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Much interesting literature of the past year has gathered around four areas: (1) intrinsic evil, moral norms, and the magisterium; (2) moral reasoning and storytelling; (3) nuclear deterrence and nuclear war; (4) women, newborns, and the conceived.

INTRINSIC EVIL, MORAL NORMS, AND THE MAGISTERIUM

The past year will be remembered for many turbulent events (e.g., the invasion of Lebanon, the Falklands war, the steep economic recession). Not least among the turbulences was what Agatha Christie might call "this recent unpleasantness." I refer to the tensions between the Holy See and the Jesuits. Some of these tensions were, so it was said, doctrinal, and specifically moral, in character. Whatever the case, whenever the matter was mentioned publicly, it was generally accompanied by reminders of the "traditional loyalty of the Society of Jesus to the pope." This loyalty is underlined by the fourth vow of Jesuits. The impression was not infrequently left that Jesuits were in violation of their most treasured traditions when they dissented from certain policies or formulations of the Holy See.

For this reason a study by historian John W. O'Malley, S.J., is highly topical.[1] The Spanish Jesuit José García de Madariaga has recently argued that "matter which is doctrinal can form part of the proper object of the fourth vow; and . . . therefore the pope can impose an order which is strictly or purely doctrinal in virtue of that vow."[2] In other words, Madariaga proposes an understanding of vowed allegiance wherein Jesuits can be obliged by vow to a special defense of *Laborem exercens*, *Populorum progressio*, or *Humanae vitae*.

In a carefully documented and utterly persuasive way, O'Malley shows that such a thesis rests on highly questionable presuppositions and is untenable. For instance, Madariaga refers to the "papal magisterium" in Ignatius' time. O'Malley shows that the use of this term to describe a sixteenth-century reality is "to read back into the sixteenth century a reality that came into existence only in the nineteenth." The popes of

[1] John W. O'Malley, S.J., "The Fourth Vow in Its Ignatian Context: An Historical Study," *Studies in the Spirituality of Jesuits* 15, no. 1 (1983).

[2] José García de Madariaga, S.J., "The Jesuit's Fourth Vow: Can It Extend to What He Teaches?" *Review for Religious* 41 (1982) 214–38.

that time simply did not teach in the way they do now. The first encyclical dealing with doctrinal matters was issued in the nineteenth century.

Another false supposition is that Ignatius identified the Church with the pope, an identification that lacks any solid evidence. Furthermore, this skewers the discussion by placing interpretation of the vow primarily within Ignatius' esteem for the papacy rather than within the context of the apostolic aim of the first Jesuits. This false start leads to a "totalism" that is not historically verifiable.

O'Malley concludes this excellent study by rejecting Madariaga's assertion that the pope "can command the defense of any Catholic truth whatever, even if it is not infallible." In O'Malley's words, "Such commands have never been given, there is no evidence that Ignatius ever considered such a likelihood or even possibility, and there is no solid indication from any word or deed of the early Jesuits that they had that understanding of the vow."

The fourth vow is rather a symbol of the universal mission of the Society and a guarantor of the mobility and disponibility to achieve this. It shows a fundamental concern of the Society that the members of the order be persons "on mission" under the pastoral guidance of the pope.

O'Malley's rich and balanced study should quiet some of the expansive allegations aimed at theologians who are doing nothing more than their theological and ecclesial task when they receive authentic teaching both docilely and critically. Furthermore, I believe that the thesis O'Malley defends from a historical view can very likely be established theologically. Is it possible for a theologian to vow to defend a formulation that *ex hypothesi* could be in need of qualification, or could even be in error? Would that not be a vow that in some rare instances would undermine the truth, perpetuate error? How is that in any sense the *melius* traditionally demanded for the validity of a vow? O'Malley raises this issue from the viewpoint of a papal command and rightly contends that "such a command would at least border on the immoral." It would in effect be a "command to violate the criteria for 'true' interpretation, which we must assume any pope wants."

