptance of Euthanasia: Prospects and Problems," in *Euthanasia Symposium* (proceedings of a symposium sponsored by the Catholic Hospital Conference of Saskatchewan, Alberta, and British Columbia, Oct. 3-4, 1974, mimeographed) pp. 11-18.

however, in dealing with a possibly new ethos in which people wish against life for death, he notes that the language will be "couched in very pious and moral language. The quality of life will be a frequently used phrase. We will probably talk about death in terms of the person's own good."⁵⁴ The term "quality of life" conjures up all kinds of abusive possibilities; therefore I wish we could find a better phrase. But to associate the notion, and the perspectives on life and death that generate it, with a destructive euthanasist ethos is a kind of overkill. There is a humanly valid and thoroughly Christian rendering of that notion, and to make it the language of a single and reprehensible ethos is to push us back to a form of vitalism that is neither human nor Christian.

A somewhat similar linguistic phenomenon occurs in the document on euthanasia first published in the *Humanist* and then in *Figaro* (July 1, 1974).⁵⁵ It is signed by three Nobel Prize winners: Jacques Monod, Linus Pauling, George Thomson. The document comes out in favor of euthanasia "for ethical reasons." It continues: "We appeal to enlightened public opinion to pass beyond traditional taboos and evolve toward a compassionate attitude with regard to the useless sufferings at the moment of death." The second part of the manifesto concerns itself with practical consequences and qualifications of such a position.

Paul Valadier, S. J., director of studies for the Jesuit philosophical and theological faculties of France, responds to this statement by highlighting its ethical method and implications.⁵⁶ He does this because he feels that many may be duped into accepting a discussible *moral* position under cover of *scientific* authority. First, the document does not discuss the traditional arguments; rather it gathers to itself adjectives like generosity, goodness, and justice. Valadier sees in this the classic strategy of putting any opposing view in a defensive posture where it must fend off accusations of being inhumane, barbarous, and unreasonable. Furthermore, the ethical reasons advanced are really a cover for the implicit postulate of the authors: "the morality of the authors is guided by that which science and technology make possible." In doing this, Valadier believes the authors have enslaved themselves to science in principle and forfeited the possibility of ever giving it moral direction. He also protests that the entire text "rests on an identification between the superiority (scientific or technological) of our societies and maturity of the moral conscience." By implication this means that tradition equals barbarity and inhumanity.

Such a peremptory attribution of virtue to the position one defends

⁵⁴ *Ibid.*, p. 9.

⁵⁵ Cf. "Le manifeste des Prix Nobel," *Cahiers*, July 1975, pp. 411-13.

⁵⁶ Paul Valadier, S.J., "Implications éthiques de ce manifeste," *ibid.*, pp. 414-19.

Valadier regards as a closed morality closely related to authoritarianism. He is concerned not to enter the debate about the problem of euthanasia—which he considers a genuine problem—but only to show that the authors have not done so. Thus the postulates of the authors “imply an ethical and philosophical position which is not self-validating, while the vigor of their position consists in its presentation as the only humane and enlightened one.”

Franz Böckle discusses humanly-dignified dying.⁵⁷ Key to Böckle's thought is the distinction between death and dying. Death is an end, a condition. Dying is a part of life, its last phase. Since this is so, “the companying we provide to the dying person is therefore always a life-help (*Lebenshilfe*), a help in the last difficult part of our life.” Böckle fears that our debates over fringe cases can lead us to overlook the true nature of aid to the dying. The personal help we provide must correspond to the desire of the dying person for company. If it does, then the difficult decisions about concrete medical means are seen in a different perspective. This companying, he argues in another essay,⁵⁸ must aim at helping “the dying person discover the meaning of the last phase of life so he can believe it is worth living it.”

In the course of his altogether balanced presentations, Böckle approaches the question of killing and allowing to die. He makes two interesting points, the first with regard to killing in general, the second its application to the euthanasia discussion. As for the prohibition against killing, Böckle notes that it is not absolute but conditional. He writes:

This conditional character of the prohibition against killing is not removed through the theological grounding of the prohibition. The life of man is for our human community the most fundamental of goods, a good that underlies all other values. But as concrete bodily existence it is not the highest of goods. In this concrete form it does not represent a value that can never concur with another more important and to-be-preferred value. Thus traditional theology balances the life of the individual who has offended community justice against the common good and so justifies capital punishment.⁵⁹

Thus for Böckle any killing is justified by what he calls a “rigorous weighing of values.” Applying this to suicide, he continues: “‘To ask about the eventual licitness of suicide is to ask about the good whose realization could justify the evil of causing the loss of life’ (Schüller).

⁵⁷ Franz Böckle, “Menschwürdiges Sterben als Problem,” *Die neue Ordnung* 29 (1975) 293–99.

⁵⁸ Franz Böckle, “Recht auf menschwürdiges Sterben,” *Evangelische Kommentare* 8 (1975) 71–74.

⁵⁹ *Ibid.*, p. 72.

Hence, in view of modern methods of extortion, suicide to ward off a great harm to one's own countrymen is widely held to be morally permissible." Böckle rejects such a conclusion when speaking of the dying; "for the Christian knows about the promises of the gospel, that redemption grows out of difficulty and affliction. . . ." ⁶⁰

In conclusion, Böckle accepts the distinction between commission and omission, but he feels that the true ethical problem revolves around the question of when omission is morally right or wrong. And the answer to this cannot be preprogramed but must emerge from a consideration of all the circumstances.

What are some of these circumstances? Albert Ziegler identifies them within the over-all ethic of care for the dying.⁶¹ Biological existence is not simply and in itself a value, but it is a value as the basis of human existence. In this light, care for the dying (*Sterbehilfe*) must be the attempt to preserve biological existence as long as possible *as the basis for human existence*. If it is truly human existence that is controlling, then all the goals or goods that comprise such existence must be a part of care for the dying. Ziegler identifies three: prolonging life, lessening suffering, preserving freedom. All must be considered and so no one can be absolutized. Thus, there is no true care for the dying if life is inconsiderately prolonged (with no consideration of increased suffering and diminished liberty). Similarly, there is no true care for the dying if freedom is inconsiderately maximized (scil., with no consideration of whether and how suffering is increased and life shortened). It is the task of care for the dying to balance all of these values in the use of means, a task that is more than clinical-technical in nature.

Ziegler puts a heavy emphasis on accompanying with the dying. Such accompanying is only help-in-dying if it helps life, not death. However, it is senseless to prolong life artificially when either pain is increased or freedom is not maintained. "Such a considerate rejection of further 'artificial' life-supports is, however, in no way 'artificial' death-causing" (*Sterbenachhilfe*). One who no longer administers artificial life-supports "does not perform death-causing but allows a person to die."⁶² Thus Ziegler accepts the traditional distinction as morally crucial.

One matter strikes me as odd in Ziegler's very helpful study. He insists that it is not biological life for its own sake that is to be protected, but biological life in so far as it is the basis of human existence. On the other hand, when dealing with the worth of the human person, he argues that

⁶⁰ *Ibid.*, pp. 73-74.

⁶¹ Albert Ziegler, "Sterbehilfe—Grundfragen und Thesen," *Orientierung* 39 (1975) 39-41, 55-58.

⁶² *Ibid.*, p. 40.

this worth is not grounded in personal traits or life qualities but simply in the fact that the human being is there. Thus no definite value makes life worth living; it is life itself that is worth living. Therefore there is no such thing as a life not worth living (*lebensunwertes Leben*). Either I have misunderstood him or Ziegler is moving in two different and inconsistent directions; for how do his latter remarks square with his insistence that it is not biological life as such that is to be protected but biological life as the basis of human existence?

Two interesting statements of episcopal conferences touch the question of care for the dying. In a brief letter the English hierarchy note that it is not necessary to prolong indefinitely a life that is near its end.⁶³ Furthermore, they state—as did Pius XII—that the resources of medicine can be used to relieve suffering even if such treatment inevitably hastens the process of death.

However, this positive and compassionate aid brought to the dying is altogether different from the deliberate and direct suppression of one's own life or that of another. This manner of killing (sometimes called euthanasia or mercy killing) is murder. It is forbidden by the law of God as well as that of our country. The disposal of life is the prerogative of the God who gives life.

Clearly, for the English bishops "disposal of life" is the middle term of the argument. That is, killing is disposal of life, whereas withdrawal of artificial life-supports after a point is not such a disposal. We shall return to this point shortly.