One final point. O'Malley notes that Ignatius did bequeath to his followers a pastoral principle: "the greater good of souls." In Ignatius' time this translated into the avoidance of all public criticism of authority. But O'Malley rightly argues that such a translation on the grounds of pastoral prudence is hardly valid for all times.[3] As he notes, "The faithful continue to prove themselves tougher than their clergy sometimes give them credit for, and they rightly seem more scandalized when abuses or

[3] Cf. the interesting article by Miguel M[a]. Garijo-Guembe, " 'Reception' and Its Place in Theology," *Theology Digest* 30 (1982) 49–53.

dissent are brought to their attention by outsiders than they are when these are dealt with straightforwardly by those properly qualified within the church."[4]

A recent study by Joseph Fuchs, S.J., constitutes a kind of companion piece to O'Malley's essay.[5] Fuchs asks: In what sense are moral truths "truths of salvation"? The question arises because it has been traditionally stated by some authors[6] that the Church's moral teachings are truths of salvation. For this reason they are said to be the object of the charism of infallibility.

Fuchs argues that the term "moral truths" must be carefully distinguished. One level concerns the moral goodness of the person. This refers to the acceptance of God's enabling love into our persons, to a person's "being decided for God" (*optio fundamentalis*). In this sense "salvation is the moral *goodness* of the *person*, given by grace." We might call this the vertical dimension of moral truth. "Moral goodness is both effect and sign of the grace of salvation. What we can say about the moral goodness of the person is therefore a *truth of salvation.*"[7]

Another level is the horizontal, the realization in concrete behavior of what is promotive for human persons. We refer to this as the rightness (or wrongness) of human conduct. This innerworldly activity we sometimes call "moral" rightness (or wrongness), but it is moral only in an analogous sense. That is, moral goodness contains an inclination, an intention, a goodwill, a readiness to do what is right. It is because of this relationship between personal goodness and material rightness that this rightness is called "moral." But this rightness is not directly and in itself concerned with personal moral goodness. Salvation (as in "truths of salvation"), therefore, does not have a direct relationship to right behavior, but to personal goodness. Concrete moral norms, therefore, are truths of salvation only in an analogous sense.

[4] In an interesting article Heinrich Fries touches on theology's responsibility to the magisterium. He notes that theology must have the courage to keep alive problems once consigned to silence: the admission of the divorced to the sacraments, *communicatio in sacris*, mixed marriage, celibacy, the place of women in the Church. "Theology," he insists, "must assume the suspicion and the objection of disturbing the peace occasionally. But the question is not one of disturbance but of responsibility in the community of believers. Calm [*Ruhe*] is by no means the primary Christian duty" ("Die Verantwortung des Theologen für die Kirche," *Stimmen der Zeit* 200 [1982] 245–58, at 255).

[5] Joseph Fuchs, S.J., "Sittliche Wahrheiten—Heilswahrheiten?" *Stimmen der Zeit* 200 (1982) 662–76.

[6] Thus G. Ermecke, "Die Bedeutung von 'Humanwissenschaften' für die Moraltheologie," *Münchener theologische Zeitschrift* 26 (1975) 126–40. Cf. also "Zur Bestimmung der Lage in der Moraltheologie," *ibid.* 30 (1979) 33–44, where the teaching of *Humanae vitae* is called "a truth of salvation that obliges under sin" (35).

[7] Fuchs, "Sittliche Wahrheiten" 665.

It is the failure to distinguish the pairs good-bad and right-wrong that has led to an uncritical notion of the Church's competence in moral matters. Fuchs argues that the widespread notion that the Church is equally competent in all moral questions is neither easily understandable nor founded on the text of the councils. What is the right way of acting in different areas of human life is determined by human experience, human evaluation, human judgment. "The Catholic lay people as Catholics, the priests as priests, the bishops and the pope as such do not have a specific Christian or ecclesiastical competence in regard to these matters."[8]

This does not mean that the pastors of the Church should not offer guidance on right-wrong activity. It merely suggests appropriate caution and tentativeness; for horizontal activity in this world does not belong to the Church's competence in the same way as the *depositum fidei.* In this sense we may say that the Church enjoys the assistance of the Spirit in offering concrete moral guidance, "but this assistance does not necessarily mean the specific assistance that, according to Vatican I and Vatican II, is promised to her and guarantees infallibility under certain conditions."[9]

Fuchs concludes that the formula "moral truths are truths of salvation" is unnuanced and runs the risk of oversacralizing the teaching office into a kind of "administrator of moral truths."

Fuch's study is important and much needed. There is still a deep-seated hankering in the Church to "infallibilize" the ordinary activity of the magisterium.[10] The ambiguity about the Church's competence is partly due to official statements themselves. They (Vatican I, II) speak in a very general way of the Church's competence in faith and morals. Vatican II clearly states the Church's competence on questions of natural moral law.[11] On the other hand, as Fuchs notes, infallibility is coextensive with the "deposit of divine revelation."[12] Furthermore, Vatican II noted

[8] Ibid. 670–71.

[9] Ibid. 673.

[10] Thus K. D. Whitehead states of past controversies: "What was better understood in the past, however, that is not so well understood today, is that when the teaching authority of the church stepped into these controversies to *decide* some aspect of them, any further 'dissent' from the points decided meant that one was henceforth placing oneself in the ranks of the heretics" (*New Oxford Review* 49, no. 8 [Oct. 1982] 26). To this the proper response is: what is better understood today is that Whitehead has fallen into serious theological error by lumping any dissent from a decision of Church authority with heresy. Moreover, such expansiveness only heaps ridicule on the teaching office of the Church. In the same category is the absolutely stunning hilarity delivered by Cardinal Luigi Ciappi that the absolution of a priest who disagrees publicly with *Humanae vitae* is invalid (*National Catholic Register*, Sept. 26, 1982).

[11] *Gaudium et spes*, no. 89.

[12] *Lumen gentium*, no. 25.

that "the Church guards the heritage of God's word and draws from it religious and moral principles, without always having at hand the solution to particular problems."[13] It further reminded lay persons to "not imagine that their pastors are always such experts that to every problem which arises, however complicated, they can readily give them a concrete solution, *or even that such is their mission.*"[14]

These and similar statements lead to the conclusion that the term "competence" when applied to the teaching office of the Church is an analogous term. The Church has a definite mission to provide concrete moral guidance; for "faith throws a new light on everything, manifests God's design for man's total vocation, and thus directs the mind to solutions which are fully human."[15] But this mission with regard to concrete moral guidance (rightness-wrongness) is not precisely and directly concerned with "truths of salvation" and hence is not buttressed by the certainty and stability such truths can rightly claim. This is clear from the history of moral teaching in the Church.

The point Fuchs is making is suggested in the Pauline corpus. For instance, in Galatians Paul refers to the good news that he has directly from the Lord. It is not "human knowledge." There are other matters that are indeed "human knowledge" (e.g., in 1 Cor 7, whether to live in virginity or not). The moral rightness-wrongness of concrete actions is in this latter category.[16]

This discussion takes a specific and practical turn in some recent documents of the magisterium. From the time of *Casti connubii* the term "intrinsic evil" is no stranger in official documents (e.g., *Persona humana*, *Humanae vitae*). While the term has a variety of possible understandings (e.g., intrinsic evil = *prohibitum quia malum*, not *malum quia prohibitum*), the most common contemporary understanding refers to actions judged morally wrong independently of further circumstances, consequences, or goals; for instance, speaking a falsehood, masturbation, use of contraceptive agents. It is obvious that discussion of this matter opens on the larger question of the moral norms that articulate such prohibitions.

A recent international conference approached some of these questions from a variety of viewpoints. Joseph Fuchs presents an excellent report on the state of the question.[17] Certain deontologically understood prohi-

[13] *Gaudium et spes*, no. 33.

[14] Ibid., no. 43, emphasis added.

[15] Ibid., no. 11. Cf. also J.-M. Aubert, "L'Objectivité de la morale chrétienne et la philosophie de l'être," *Revue des sciences religieuses* 56 (1982) 52–66.

[16] Fuchs pursues this extensively in his *Essere del Signore* (Rome: Gregorian Univ., 1981).