A pastoral letter of the bishops of the Federal Republic of Germany was read in all the churches June 15, 1975.⁶⁴ The bishops are alarmed that euthanasia is being presented as a form of care for the dying (*Sterbehilfe*). Therefore they outline what should be regarded as true care for the dying. It includes the following: alleviation of suffering; creation of an atmosphere of solidarity and trust so that the sick person realizes that his humanity is esteemed; provision of spiritual solace and support. Finally, a death worthy of man means that

not all medical means are used if death is artificially postponed by doing so. This is the case, for example, when life can, in fact, be lengthened by means of medical measures, an operation perhaps, but when, unfortunately, despite the operation, or as a consequence of it, the sick person will suffer from severe physical or mental disturbances in the period thus wrung from death. In this situation the

⁶³ "Déclaration des évêques anglais sur l'euthanasie," *Documentation catholique* 72 (1975) 46.

⁶⁴ "Das Lebensrecht des Menschen und die Euthanasie," *Herder Korrespondenz* 29 (1975) 335-37. This is also available in the English edition of *L'Osservatore romano*, July 31, 1975, p. 3 ("Man's Right to Life and Euthanasia").

decision of the sick person not to undergo another operation is to be considered morally justifiable.⁶⁵

The bishops then pose the question about the moral duty to use indefinitely artificial supports such as the respirator. Their answer is extremely interesting and deserves to be cited in full.

As long as there is any possibility of the sick man recovering in this way, we will have to use all such means. Also, it is the duty of the state to ensure that even costly apparatus and expensive medicines are available for those who need them. It is quite another matter when all hope of recovery is excluded and the use of particular medical techniques would only lengthen artificially a perhaps painful death. If the patient, relatives, and doctors decide after considering all the circumstances not to have recourse to exceptional measures and means, they cannot be accused of usurping illicitly the right to dispose of human life. The doctor must, of course, obtain first the consent of the patient or, if this is no longer possible, of his relatives.⁶⁶

The document concludes by rebutting the contention that there is only a gradual difference between withdrawal of artificial supports and giving injections intended to cause death. "There is an essential difference between letting someone die and killing him. . . ." Thus what we owe the sick is not help to die (*Hilfe zum Sterben*) but help in dying (*Hilfe im Sterben*).

Several things are interesting about this pastoral. First, it is noteworthy that the bishops place on the government the duty to provide even expensive means for recovery. Secondly, there is explicit recognition of the prerogatives of the family to make decisions where the patient is incapable of doing so. This has been traditional in Catholic and other circles for some time, but it is assuming a new importance in an era of malpractice threat, scil., an era when doctors and the patient's family are sometimes cast into a competitive relationship of fear and mistrust. Thirdly, like the English bishops, the German episcopate sees a different type of disposal of human life going on where killing and allowing to die are involved.

Finally, and most interestingly, there is the term "recovery." The possibility of recovery determines, in the bishops' statement, whether certain life-supports and interventions need be used or not. If recovery is possible, they should be used. However, it must be noted that the notion of "recovery" is not without problems. "Recovery" can mean at least three things: (1) return to the state of health enjoyed prior to illness, a full state of health; (2) return to a lesser state, perhaps one characterized

⁶⁵ *Art. cit.*, pp. 335-36 of the German version.

⁶⁶ *Ibid.*, p. 336.

by "severe physical or mental disturbance" (how severe?); (3) return to spontaneous vital functions without consciousness. All of these represent forms of recovery in the sense that death has been stayed. Now it seems clear that if the bishops would not deem obligatory (for the patient) the medical interventions that produce the latter two categories—a point they explicitly make—then they would not include them under the term "recovery." This suggests that "recovery" implies a certain level of recovery or quality of life; for if the means need not be used by the patient and the reason is that they do not produce "recovery," then the term clearly means not just staving off death, but also a certain quality of life. What the term "recovery" really means, then, in the pastoral is "*sufficient* recovery" and that is subject to quality-of-life assessment.

Along these lines another article has attempted to show that the terms "ordinary" and "extraordinary" are really code terms for other value judgments and that increasingly the most prominent value judgment involved is about the benefit to the patient to be derived from a surgical intervention or various life-support systems.⁶⁷ This same judgment is made by Bridget Nuttgens when, speaking of infants, she suggests "that the operation should not be pursued if there is no chance of restoring the child to a life other than one of extreme disability. Clearly here we are making a decision not on the strength of the extraordinariness of the measures taken, but on their chance of success. Our criteria have changed with the development in medicine."⁶⁸

Under analysis, benefit to the patient refers not simply to sheer physical survival but to a level of human survival defined above in terms of pain and freedom, as Ziegler has rightly noted. What mix of these values qualifies as *sufficient* recovery (German bishops) or *human* survival (Ziegler) depends very much, though I think not exclusively, on personal perspectives, personal history, personal circumstances. It is very probably this fact that is responsible for the conflict that can occur in some instances of life-prolonging. That is, the physician brings a dominantly, and at times a narrowly exclusive, life-preserving attitude to the case, whereas such an attitude must be qualified by and tailored to some very personal and individual circumstances and perspectives if it is to remain truly humane. That is, at any rate, the thrust of Catholic tradition on this matter.

In dialogue with Marvin Kohl, Arthur Dyck continues his helpful essays on care for the dying and again contrasts the ethic of beneficent

⁶⁷ Richard A. McCormick, S.J., "A Proposal for 'Quality of Life' Criteria for Sustaining Life," *Hospital Progress* 56 (1975) 76-79.

⁶⁸ Bridget Nuttgens, "The Ethics of Living and Dying Today," *New Blackfriars* 56 (1975) 74-81.

euthanasia with the ethic of "benemortasia."⁶⁹ Against the former he urges several difficulties. First, there is the wedge principle. The wedge argument is not precisely that certain practices will actually follow from one another; it is rather concerned with the form or logic of moral justifications. Concretely, the argument for beneficent euthanasia applies *logically* to a wide range of cases, "and the reasons for keeping the range of cases narrow are not reasons on which people will easily agree." For instance, the notion of dignity is open to a very wide range of meanings. Since this is so, "moral and legal policies that justify mercy killing can in principle justify a very narrow and/or a very wide range of instances" in which it is thought justifiable to kill.

Dyck's positive attack on beneficent euthanasia is through the notion of mercy that he believes is present in the Good Samaritan ideal. This ideal understands mercy as a pledge not to kill one's neighbor and, secondly, to be the kind of person who provides care for those who need it. The care is at least fourfold: (1) relief of pain, (2) relief of suffering (e.g., loneliness), (3) respect for the patient's right to refuse treatment, (4) provision of health care regardless of ability to pay.

Behind the ethic of beneficent euthanasia and the ethic of benemortasia, according to Dyck, stand two critically different sets of suppositions. The first concerns the notion of dignity. In the euthanasist ethic, only a certain kind of life (one with dignity) has value, whereas Dyck urges that "life as such retains some value whatever form it takes." Secondly, the notion of mercy in the ethic of benemortasia is controlled by what is considered right, "particularly the injunction not to kill on which a wide moral and social consensus exists." In the euthanasist ethic it is controlled by the concept of human dignity, a notion about whose content there are serious and widespread differences.

I agree with Dyck's conclusions where beneficent euthanasia is concerned and I think he is onto something fruitful in approaching the matter through the notion of dignity and its underlying controls. But to bring the matter into sharper focus, two possible problems in moral reasoning can be raised. The first touches dignity. Dyck asserts that in a benemortasial ethic "life as such retains *some value* whatever form it takes. The dying or handicapped person is always worth *caring for*."⁷⁰ If "caring for" means preserving and sustaining, and if this is argued precisely because the life has "some value," then the decision to allow a dying person to die must imply that his life no longer has "some value." I think this is an unfortunate way of wording the matter. If, however,

⁶⁹ Arthur Dyck, "The Good Samaritan Ideal and Beneficent Euthanasia: Conflicting Views of Mercy," *Linacre Quarterly* 42 (1975) 176-88.

⁷⁰ Emphasis added.

“caring for” does not mean preserving and sustaining, but only comforting while allowing to die, then how does one allow to die if the life still has some value? In other words, I do not believe that the question of whether life has value or not should be the terms in which the euthanasia vs. allowing-to-die discussion is couched.

Secondly, there is the question, what controls the notion of mercy in the contrasting ethics? Dyck says that the notion in the euthanasist ethic is controlled by the concept of dignity, about which people disagree, whereas in the traditional ethic it is controlled by what is considered right, especially by the prohibition of killing, about which there is widespread moral and social consensus. The contrast between “what is considered right” and “the notion of dignity” might strike some as odd; for presumably those who control mercy with the notion of dignity consider that this is right, that it is precisely dignity that is the chief right-making characteristic of the form mercy ought to take when dealing with the dying. To object to this, and on the grounds that people disagree widely about what constitutes human dignity, is to suggest that what really operates as a control of the term “mercy” in the benemortasial ethic is not precisely and necessarily what is considered right—for that is the whole issue—but what most people now think is right. In other words, it seems too easily to suggest that what is considered right is so precisely because there is a wide moral and social consensus on the point. (Are these quibbling points in the teeth of a very thoughtful study? Probably so.)