[17] Joseph Fuchs, S.J., " 'Intrinsece malum': Überlegungen zu einem umstrittenen Begriff," in Walter Kerber, ed., *Sittliche Normen: Zum Problem ihrer allgemeinen und unwandelbaren Geltung* (Düsseldorf: Patmos, 1982) 74–91.

bitions (e.g., speaking falsehoods) have been based on the nature of the acts and their violations called "intrinsic evils." Fuchs, with Schüller earlier,[18] rejects this as failing to distinguish between the creative will and the moral will of God. One cannot conclude an "ought" from such psychological or biological givens, even though they must be considered.[19] Others have been grounded on a lack of right (*ex defectu juris*). For instance, with regard to human life, it is asserted that God alone is the Lord of life. But from such statements, Fuchs argues, one can conclude only that *arbitrary* disposal of human life is excluded. One cannot derive a deontologically understood intrinsic evil.

The discussion of intrinsic evil necessarily brings into play the distinction between premoral and moral evil. Moral evil refers to those evils that render the person as a whole bad: e.g., the desire of and will to injustice or unchastity. But such evils do not tell us what concrete acts count as injustice or unchastity. That is, they do not tell us what concrete acts are morally right or wrong. Premoral evils do not touch directly the moral goodness of the person, but only the person's well-being. But they are relevant to moral goodness. How? The morally good person will avoid causing them unless there is a correspondingly serious reason. Fuchs emphasizes the fact that no premoral evils or goods are absolute. Therefore they cannot be the grounds for intrinsic evils as this term is commonly understood.

Fuchs concludes with three summary assertions. First, norms touching personal goodness are not in question in the discussion of intrinsic evil. Clearly, actions that render a person bad are intrinsically evil. Second, the discussion concerns only moral rightness and wrongness. In this area it is much more intelligible and defensible to understand norms as stating "prima-facie duties" or as binding *ut in pluribus*. Finally, one can speak of intrinsic evil only in instances where the action is fully and exhaustively defined with all of its morally relevant elements (with its object, circumstances, goals, consequences). For instance, it is morally wrong to kill a person *only* to provide pleasure to a third party.

The rest of the essays in this study share the general teleological direction of Fuchs's thought, without the concentration on the notion of intrinsic evil.[20]

This development has not gone unchallenged. In a long study Servais

[18] Bruno Schüller, S.J., "Neuere Beiträge zum Thema 'Begründung sittlicher Normen,' " in *Theologische Berichte* 4 (Einsiedeln: Benziger, 1974) 145–46.

[19] This point is also made by Hubert Windisch. Cf. n. 36 below.

[20] Authors include Franz (Lucern), Karl Hörmann (Vienna), Wilhelm Ernst (Erfurt), Walter Kerber (Munich), Heinz Schürmann (Erfurt), Alfons Riedl (Linz), and the compositor of these "Notes."

Pinckaers, O.P., passes in review what he calls "proportionalism."[21] He uses especially the writings of Knauer and Louis Janssens as his showpieces, but basically he includes in his analysis all "proportionalists" and mentions specifically Fuchs, Schüller, and this author. One of the basic critiques these "novateurs" make is against the idea of acts and effects evil in themselves as often understood, and therefore against the traditional principle of the double effect. That being the case, what remains of the double-effect principle is the last requirement (*ratio proportionata*). Pinckaers sees this as a "kind of revolution at the very heart of post-Tridentine morality." It means, Pinckaers mistakenly states, that "there are no acts intrinsically evil, or evil in themselves, absolutely."[22] In contemporary philosophical language the authors Pinckaers engages are, he says, teleologists. For them moral laws bind only *ut in pluribus* and he believes that this "establishes a practical separation between the order of concrete norms and the order of virtues," practically excluding the theological and moral virtues from the moral life. This he sees as the reduction of morality to laws and obligations, and its divorce from any nourishing influence by the Scriptures.

Pinckaers finally lists three essential points where he faults "proportionalists": the notion of finality, objectivity, and the relation to revelation. As for finality, Pinckaers asserts that "proportionalists" reduce all values to that which is useful to the end. True moral finality is determined by the nature of things, some of which (e.g., human persons) are ends in themselves that can never be reduced to means. Moreover, God is the ultimate end, a finality very different from the "technical" finality one finds in teleological writing. Teleologists reduce the *honestum* to the *utile* and thus compromise the objectivity of true moral finality.