Two voluntary-euthanasia bills have been presented to the English Parliament, one in 1936 and one in 1969. It was probably this latter that stimulated the organization of an Anglican “Working Party” on voluntary euthanasia. Its report was recently published and it represents, in my judgment, a model of how the question of care for the dying should be faced.⁷¹ Legal, philosophical, theological, and medical considerations are weighed in a way that is experienced, fair, and disciplined. For instance, moral arguments are given their full force but their limits and counterpositions are stated with honesty and equanimity.

Several things stand out in this perceptive booklet. First, the report rightly registers a “strong dissent from the use of the expression ‘right to die.’” In its dangerous ambiguity this usage masks three distinct demands: (1) that the individual should in principle be free to determine whether he shall live or die, with the implication that should he choose to die, he is entitled to be assisted by the medical profession; (2) that a doctor should be free, with the patient’s consent, to end his life in cases

⁷¹ *On Dying Well* (Church Information Office, Church House, Dean’s Yard, SW1P 3NZ, 1975) 1-67.

(if there are such) where it is impossible to manage the pain; (3) that a dying patient should not be subjected to troublesome treatment that cannot help the patient, and that doctors may use pain-relieving drugs even at the risk of shortening life. I believe the Anglican report is absolutely right in highlighting the misleading and ultimately irresponsible character of the phrase "right to die." The report also rejects the term "negative euthanasia." Such usage suggests that the question is whether to treat or not to treat, whereas it is rather how to treat. Decisions to cease curative attempts are not abandonment of a patient but a part of good medicine.

Secondly, the report admits that there are extreme situations outside the medical field (e.g., soldiers fatally trapped in a blazing gun-turret, wounded individuals who face certain death by torture) where it is impossible to say that those who have killed to prevent pain have acted wrongfully. However, the authors are reluctant to admit such exceptions in the medical field, and for two reasons. First, it is doubtful that there are any such cases. Secondly, even if there were, it would be impossible to specify them precisely enough to prevent continuous and abusive expansion—a point made also by Dyck. "It is for reasons of this sort that a professional ethic cannot be built on altogether exceptional circumstances, even if in some such exceptional cases a man who contravenes it might rightly be held not to be morally culpable."⁷²

Thirdly, the report insists on the difference between killing and relieving the pain of the dying, whether by withholding life-supports or by administering pain relievers that may hasten death. In this they are, of course, echoing Pius XII and the tradition that preceded and followed him. There is a clear distinction "to be drawn between rendering someone unconscious at the risk of killing him and killing him to render him unconscious." Killing involves a "definite and in its implications momentous change of policy." In another place the difference is said to be "decisive." The authors agree that those who do not have to make the decisions "regard such discrimination as unnecessarily fine, but its importance tends to be intuitively evident to those upon whom the burden of decision rests." Thus it would seem that the report appeals to intuitive experience to establish the moral significance between killing and allowing to die.

Fourthly, one of the most illuminating aspects of the report is its emphasis through concrete instances on the management of pain and depression. Many of the initial requests for euthanasia are not that at all. They are requests for appropriate management, a fact the report repeatedly documents. Anyone reading this report will be struck by the

⁷² *Ibid.*, p. 12.

realization that the moral theologian must be aware of the enormous strides in the management of pain and depression; otherwise his moral reflections, originating in a nonreal world, will easily be destructive within the real one.

Finally, the report faces the euthanasist plea for compassion. The authors admit that the plea is a deeply human and a highly moral one and must not fall on deaf ears. But they then insist on two points which represent some of the finest reflections in the report and deserve to be quoted at length. The first consideration runs as follows:

The value of human life does not consist simply of a scale of pleasure and pain. Such may be the value of an animal's life. A dog's life, for example, may be valuable in so far as it is filled with doggy pleasure and devoid of doggy pains. But the value of human life consists in a variety of virtues and graces as well as in pleasure. These together constitute man's full humanity. They grow in soil in which action and passion, doing and suffering, pleasure and pain are intermixed. What a man is consists not only of what he does, but also of how he endures. A fully human life is inescapably vulnerable, as every lover knows, and even suffering may by grace be woven into the texture of a larger humanity. It is not that Christians believe that suffering is in itself a good, or that it necessarily ennobles. It may indeed destroy, and the alleviation of pain is a Christian as well as a human duty. But suffering as exposure to what is beyond one's voluntary control, suffering as undergoing, even as diminishment, is part of the pattern of becoming human. Even dying need not be simply the ebbing away of life; it may be integrated into life and so made instrumental to a fuller life in God.⁷³

That says beautifully what many have been struggling to put into words when discussing care of the dying. It provides the context for the use of technology in this care. This context is one that refuses to absolutize any one consideration and thereby represents, I believe, a more fully human response to the condition of the dying person.

The second consideration is the fact that we achieve our humanity in interdependence. In the words of the report:

There is a movement of giving and receiving. At the beginning and at the end of life receiving predominates over and even excludes giving. But the value of human life does not depend only on its capacity to give. Love, *agape*, is the equal and unalterable regard for the value of other human beings independent of their particular characteristics. It extends especially to the helpless and hopeless, to those who have no value in their own eyes and seemingly none for society. Such neighbor-love is costly and sacrificial. It is easily destroyed. In the giver it demands unlimited caring, in the recipient absolute trust. The question must be asked whether the practice of voluntary euthanasia is consistent with the fostering of such caring and trust.⁷⁴

⁷³ *Ibid.*, p. 21.

⁷⁴ *Ibid.*, p. 22.

The authors are totally candid and realistic in their assessment of the force of these considerations. They may not foreclose the moral debate but "they are sufficient, we believe, to show that there are strong grounds from the Christian point of view for hesitating long before admitting any exception to the principle forbidding killing human beings."

It is already clear that the compositor of these "Notes" regards this report as a splendid piece of work, not only because of the balance and insight of its medical, moral, and legal perspectives on care for the dying, but also because of its attitude toward its own reflections and arguments. It is appropriately hesitant when hesitation is called for; it refuses to absolutize when the evidence will not support an absolute. That illumines the nature of moral argument. Discussion about the moral rightness or wrongness of human action rarely leads to conclusions that are so absolute and compelling that little is left to be said or explored. Rather it adduces warrants from a variety of perspectives that issue in a convergence of probabilities around a particular value. If that is what moral discourse is, it is all that we should generally expect and what we should regard as sufficient for the discovery of norms and policies to guide human decisions. It is in expecting more or settling for less that moral argument begins to disintegrate. The Anglican study group has admirably avoided these pitfalls.

The concluding part of this section will be devoted exclusively to the distinction between killing and allowing to die. Albert Moraczewski, O.P., director of the Pope John XXIII Medical-Moral Research and Education Center, accepts the moral relevance of the distinction.⁷⁵ In active euthanasia the doctor is the cause of the death of his patient. "Without his intervention, death would not have ensued or ensued so quickly. A cause is that without which the effect would not be. . . ." Contrarily, where artificial life-supports are removed, "the individual was dying because of some existing pathology or injury. . . ." The crucial point for Moraczewski is that active euthanasia "brings about the patient's death." Why is that crucial? Because the state of mind and intention that sets out actively to terminate life is different from the state of the person who sees that continued efforts to keep someone alive are to no avail.

Three philosophers have challenged this traditional and widely-accepted approach. The first is Peter Singer. In an article dealing with the place of moral reasoning and the philosopher in ethical discourse, Singer uses the distinction between killing and letting die as an example of the type of debate that would gain needed clarity from philosophical

⁷⁵ Albert S. Moraczewski, O.P., "Euthanasia in the Light of a Contemporary Theology of Death" (cf. n. 53 above) pp. 19-38.

input.⁷⁶ After criticizing the formulation (traditional) of the American Medical Association's House of Delegates (1973), Singer reports that philosophical discussions "have shown" that when we get down to cases that embody a distinction between killing and letting die, then "without any other irrelevant considerations to influence our judgment, it becomes implausible to say that there is a great moral difference between the act and the omission."

Several reasons are offered by Singer for this conclusion. First, in either case "we must take responsibility for what we do . . . a decision not to do something is as much a decision as one to do something." Secondly, Singer reports that "most people agree that this intuitive feeling [that it is worse to kill than to let die] is unreliable." Finally, he argues that "avoidance of pointless suffering must take precedence over a rigid adherence to a prohibition on killing."

It would be unfair to Singer to regard these remarks as his developed position; for he uses the problem only as an example and explicitly states that the "issue is not settled by what I have said so far." Nevertheless, the few remarks he does make indicate where he would come out and how he would make his argument.

Several comments seem in order. First, the fact that we must take responsibility for both decisions hardly means that they are identical decisions. Nor does the fact that both decisions entail "doing something." In this sense Singer is rebutting a position no one has ever held. Secondly, as for the opinion of most people about the unreliability of our intuitive acceptance of the distinction, the Anglican Working Party would certainly have something to say to that. Moreover, I am not sure what weight Singer would want the "opinion of most people" to carry. He himself would be the first to criticize acceptance of such opinion; for he writes that "no conclusions about what we ought to do can validly be drawn from a description of what most people in our society think we ought to do." Indeed, Singer rightly insists that if our moral theory is soundly based, we must be prepared to accept its implications even if they force us to change our moral views on issues; for unless we are, we have lost the capacity to generate radical moral criticism of prevailing standards and attitudes.

Finally, one must advert to Singer's introduction of rhetorical language which only thinly disguises (but hardly proves) certain value perspectives: e.g., "*rigid adherence*" to a prohibition on killing. If the prohibition is right, then adherence to it ought to be rigid. In such language there is the contrary suggestion that a prohibition is inappro-

⁷⁶Peter Singer, "Philosophers Are Back on the Job," *New York Times Magazine*, July 7, 1974, pp. 6 ff.

priate because it calls for “rigid” observance. This does not enlighten, but only pre-empt the issue. Some of the same things must be adduced about the usage “*pointless* suffering.”

James Rachels urges four arguments against the distinction.⁷⁷ His essay takes on added importance because it appeared in the nation’s most prestigious medical journal. First, letting die may take the patient longer, and so the patient may suffer more than he would if more direct action were taken. Thus, once the initial decision not to prolong life is made, active euthanasia is preferable. “To say otherwise is to endorse the option that leads to more suffering rather than less and is contrary to the humanitarian impulse that prompts the decision not to prolong life in the first place.”

Rachels’ second argument is that the traditional doctrine leads to decisions concerning life and death made on irrelevant grounds. He gives as examples two babies with Down’s syndrome, one with easily corrigible intestinal blockage, the other without it. The one with the blockage is allowed to die, the one without is not. However, Rachels argues, the blockage is irrelevant to whether the baby should live or not. “It is the Down’s syndrome and not the intestines that is the issue.” The killing-letting-die doctrine has led to these results and therefore should be jettisoned.

Thirdly, Rachels directly attacks the moral relevance of the distinction by two examples. Smith wants the inheritance he is to get from the death of a six-year-old child. He wants the child dead. So he drowns him in the bathtub. Jones wants the inheritance he is to get from the death of a six-year-old child. He wants the child dead. As he enters the bathroom, he is delighted to see the child slip in the tub, hit his head, and end up with his head submerged. He allows the child to die. “If the difference between killing and letting die were in itself a morally important matter, one would say that Jones’ behavior was less reprehensible than Smith’s. But does one really want to say that? I think not.”⁷⁸

Finally, Rachels attacks the idea that in active euthanasia the doctor does something, whereas in allowing someone to die he merely ceases treatment. Rachels argues that by allowing someone to die the doctor truly does something. He concludes as follows:

The reason why it is considered bad to be the cause of someone’s death is that death is regarded as a great evil—and so it is. However, if it has been decided that euthanasia—even passive euthanasia—is desirable in a given case, it has also been decided that in this instance death is no greater an evil than the patient’s

⁷⁷ James Rachels, “Active and Passive Euthanasia,” *New England Journal of Medicine* 292 (1975) 78–80. Responses to Rachels are in the same journal, pp. 863–867.

⁷⁸ *Ibid.*, p. 79.

continued existence. And if that is true, the real reason for not wanting to be the cause of someone's death simply does not apply.⁷⁹

Without for the moment passing judgment on Rachels' conclusions, several things must be said about the arguments he marshals. Rachels' first argument absolutizes the removal of suffering in the dying as follows: whatever course removes or lessens suffering most efficiently is morally right. With no desire or need to canonize suffering, I believe this begs the question; for it supposes that the fact of suffering, not the way it is removed, is morally decisive. That is the precise issue. The report of the Anglican Working Party is far more realistic and balanced in its approach to suffering. Furthermore, Rachels' conclusion rests on factual assumptions about the limits and inadequacy of the management of pain that many physicians and much literature would challenge, especially in our time.

Secondly, I would argue that whatever the merits of the commission-omission distinction, it does not factually lead to the conclusions Rachels draws from it. It is indeed the Down's syndrome and not the intestinal blockage that is relevant to the examples he gives; but it is an oversimplistic assessment of this condition, not the use of the commission-omission distinction, that leads to the results Rachels rightly disowns.

Thirdly, with regard to the Smith and Jones examples, to say that their actions are "equally reprehensible" is to say only that we have moral responsibility for both our acts and our omissions, and that the abuse of this responsibility can be homicidal in either an action or an omission. No one to my knowledge has ever denied this. But one must inquire further why Jones's conduct (omission) was reprehensible. Obviously, his motive was wrong (he *wanted* the child dead); but in this he does not differ from Smith. But in addition to this he *could* have and *should* have saved the child. For this reason his conduct was morally wrong. But to conclude from this that commission and omission are morally equivalent is to assume that all cases of dying patients are situations wherein the physician *could* have and *should* have saved the patient. But this is not the case; there are many instances where one cannot save the patient or, all things considered, need not do so.

Finally, when Rachels says that "the reason why it is considered bad to be the cause of someone's death is that death is regarded as a great evil," two things must be added. First, the proponents of the traditional distinction would say that death is, of course, a great nonmoral evil; but they would add that when disease or pathology takes a patient, we are

⁷⁹*Ibid.*, p. 80.

not *causing* the death or not causing it in the same way as when positive euthanasia is performed. They would then add that what is to be considered morally wrong is not just the occurrence of the evil but its relation to our causality. And we are back to the original argument.

Secondly, and more radically, some would argue that it is not just the fact that death is a great evil that makes "causing" it morally wrong, but that this evil stands in no proportionate relationship to a good to be achieved by it. It is not, in these instances, the life of this person (patient) against the common good, or against the life of another whom he unjustly attacks. If Rachels wants to argue that there is a proportionate good at stake, he would have to get into a long discussion about the meaning of life, of death, of suffering to establish it.

Philosopher Gerard J. Hughes, S.J., does not challenge the distinction; rather he reinterprets its meaning.⁸⁰ He first points out what is obvious: the distinction is not simply tantamount to that between what is morally right and morally wrong; for there are times when doing nothing (and thereby allowing someone to die) is morally wrong, indeed morally homicidal. From this Hughes concludes that the distinction between doing something that results in death and failing to do something as a result of which someone dies is not of moral importance simply because one is an act and the other an omission. "The moral difference is logically independent of any particular metaphysical truths about causation." Actually, he argues, we tend to describe as "killing" those cases where we feel the conduct is morally reprehensible, even if the person did not actually do anything. Contrarily, we avoid the terms "suicide" and "killing" where a person acted in such a way as to bring about his certain death but did so in circumstances which made his behavior morally admirable (e.g., saving others in a burning building). Thus "the distinction between 'killing' and 'allowing to die' seems almost to depend on our moral judgment of the cases concerned rather than to provide a basis for that moral judgment."

Hughes next turns to the intention. It has been argued that killing someone involves intending his death, whereas allowing him to die involves only permitting the death. What is morally wrong is intending another's death. Against this Hughes argues, first, that it does not square with traditional attitudes on death-intending conduct (e.g., the just war).

His second argument is more interesting. He considers two hypothetical patients. Both are and will remain comatose. The first patient is stabilized with artificial life-supports. Without them he would die within minutes. The second patient is terminally ill and will die within a few

⁸⁰ Gerard J. Hughes, S.J., "Killing and Letting Die," *Month* 236 (1975) 42-45.

days. If, however, he is given an injection, he will die in just about the same length of time that the first patient would take to die were the machines shut off.

The doctor of the first patient decides, in light of all the factors to be weighed, to switch off the machines. If his estimate of all the factors differs from the moral standards we expect, he lays himself open to the charge of killing his patient. "It will not help him much to say that it was the illness which killed the patient, and that all he, the doctor, did was permit the patient to die." If, however, his estimate of all the factors coincides with ours, he could state his case by saying there was no point in doing anything more. He will come in for moral criticism only if we discover that for some disreputable reason he actually *wanted that patient dead*. "The mere fact that the doctor performed an action—switching off a machine—will not in itself sway our moral judgment one way or the other, even though that action quite certainly results in the death of the patient in a very short time."

Hughes feels that the doctor of the second patient could produce a parallel set of arguments. The patient will die in a few days, so there is no point in doing anything more. He, too, has at his disposal an action that will quite certainly result in the death of his patient in a very short space. If it is objected that by administering the lethal dosage he intends the death of the patient, he would reply that it is not true, any more than it was in the case of the other doctor, that he *wanted the patient dead*. He had no ulterior motives etc. and did not in *that* sense want the patient dead. Hughes concludes: "I can see no moral grounds for distinguishing the two cases, stated simply and out of context as I have described them. . . ." He adds: "The distinction between killing and allowing someone to die, as it is usually interpreted, will not bear the weight which has often been put upon it."