As for objectivity, Pinckaers continues his veritable onslaught by objecting to the terms "ontic" and "premoral." After all, health "is already moral in itself by the fact that it is the health of a person." Similarly, taking the life of a person is not just "premoral and neutral." It is the very moral nature of goods, established by their relation to the human person, that grounds the objectivity of the moral order. To see such goods as "simply premoral" is to destroy the objectivity of the moral order.

[21] Servais Pinckaers, O.P., "La question des actes intrinsèquement mauvais et le 'proportionalisme,' " *Revue thomiste* 82 (1982) 181–212.

[22] Pinckaers' statement is too broad, as is clear from Fuchs's essay reviewed above. He should have added, as I did above, "as often understood." There are many acts that could be called "intrinsically evil" if their circumstances are exhaustively included in the description of the actions. I have similar problems with the essay by John Hill, "The Debate between Frankena and McCormick," *Irish Theological Quarterly* 49 (1982) 121–33.

Finally, "proportionalists" reduce morality to a purely natural and rational exercise with no room for the gospel. This further isolates morality from exegesis, dogmatic theology, and patristics, and puts the theological virtues at the margin of the moral life without any real operative influence.

It is difficult to know where to begin in commenting on this seriously flawed article. Key concepts are repeatedly misunderstood and misrepresented. Let just a few examples suffice. Item: Pinckaers states that the principle of finality in the writing he criticizes relativizes all intangible and stable values.[23] What this means I have no idea; for the discussion is not about "intangible and stable values." At any rate, I recognize this in none of the writings he cites.

Item: the author asserts that persons are to be loved for themselves and are never to be used as means—as if his adversaries held the contrary. He seems unaware that the Kantian maxim is largely parenetic, as Schüller has shown,[24] and does not tell us what it means to treat a person as a means only.

Item: Pinckaers contrasts the "technical finality" asserted by "proportionalists" with true moral finality, which involves a conscious and voluntary tending toward God as one's final end—as if these were somehow competitive and mutually exclusive.

Item: he asserts that one is on the moral level only when one "detaches oneself from the useful"—as if what is useful for persons had nothing to do with morality. Here, as elsewhere, Pinckaers mysteriously fails to distinguish *benevolentia* and *beneficentia.* Of course there is a priority of the *honestum* over the *utile*; but that is not the question. The question raised by the authors he critiques is: What *utile* (concretely) does the *honestum* require of us?

Item: Pinckaers misunderstands the notion of premoral (nonmoral, ontic) evil and good. He states of health that it is "already moral in itself from the fact that it is the health of a person." Also, of human life he states that it is "already in itself a moral object that as such provokes in one moral sentiments and responses." Of course it does; no one denies this. Indeed, it is clearly asserted by Fuchs, Janssens, Schüller, and others. But this is not what is meant by saying that certain evils or goods are premoral. Being a "moral object" says nothing about the rightness or wrongness of concrete responses to such an object. Similarly, no author I know of would identify premoral with neutral as Pinckaers does.

Item: Pinckaers accuses "proportionalists" of failing to accord to the

[23] Pinckaers, "La question" 198.

[24] Bruno Schüller, S.J., "Die Personwürde des Menschen als Beweisgrund in der normativen Ethik," *Theologie und Glaube* 53 (1978) 538–55.

virtues (including the theological) any real significance in moral judgment. This, he says, is the result of the separation of concrete norms from the virtues. Here he fails to realize that "proportionalists" are dealing with a different problem, one he fails even to recognize.

Item: Pinckaers asserts that "proportionalists" locate morality on a purely natural level and that the gospel is only a kind of afterthought "injection."

I could continue this chronicle almost endlessly. But nothing is achieved by that. There is a single error which seems to me to provide the clue to Pinckaers' misunderstandings and which reduces his study to an example of a common error, *ignorantia elenchi* (missing the point). He fails to distinguish the pairs good-bad, right-wrong. Never in his study does he mention this latter pair. The moral life is absorbed into goodness-badness (involving intention, inclination, goodwill, etc.). However, the entire discussion of moral norms is concerned with the moral rightness or wrongness of our concrete conduct. To miss this point is to fail to understand the issue.