The conclusion would seem to be either that euthanasia is morally permissible in those instances in which a decision not to maintain life is permissible, or that neither euthanasia nor refusal to prolong life is permissible. However, Hughes rejects these alternatives and argues that there may be other ways of distinguishing the two cases. He suggests that allowing doctors to take more active steps would undermine the general moral climate. Thus the distinction between commission and omission is not a matter of logic or metaphysics but of psychology and social climate.

Hughes concludes as follows: "To sum up, it appears to me that the distinction between 'killing' and 'allowing to die' may serve to indicate the important difference between an agent who wants someone dead, and another agent who does not." But to apply it in all cases as if it were crucial Hughes sees as hairsplitting, when the real importance of the

distinction is its inculcation of a moral and legal climate which we cannot do without.

If I understand him correctly—and I am not sure I do—Hughes is arguing that the really crucial things are the attitudes of wanting a person dead or not wanting him dead. It is the agent who wants someone dead who is the threat to human life, to our rights. The distinction between killing and allowing to die is the practical way of maintaining this deeper distinction intact. Concretely, I suppose that Hughes would argue that unless we maintained such a distinction in practice, we would lose sight of the more vital distinction and loose upon the world many more people who “want persons dead.” That is what I take the italicized words to mean when Hughes writes: “The distinction between ‘killing’ and ‘allowing to die’ *may serve to indicate* the important difference between an agent who wants someone else dead, and another agent who does not.” Thus the traditional distinction is important not of itself but instrumentally. It is, in a sense, only the best policy formulation we have for keeping the more crucial distinction alive and central in decisions involving life and death.

Hughes’s presentation is extremely interesting and he may well be right. Certainly, the distinction between killing and allowing to die (commission-omission) is open to problems similar to those that have been brought against the direct-indirect distinction; for killing is often said to be wrong because death is intended, whereas allowing to die can be permissible at times because in the noninstigation or withdrawal of life-supports one does not intend death but only permits it.

However, before completely endorsing Hughes’s conclusion, one might care to raise a problem or two. The first revolves around the rather vague terminology “may serve to indicate.” Does “indicate” mean “point out” or the stronger “maintain”? Furthermore, does “may serve” mean “*necessary* to maintain” (or indicate) or “*helpful* to maintain” (or indicate)? If it is necessary to the maintenance of the more crucial distinction (between wanting and not wanting people dead), why is it necessary? If it is indeed necessary, there must be some causal relationship between the traditional distinction and the more crucial one. But if the traditional distinction had no moral meaning in itself, how would its retention be a necessary support for the more crucial one and for our whole moral climate? Hughes might say, indeed might be forced to say—unless he can establish more clearly the link between omission-commission and the more crucial distinction—that if the crucial distinction is threatened by loss of the traditional one, this is because among those who would kill terminal patients there would be more who want people dead than among those who allow people to die at times. Otherwise, why would abandonment of the distinction threaten the more

crucial one and our moral climate? In other words, how can one assert that among killers of terminal patients there would be more who *want people dead*, especially if the traditional distinction has no moral relevance in itself?

Secondly, there is the crucial character of the notions of "wanting people dead" and "not wanting people dead." This is what Hughes thinks ought to be our real concern. However, I believe Hughes would admit that "wanting people dead" is not what is radically objectionable. It is wanting them dead *for the wrong reason*, for base motives, etc. If that is indeed the case, how does the omission-commission distinction relate to and affect the motivation of the one who kills or allows to die? More specifically, how does it function to inhibit or eliminate the bad motivation?

These questions are meant in no way to negate the possible validity of Hughes's conclusions. They are rather an indication of the extremely complex character of the problem we face, and of the fact that the discussion is far from over. I myself believe that there is moral significance in the traditional distinction, in the minimal sense that we ought to maintain the distinction in practice, though I am far from sure how we ought to analyze it. Although it has moral bite, perhaps we cannot demand that it do all the work we ask it to do. As this discussion continues (and as it should), one thing ought not to be overlooked. Just as there are dimensions to life that are beyond the neatness and tightness of our moral concepts and categories, and are in this sense mysterious, so there are mysterious dimensions to the last phase of life, dying. This suggests that there will also be elements of the mysterious to the acts through which we care for and comfort the dying. To think otherwise could easily be to attribute to rational analysis and argument powers they do not have. To act otherwise could easily collapse a human experience into the technological qualities (efficiency, cleanliness, painlessness, swiftness) that are to serve and support human experience, not replace it.

HUMAN RIGHTS AND THE MISSION OF THE CHURCH

Two anniversaries of special significance occurred in 1973: the tenth anniversary of *Pacem in terris* (1963) and the twenty-fifth anniversary of the United Nations Declaration of Human Rights (1948). These anniversaries were duly noted in some interesting documents and can provide the occasion for gathering some recent literature on human rights and the Church's mission in this area, especially since 1975 represents the tenth anniversary of *Gaudium et spes*.

The fourth Synod of Bishops met in the fall of 1974 (Sept. 27–Oct. 26). The *Catholic Mind* has put together a useful issue on the major documents

of the Synod.⁸¹ Included are Pope Paul's opening address, an overview of problems (Archbishop Aloisio Lorscheider of Fortaleza in Brazil), three regional reports (South America, Africa, North America-Australia-Oceania), two important speeches (John Cardinal Dearden, Dr. Philip A. Potter of the World Council of Churches), two synodal documents (human rights, evangelization), and Pope Paul's response to the work of the Synod.

Throughout these deliberations there is an undercurrent of concern about the formulation of the Church's proper mission in the sphere of the defense and promotion of human rights. Two extremes are possible in stating this mission: simple identification of the Church's mission with human liberation and development, a dualism that unduly separates the two.

In the past there may have been at least verbal leanings toward the latter extreme. Pius XI wrote to Fr. M. D. Roland-Gosselin: "It is necessary never to lose sight of the fact that the objective of the Church is to evangelize, not to civilize. If it civilizes, it is for the sake of evangelization."⁸² Pius XII in an address (March 9, 1956) stated: "Its divine Founder, Jesus Christ, has not given it [the Church] any mandate or fixed any end of the cultural order. The goal which Christ assigns to it is religious. . . . The Church can never lose sight of the strictly religious, supernatural goal. . . ." ⁸³ Vatican II itself noted: "Christ, to be sure, gave His Church no proper mission in the political, economic, or social order. The purpose which He set before her is a religious one."⁸⁴

Terms such as "proper mission" and "strictly religious" cry out for clarification; for they are capable of yielding a very dualistic meaning which ends up restricting the mission of the Church to instruction in the faith, liturgy, preaching, and sacraments—in brief, a kind of "sanctuary Christianity." In this view those directly concerned in one way or another with righting unjust social structures would not be involved in the Church's "proper mission" or with something "religious."

Pope Paul once again struggled (I believe the word is not inaccurate) with the formulation of these matters in his opening address to the Synod. While speaking of the "specific finality" of evangelization, he made the following suggestion to the assembled bishops: "It will be necessary to define more accurately the relationship between evangelization properly so called and the whole human effort towards development for which the Church's help is rightly expected, even though this is not

⁸¹ *Catholic Mind* 73 (1975) 2-64. Cf. also *The Pope Speaks* 19 (1975) 182-99, 216-19.

⁸² *Semaines sociales de France* (Versailles, 1936) pp. 461-462, as cited in Abbott, *The Documents of Vatican II*, p. 264, n. 192.

⁸³ *Acta apostolicae sedis* 48 (1956) 212.

⁸⁴ *Gaudium et spes*, no. 42 (Abbott, *The Documents of Vatican II*, p. 241).

her specific task."⁸⁵ Now if it is necessary to define this relationship more accurately, clearly such a definition seems not yet to have been achieved. He warns against forgetting the priority of the message of salvation and thus reducing "their own action to mere sociological or political activity, and the message of the Church to a man-centered and temporal message." His final statement about evangelization and human progress is that "there is no opposition or separation, therefore, but a complementary relationship between evangelization and human progress. While distinct and subordinate, one to the other, each calls for the other by reason of their convergence toward the same end: the salvation of man."

Here one is tempted to ask: If human progress and liberation converge toward the salvation of man, why are they not the proper mission of the Church?

In his report to the Synod, Archbishop Joseph L. Bernardin stated that no one (from the region he represented) questions the integral relationship between evangelization and human liberation; however, there was a difference in the emphasis to be given to this relationship. In developed countries "the need for the Church to deal with the themes of justice and peace is felt as a demand of the gospel...."⁸⁶ Speaking for the bishops of South America, Bishop Eduardo Pironio referred frequently to "complete liberation in Christ," "liberation of the whole man."⁸⁷ He referred to a "dualism between faith and life," but cautioned against a "superficial identification between evangelization and human advancement" (which he saw as a real danger in South America).

After these preparatory statements, the Synod issued (Oct. 23) its statement "On Human Rights and Reconciliation."⁸⁸ This statement is extremely interesting. It refers to the fact that the "integral development of persons," the "complete liberation of man," makes clearer in man the divine image. "Hence she [the Church] believes firmly that the promotion of human rights is *required by the gospel* and is *central to her ministry*."⁸⁹ Then, speaking of the relationship between evangelization and liberation, the document first notes that the Church as evangelizer must conform to Christ, who was sent "to announce glad tidings to the poor, to give prisoners their freedom, the blind their sight, to set the oppressed free" (Lk 4:18). Faithful to this mission, the Church "can draw from the gospel... ever new incentives to... eliminate the social consequences of sin which are translated into unjust social and political structures."⁹⁰ Thus, for the Synod, correction of unjust social and political structures is *part* of evangelization, though evangelization does not stop there but leads to "full communion with God and with men."

⁸⁵ *Catholic Mind* 73 (1975) 6.

⁸⁶ *Ibid.*, p. 20.

⁸⁷ *Ibid.*, p. 35.

⁸⁸ *Ibid.*, pp. 50-52.

⁸⁹ *Ibid.*, p. 51; emphasis added.

⁹⁰ *Ibid.*, p. 56.

Pope Paul felt compelled (“We could not allow false directions to be followed”) to return to this subject at the close of the Synod. After noting that human liberation had been rightly emphasized as part of that love Christians owe their brethren, he warned that the “totality of salvation is not to be confused with one or other aspect of liberation. Hence human advancement, social progress, etc. are not to be excessively emphasized on a temporal level to the detriment of the essential meaning which evangelization has for the Church of Christ: the announcement of the good news.”⁹¹ Obviously, the Pontiff felt that this or that aspect of liberation was being confused with the totality of salvation and that there was excessive emphasis on the temporal aspects of social progress.

I have cited these documents extensively because they manifest a very human and understandable groping toward a balanced formulation of the Church’s mission in the social sphere. One can sense in this movement from “no proper mission” to “required by the gospel and central to her mission” a kind of consciousness-in-transition. Where is that consciousness now? It is hard to say, but perhaps it could be put as follows: elimination of the social consequences of sin is essential to the Church’s evangelizing mission but does not exhaust this mission—and therefore should not be “excessively emphasized.” As noted, this matter is of more than speculative interest. It has everything to do with how ministry is conceived, implemented, and supported at all levels. For instance, unless I am mistaken, the phrase “genuinely priestly work”—taken exclusively to mean preaching and administration of the sacraments—must be seen as a relic.

Here attention should be called to a long and very detailed document issued by the Pontifical Commission Justice and Peace.⁹² The document reviews the Church’s teaching on human rights from the time of Pope Leo XIII to the present and shows how these rights, rooted in the dignity of the person, receive new light and depth through the Incarnation which so luminously affirmed this dignity (*imago Dei*). At one point the document notes that “although the Church with her religious role has no proper mission in the political, social, or economic order, she is far from looking on religion as purely private. . . .” A bit later the study states that to imitate Christ and to be his true continuation in the world “the Church as a whole, like every Christian community, is called to work for the dignity and rights of man, both individually and collectively; to protect and promote the dignity of the human person; and to denounce and oppose every sort of human oppression.”

⁹¹ *Ibid*, p 63

⁹² “The Church and Human Rights,” *L’Osservatore romano* (English edition) 1975, Oct 23, pp 6-8, Oct 30, pp 8-9, Nov 6, pp 6-8, Nov 13, pp 9-10

One has to wonder whether the borrowed phrase “no proper mission” is really appropriate. If it is integral to the Church’s mission to protect and promote human rights, and if these rights are violated precisely by unjust political, economic, and social structures, does not the Church have a proper mission, at least in some sense, in the political, economic, and social order? Otherwise, what does it mean to say that the “Church . . . is called to work for the dignity and rights of men,” that this is integral to her mission? Indeed, at one point the study refers to “a continuously growing awareness of the Christian’s special vocation in the social and political community. . . .” Again we read: “To take part in the process of liberating the whole man, as seen in the light of the gospel, is an indispensable element in any genuine pastoral mission of effective and authentic proclamation.”⁹³ Now if this liberation is from every form of slavery (sin and selfishness and their effects in the social sphere), as the document insists, then it seems that the Church does indeed have a proper mission in the social, political, and economic areas. I realize that the word “proper” (as in the phrase “proper mission”) can be understood to mean “exclusively the Church’s,” “hers and no one else’s,” etc. But this is not the way the term is generally understood and will be understood.

The single question raised here should not obscure the fact that the document of the Pontifical Commission is an excellent summary of the Church’s commitment to human rights and could be a very useful tool for study and motivation⁹⁴ at regional levels—the very purpose for which the study was drafted.

The struggle to formulate the Christian mission where social change is concerned has not been limited to the Catholic community. This struggle has a long theological history. Hans Schwarz reviews recent criticism of Luther’s doctrine of the two kingdoms.⁹⁵ Barth had criticized placing the spheres of Church and state parallel to each other as a dangerous type of isolation. H. Richard Niebuhr, while more appreciative, saw the doctrine as ultimately dualistic and culturally conservative. Carl E. Braaten asserted a similar dualism because the eschatological dynamic of the kingdom on the right had no effect on the kingdom on the left. Lawrence K. Kersten accuses the doctrine of individualism and of social impotence.

Schwarz undertakes what he calls a “partial vindication” of the

⁹³ *Ibid.*, Nov. 6.

⁹⁴ On motivation cf. Geiko Müller-Fahrenholz, “Overcoming Apathy,” *Ecumenical Review* 27 (1975) 48–56; Richard A. McCormick, S.J., “The Social Responsibility of the Christian,” *Australasian Catholic Record* 52 (1975) 253–63.

⁹⁵ Hans Schwarz, “Luther’s Doctrine of the Two Kingdoms—Help or Hindrance for Social Change,” *Lutheran Quarterly* 27 (1975) 59–75.

doctrine. Whether he succeeds can be left to the curious reader; for Luther was, as Schwarz notes, a dialectical thinker. This means practically that when all is said and done, the objections leveled against the two-kingdoms theory remain far clearer than the partial vindication. Nonetheless, the theory was an attempt to avoid two extremes, the Christianization of the state and the secularization of the Church.

Much of the concern over formulating the Church's proper mission in the social sphere stems from the emergence of the theology of liberation. The literature on liberation theology is already out of control.⁹⁶ Only a few recent entries can be touched here and they will be viewed uniquely from the perspective of the Church's mission. The purpose, therefore, is neither to defend nor to attack liberation theology. There are already sufficient combatants in that arena. Among the attackers, e.g., Andrew Greeley and Michael Novak are, if not *facile principes*, very upward-mobile contenders.⁹⁷

Francis P. Fiorenza presents a useful comparison between political theology and liberation theology.⁹⁸ He uses Metz, Moltmann, and Sölle as examples of the former, Gutierrez, Segundo, Boff, and Assmann as examples of the latter. Fiorenza finds three common elements in the political theologians. "The contemporary situation is secularized, the existential response is inadequate, and a political (public) theology is not a theology of politics, but a hermeneutical task . . ." The inadequacy of the existential response refers to the fact that a theology of transcendental subjectivity privatizes the Christian message and confirms the withdrawal of religion from societal life. The "hermeneutical task" refers to the discovery of those principles of the Christian message that reveal its meaning for the life of all men, not just the individual.

By contrast, the situation of the liberation theologians of Latin America is remarkably different. It is not one of secularization and consequent privatization of faith, as in Europe. Thus, Gutierrez criticizes Metz for predicating of the world what describes only parts of it, and not Latin America. The Church still has power in Latin America and the question is: how is it to be used in the service of society? Secondly, liberation theologians are at one in criticizing "developmentalism," scil.,

⁹⁶For a bibliography cf. Francis P. Fiorenza, "Latin American Liberation Theology," *Interpretation* 28 (1974) 441-57; Egidio Vigano Cattaneo, "Fe y liberación," *Estudios teológicos* 2 (1975) 139-215; "Latin American Liberation Theology," *Theology Digest* 23 (1975) 241-50.

⁹⁷Michael Novak, "Theology of Liberation," *National Catholic Reporter*, Nov. 21, 1975, p. 12; Andrew Greeley, "Liberation without Freedom?" *Catholic Chronicle* (Toledo), Nov. 28, 1975, p. 5 (a syndicated column, found in many diocesan papers).