This failure is responsible for Pinckaers' mistaken assertion that agape is not functional in "proportionalist" thought. Agape is simply not the issue under discussion. It is responsible for his misleading assertion that faith and the gospel must have first place in Christian morality. Of course they must; but that is not the issue. The question is: What do the faith and the gospel concretely demand of followers of Christ, and not merely in terms of sentiments and desires? The answer to that is a question of rightness and wrongness. Nowhere does Pinckaers address this serious question. Or better, he seems to think he can solve it by parenesis.

This single error is responsible for Pinckaers' erroneous idea that "proportionalists" reduce the moral life ("pour l'essential") to the rational level and to external acts. It explains why he can accuse Louis Janssens of neglecting interiority, "where St. Thomas places the source of morality." His moral categories are good-bad, these only. But these categories, as Fuchs (with many others) has repeatedly emphasized, apply to the person as a whole. A good person will strive to perform right actions. But what makes a person good does not enlighten the criterion for what makes an action right or wrong. Not making this distinction, Pinckaers has only confused the entire discussion of intrinsic evil and the theological foundation of norms.

I respectfully invite my friend and colleague to discuss in detail when abortion is justified and why, whether nuclear deterrence is morally tolerable and why, whether *in vitro* fertilization is justifiable and why, whether business bribes can sometimes be justified. When he does this in a disciplined way, he will be discussing the rightness and wrongness

of human conduct, not the goodness or badness of intentions, desires, dispositions. He would not be discussing the interiority of the moral life, the primacy of charity, or the person as a moral object—unless he chose to remain at the level of parenesis. He will move from exhortation to moral argument. He will then see that "proportionalists" are not "elaborating their conception of morality in a way that blocks any real and living contact with Scripture." To discuss concrete moral norms is not to discuss a "conception of morality." It is much more modest. Pinckaers' authors are but dialoguing with their own tradition on a relatively narrow issue. St. Thomas noted: "God is not offended by us except when we act against our own good."[25] Deciding at a very concrete level of interhuman relationships what is "against our own good" is the question of the rightness or wrongness of human action. To miss this is to miss the point of the discussion.

M. Zalba, S.J., presents a more accurate picture of what many theologians have been writing.[26] He reviews the "principle of compromise" proposed by Charles Curran and finds it Protestant at root. When dealing with intrinsically evil acts, Zalba notes that many theologians regard interventions such as sterilization as premoral or ontic evils.

His response to this is interesting. He believes that this is a gratuitous assertion. It supposes that killing, speaking falsehoods, taking another's property, sterilization are premoral and get their moral character from a supervening intention. But this is not so, says Zalba. These actions never occur in the abstract.

> These actions . . . are concerned with a concrete person, either innocent or not . . . with regard to goods which the neighbor rightly protects as his own or not, with regard to truth to which the hearer has a right or not. . . . Therefore any intervention against innocent life, against legitimate private possessions, against fidelity (in speech) owed to one's conversation partner, against the generative faculty *as such*, freely actuated (not as a member—e.g., cancerous—subordinate in the subject to the principle of totality) is fundamentally always immoral by reason of the object.[27]

Now what has Zalba done here? He has introduced into the object the very moral qualifiers (circumstances) that make the action morally wrong (e.g., the truth *to which the hearer has a right*; *innocent* life). And that is the problem with speaking about things intrinsically evil *ex objecto* as these terms are often used. These qualifiers were introduced over the

[25] "Non enim Deus a nobis offenditur nisi ex eo quod contra nostrum bonum agimus" (*Summa contra gentes* 3, 122).

[26] Marcelino Zalba, S.J., "Principia ethica in crisim vocata intra (propter?) crisim morum," *Periodica* 71 (1982) 25–63, 319–57.