⁹⁸Francis P. Fiorenza, "Political Theology and Liberation Theology: An Inquiry into their Fundamental Meaning," in *Liberation, Revolution, and Freedom*, ed. Thomas M. McFadden (New York, 1975) pp. 3-29.

the attempt to achieve social advances within existing structures without altering these structures. Thirdly, where political theology concentrates on the proper hermeneutic, liberation theology is "concerned with the interpretations of the Christian symbols of faith."

Here Fiorenza notes that "at the center of all the deliberations by the liberation theologians stands the question of the Church and its mission."⁹⁹ The heart of this mission is to be a sign of universal salvation. The Church realizes this mission in so far as it signifies and proclaims that salvation. How does it do this? In many ways, but "its confrontation with the oppression and injustice of its concrete situation is an integral part of its mission to be the sign of salvation."

Fiorenza concludes that the critics of liberation theology (e.g., Richard Neuhaus, who warns that Gutierrez ultimately equates the mission of the Church with revolutionary struggle) have misunderstood it; for even though liberation theologians insist on a direct, immediate relationship between faith and political action, they also argue that if faith is to develop norms and criteria for political action and options, it can do so only on the basis of a concrete historical and societal analysis. A very thoughtful article.

René Coste reviews many of the key books on liberation theology, including several that are highly critical (e.g., uncritical acceptance of the terms "praxis" and "history," tendency to identify the kingdom of God and political liberation, uncritical use of Marxist categories, selective use of scriptural texts for prefixed theses, etc.).¹⁰⁰ Coste then gives his own evaluation: liberation theology is fecund, yet quite discussible. Among the discussible aspects Coste includes the fact that this theology is "insufficiently clear" on the mission of the Church. That is, he believes the Church ought to have a liberating political impact "on the condition that it remain faithful to its specific mission, which is a mission of salvation and not a mission directly political." Otherwise, Coste is convinced, the Church will fall into a new form of social messianism.

A pastoral session met in Paris (Sept. 13-15, 1974) to discuss the social apostolate. It included many bishops, representatives of lay movements, priests, religious, and some theologians. Following this lively discussion, the Permanent Council of the French Episcopate proposed its own reflections under title of *Les libérations des hommes et le salut en Jésus Christ*.¹⁰¹ The document attempts to relate liberation movements to

⁹⁹ *Ibid.*, p. 21.

¹⁰⁰ René Coste, "Foi et société: 'Liberation et salut,'" *Esprit et vie* 85 (1975) 577-88. The article is marked "à suivre."

¹⁰¹ Paris, 1975, pp. 1-107. I am using Coste's summary and also "Liberazione degli uomini e salvezza in Gesù Cristo," *Civiltà cattolica* 126 (1975) 3-12.

salvation, that is, it searches for the specificity of the Church's mission. The episcopal document first cautions against either dissociating or confusing liberation and Christian salvation. Some oppose these dualistically, some identify them uncritically. Such errors are analogous to deviations of the past wherein either the divinity or humanity was isolated in Christ's salvific activity. The relationship, the document states, "cannot be expressed either in terms of a radical rupture or in those of a continuity without breaking points."

How, then, is the relationship to be understood? The French episcopal analysis begins by describing salvation. "In so far as he is savior, Jesus introduces us to the life of the Trinity and associates us with the work of the Father in which he is incessantly at work. In Jesus Christ salvation is already given, the kingdom of God is already present in the gift that inaugurates communion with God."¹⁰² But this salvation cannot be conceived in a "spiritualistic" way; rather, by grace it is the transfiguration of everything human. It should not be seen as a salvation to be realized in the future and elsewhere, but rather as the mysterious growth of the kingdom already present, even though not fully revealed and realized. For this reason, the document argues, "the essential link between salvation and liberation consists in this meeting between man who aspires to freedom and fights to be himself, and the God of the Alliance, who is present in the heart of history to lead it to its final term. Thus man does not reach God by leaving the world, but by inserting himself in it and collaborating with the Creator's plan."¹⁰³

In conclusion, the French document insists, on the one hand, on the irreducibility and radicality of salvation. On the other, it asserts that "Christians would be unfaithful to their mission of evangelizing if they did not mobilize effectively to work with all their brothers, believers and nonbelievers, for the liberation of men, of each person and all persons." But the means it uses are proper to itself: "announcing the good news, service of the word of God, communication of the riches of the paschal mystery through the sacraments and prayer."

It is highly doubtful that liberationists from Latin America would rest satisfied with such a formulation. Segundo Galilea, writing in the Mexico City monthly *Servir*, has a good summary of what liberation theology is all about. He notes that the appeal of the Medellín *Conclusions* "was meant to remind the Church of its proper sociopolitical role, which it had quite forgotten in recent decades."¹⁰⁴ He sees this theology as an at-

¹⁰² *Les libérations des hommes et le salut en Jésus Christ*, p. 33.

¹⁰³ *Ibid.*, p. 36.

¹⁰⁴ Segundo Galilea, "Liberation Theology Began with Medellín," *Ladoc*, May 1975, pp. 1-6.

tempt to move beyond dualism, yet to preserve both the autonomy of the sociopolitical and the transcendence of salvation.

Even though liberation theology is no monolith, Galilea sees three presuppositions in it: (1) the condition of underdevelopment and unjust dependence; (2) a Christian interpretation of this as a "situation of sin"; (3) the pressure on the conscience of Christians to commit themselves to remedying the situation. On the basis of these three themes, liberation theology's "fundamental objective is to clarify the intrinsic relation there is in God's plan between sociopolitical, economic, and cultural liberation and the eschatological salvation by Jesus Christ."

Galilea acknowledges the criticisms that this theology has encountered. He argues, however, that it must not be seen as a single, uniform school, but as a pluralistic current. Furthermore, one must carefully distinguish in this current the truly theological literature from the abundant documentation on the sociopolitical liberation theme. Failure to make the distinction has hurt liberation theology.

In his presentation to the 1974 Synod of Bishops, Peruvian Bishop Germán Schmitz asked the Synod to "declare the word 'liberation' and its integral meaning *an* essential—if not *the* essential—element in the notion of salvation."¹⁰⁵ For him, this integral meaning includes positive liberation (freedom for full communion with God and neighbor) and negative liberation (the break with sin in the heart of man and in the unjust structures of society "that keep people from thinking and acting as children of God and brothers in Christ"). The Bishop does not say so, but if liberation is "an integral part of God's salvific plan," it would seem to follow that the Church has a "proper role" in all aspects of liberation.

If this is so, the Church must get involved in politics to some extent. Dom Helder Camara, Archbishop of Olinda and Recife, addressed this subject in the Synod bluntly and stirringly.¹⁰⁶ He acknowledged the risk to the Church in being considered political and subversive, but added: "The time has come now for the Church to stop worrying about the accusation of getting into politics. 'Politics' is simply a synonym for working for the common good, i.e., advancing the dignity of the human person and the concrete conditions that insure that dignity."

A pamphlet published by Mons. Miguel Obando, Archbishop of Managua (Nicaragua), faces the same problem, "getting into politics."¹⁰⁷ The Church simply has to get into politics in the sense of seeing to it "that the subject and object of the economy is man." She ought not to be in politics if this means speaking for or against a given

¹⁰⁵ Germán Schmitz, "Let's Officialize the Word 'Liberation,'" *ibid.*, pp. 7-8.

¹⁰⁶ Helder Camara, "The Gospel and Liberation," *Ladoc*, Sept.-Oct. 1975, pp. 30-34.

¹⁰⁷ Miguel Obando, "Should the Church Be in Politics?" *Ladoc*, June 1975, pp. 29-31.

political system that is simply trying to translate into effective and productive terms the laws of economics. Economic structures, the Archbishop points out, will either be constructive for man's dignity or they will not. "If they are not, then the Church, to safeguard the very value of man, who is willy-nilly caught up in and dependent on economic activity, must take steps to combat those structures. That is its mission. A mission that the entire Church must fulfill—hierarchy, lay people, and religious, each according to the nature and function of his particular vocation in the Church." Thus the Church must speak and act concerning the justice and injustice of given situations, but it can do so freely "precisely because it refuses to be captured by any one faction or party." This is a far cry from those approaches that speak of the relation of the Church to the economic and political spheres through means "proper to herself."

In the foregoing sampling of a huge literature, the center of concern has been the relation of salvation to human liberation in all its forms (economic, political, racial, sexual, etc). This relationship obviously determines the basic meaning of evangelization and its appropriate methods. One senses a tension throughout this literature, almost a foreknowledge of the fact that the attempt to formulate the matter is, given the mysterious depth of our salvation in Christ and its "already" but "not yet" character, doomed to failure. When the transcendence of salvation is emphasized, its immanent claims seem to be minimized. When the immanent claims (liberation) are urged, there is the ever-present danger of collapsing salvation into a particular socioeconomic policy. Thus the literature represents a series of *sic et non* statements, with the *sics* getting much stronger emphasis in the Latin American version of liberation theology than elsewhere.

When this literature is viewed from the perspective of the Church's mission, the following emphases would represent, I believe, the thrust or direction of thought: (1) a move away from statements asserting that the Church has "no proper mission in the political, economic or social order." (2) This move is made, above all, in terms of the rights of man. (3) These rights are founded on the dignity of man. (4) This dignity is stated in and sharply illumined by the gospel—a dignity rooted in what man already is in Christ. (This represents a slight de-emphasis in the vocabulary associated with the natural-law presentation of rights, though by no means its denial.) (5) Therefore, to preach the gospel, the Church must be concerned with rights. (6) Rights are at stake in many ways, but especially in unjust and oppressive social structures. (7) Therefore the Church is necessarily concerned with such structures. (8) Since these structures are affected, shaped, and often controlled by

social, economic, and political factors, the Church is, in her concern for rights, necessarily concerned with these factors, though she must remain beyond any merely partisan or ideological approaches. (9) This concern is not preparatory to evangelization but is an essential part of it, even though such concern for and promotion of rights does not exhaust the notion of salvation.

If one were to attempt to bring these emphases together into a theological synthesis, the connecting link between evangelization and liberation in all forms would be, I believe, man's dignity as we know it from the Christ-event and the Church's commission to spread this good news. Man *is* redeemed in Christ. He shares the unspeakable life of God's love, His sonship—mysteriously and inchoatively, but nonetheless really. His life must be a free and deepening embrace of this reality. The Church, the extension of Christ's presence, is in the business of spreading this great good news.

However, if the person as person truly *is* what we say he is (and not merely an imprisoned spirit who will be this in a hereafter if he behaves), then to tell him this (evangelization) is to do all those things that remind him of his true dignity; for if the person *is* someone of dignity, he must be treated as such. To deny him his rights or to tolerate this deprivation is to tell him in a practical way that he is not worth these rights, that he is not dignified. We are reminded of our true worth and dignity by being treated in accordance with this dignity. (It is axiomatic that we expand and become capable of love by being loved). Hence the Church's proclamation is necessarily action. She does not civilize in order to evangelize (a kind of *removens prohibens*), if one may for the moment use the phraseology of Pius XI to depart from it. She civilizes because that is an essential aspect of evangelizing. It is the most concrete and effective, indeed the indispensable, way of communicating to human beings their real worth—scil., the good news. For if the Church proclaims to people what they truly are here and now, and yet tolerates a variety of injustices visited upon them, she literally does not mean what she says. Proclamation of the gospel is by inner necessity concern for those to whom the gospel is proclaimed; for that gospel is about the kingdom already aborning. In this sense it is true to say, as has long been admitted, that the Church's ethical action is *anticipation* of the kingdom and, as such, proclamation of it.

The power of sin and selfishness remains and it becomes concrete in the social structures that oppress and enslave. These structures are a daily reminder to man of his worthlessness. If it is not important that the person have equality of opportunity, reasonable security, religious freedom, sufficient food, medical care, etc., if it is of no moment that

persons in some countries are desperately poor while others are comfortably affluent, then clearly man's real present dignity is of little moment. Enslaving structures are, purely and simply, unevangelical structures; they factually deny what the gospel affirms.

That is why the Church at all levels must be involved in liberation (one can choose his own word). It is the human way, and therefore the only way, of communicating dignity and therefore of proclaiming. That is why the Church of the past has been involved in orphanages, the redemption of captives, the care of the sick, and all kinds of social concerns. And that is why, it would seem, we must eventually say that she has a proper mission in the political, economic, and social order; for it is these orders that tell persons in our day and in a very concrete way what they are. And that is what the Church is about. If she renounces this mission, she renounces proclamation of the good news; and this she cannot do.

This is not to say that salvation is reducible to, e.g., economic liberation or that the Church has a special economic competence. Nor is it to say that one can leap from eschatology into practical economics and politics with a ready-made evangelical solution, ignoring the hard work of social ethics and spurning the achievements of a tradition of civil liberties. It is to say only that the Church's concern in evangelization is man and that if man is being countereducated by economic, social, and political structures (counter = told of his real lack of worth and dignity), then she must speak and act. In this sense liberation is absolutely essential to evangelization. I believe this is what the literature is attempting to say, and in ways far richer than this brief synthesis.

However this matter is to be formulated, one thing is clear: unless the Church, at all levels, is an outstanding promoter of the rights of human persons in word and deed, her proclamation will be literally falsified.¹⁰⁸

Kennedy Institute, D.C.

RICHARD A. McCORMICK, S.J.

Woodstock Theological Center, D.C.

¹⁰⁸ Some recent literature touching rights would include the following: Sebastian MacDonald, "The Meaning of Abortion," *American Ecclesiastical Review* 169 (1975) 219-36, 291-315; Dennis J. Doherty, "The Morality of Abortion," *American Ecclesiastical Review* 169 (1975) 37-47; Thomas R. W. Longstaff, "The Ordination of Women: A Biblical Perspective," *Anglican Theological Review* 57 (1975) 316-27; John F. Dedek, "Two Moral Cases: Psychosurgery and Behavioral Control; Grossly Malformed Infants," *Chicago Studies* 14 (1975) 19-35; J. Robert Nelson, "New Protection for the Unborn Child," *Christian Century* 92 (1975) 725-26; Peter Monkres, "Just-War Theology: Rejected by the Court," *Christian Century* 92 (1975) 547-49; James M. Wall, "Capital Punishment: A 'Moral Consensus'?" *Christian Century* 92 (1975) 483-84; Roy Branson, "Is Acceptance a Denial of Death? Another Look at Kübler-Ross," *Christian Century* 92 (1975) 464-68; Joseph Thomas, "Combat politique, épreuve ou lieu de la foi," *Christus* 22 (1975) 260-73; Virgilio Fagone, S.J., "Vita prenatale e soggetto umano," *Civiltà cattolica* 126 (1975)

441-60; Angelo Serra, S. J., "La realtà biologica del neo-concepito," *Civiltà cattolica*, *ibid.*, pp. 9-23; Dave Llewellyn, "Restoring the Death Penalty: Proceed with Caution," *Christianity Today* 19 (1975) 828-31; H. McHugh, "The Pastoral Care of Those Confronted with Abortion," *Clergy Review* 60 (1975) 218-23; Charles C. West, "Faith, Ethics, and Politics," *Dialog* 14 (1975) 169-80; Pope Paul VI, "La femme dans la société et dans l'église," *Documentation catholique* 72 (1975) 403-4; Charles West, "Justice within the Limits of a Created World," *Ecumenical Review* 27 (1975) 57-64; David Jenkins, "A Theological Inquiry concerning Human Rights: Some Questions, Hypotheses and Answers," *Ecumenical Review* 27 (1975) 97-103; Burgess Carr, "Biblical and Theological Basis for the Struggle for Human Rights," *ibid.*, pp. 117-23; Edward Rogers, "The Right to Live," *ibid.*, pp. 128-33; Julio Barreiro, "In Defense of Human Rights," *ibid.*, pp. 104-10; James V. Schall, "'Conditional' Right to Life," *Furrow* 26 (1975) 455-61; Manfred K. Bahmann, "Liberation Theology—Latin American Style," *Lutheran Quarterly* 27 (1975) 139-48; R. Coste, "Foi et société industrielle," *Nouvelle revue théologique* 97 (1975) 385-414; Raymund Schwager, "Gerechter Krieg?" *Orientierung* 39 (1975) 76-78; Margaret Farley, "The Role of Women in the Church," *Origins* 5 (July 3, 1975) 89-91; Robert N. Wennberg, "Act Utilitarianism, Deterrence and the Punishment of the Innocent," *Personalist* 56 (1975) 178-94; Ferdinand Schoeman, "When Is It Just to Discriminate?" *ibid.*, pp. 171-77; Salvatore Loi, "Originalità cristiana e liberazione umana," *Rassegna di teologia* 16 (1975) 327-41; Armando Oberti, "La salvezza cristiana come 'liberazione,'" *ibid.*, pp. 201-14; J. L. Gonzalez Faus, "Tesis sobre cristianismo y lucha por la justicia," *Razón y fe* 191 (1975) 71-79; Remi J. DeRoo, "Le rôle de l'église touchant les droits de l'homme au Canada," *Relations* 35 (1975) 35-41; "Démographie et morale politique," *Vie spirituelle: Supplément*, no. 112 (1975) 5-56 (no author given, since the document is a report of a theological meeting on population, as is the next entry); "Les problèmes démographiques et la responsabilité catholique," *ibid.*, pp. 57-89; Francis X. Winters, S.J., "Morality in the War Room," *America* 132 (1975) 106-10; Arthur Dyck, "American Global Population Policy: An Ethical Analysis," *Linacre Quarterly* 42 (1975) 54-63; Francis X. Winters, S.J., *Politics and Ethics* (New York, 1975).