[27] Ibid. 40.

years for obviously teleological reasons. Otherwise any falsehood would constitute a lie, any killing a murder. Therefore, far from negating the teleological reasoning that leads theologians to distinguish premoral (ontic) evil from moral evil, these examples rather confirm and strengthen the distinction.[28] Of course actions always occur with regard to concrete persons. But that did not prevent Thomas from distinguishing *homicidium* (always wrong) from *occisio hominis* ("aliquando liceat").[29] Indeed, Thomas referred to actions "absolutely considered" as having a deformity but being justified in certain circumstances ("aliquibus circumstantiis advenientibus bonae efficiuntur").[30] This is exactly what the terms nonmoral, premoral, ontic are meant to convey when applied to killing, falsehood, etc. My question to Zalba, then, is: If such a distinction (between *occisio hominis* and *homicidium*) is legitimate where life, the most basic of human values, is concerned, must it not be also where less urgent values are concerned? Or may we sometimes take life but never the physical integrity of sexual intercourse?[31]

This question is raised clearly and precisely in an excellent study by N. Hendricks, O.S.B.[32] He approaches the matter from a slightly different point of view: the very meaning of "intrinsece inhonestum" and the doctrine of double effect. He reviews the manualist teaching on the conflict of duties (better, conflict of values). In a conflict of values, one should choose the more important, or the lesser evil.[33] Hendricks correctly notes that the manualist tradition solved these conflicts in a teleological manner, "that is, by means of a comparison of values in conflict, or, in other words, in terms of the effects that the act or omission would produce."[34] However, this teleological solution was limited by the principle that a good end does not justify an evil means. Thus, if the conflict involved an act with a double effect, the evil effect had to be indirect.

[28] Zalba himself refers to particular situations "in quibus ipsius normae applicatio esset nociva propter circumstantias particulares" (32). Here exceptions are justified because failure to make the exceptions would be "nociva." Similarly, he refers to "libertatem ab urgentia legis propter incommodum illius momento proportionatum." The only thing that separates such phrases from Fuchs, Janssens, Schüller, and others is Zalba's refusal to apply it in the sexual sphere (contraception), a refusal I do not believe he has persuasively argued in this study.

[29] *Quodl.* 8, a. 14.

[30] *Quodl.* 9, a. 15.

[31] Zalba's study is chiefly concerned with defending the teaching of *Humanae vitae* on the intrinsically evil character of contraception.

[32] N. Hendricks, O.S.B., "La contraception artificielle: Conflit de devoirs ou acte à double effet," *Nouvelle revue théologique* 104 (1982) 396–413.

[33] Thus Noldin-Schmitt: "Regulae ad solvendam collisionem. Supremum in hac re principium est: Praevalet obligatio oriens ex lege quae spectata natura et fine maioris momenti est" *Summa theologiae moralis* 1 [Regensburg: Pustet, 1931[21]] 203).

[34] Hendricks, "La contraception" 401.

He then applies this to contraception, noting that it is in a sense an action with a double effect (prevention of conception, physical expression of love). Since it has such a twofold effect, one cannot simply apply the lesser-evil principle but must also apply double effect. Concretely, the contraceptive effect is justified only when it is indirect, and not the means to the end. So much for the traditional understanding.

Hendricks then turns to the usage "intrinsece inhonestum." Certain manuals understand this to mean *ex natura sua* in contrast to *ex lege positiva.* In this sense, to kill a person is "intrinsically evil" because it is not an evil simply by positive law. But it is not necessarily at all times a *moral* evil. In the tradition, if it occurred indirectly it was not a moral evil. Thus "intrinsically evil" is not the same as "morally evil."

Hendricks argues that *Humanae vitae* uses "intrinsic evil" in this sense, since it speaks of "suapta natura" (no. 13) and "ex propria natura" (no. 14). Thus contraception can remain "intrinsically evil" but morally licit if indirect (as in some sterilizing interventions). However, it is precisely here that the problem with *Humanae vitae* occurs. All traditional moralists consider some acts that are evil *ex natura sua* (in this sense "intrinsically") to be justified even though they are means to an end.[35] Hendricks offers as an example the harming of a donor in an organ transplant. This makes the assertion that direct contraception is always a *moral* evil very problematic.

Hendricks has stated the problem of the notion of "intrinsic evil" and the double effect very well.[36] The principle of double effect is a necessary

[35] Cf. J. Aertnys–C. Damen–J. Visser, *Theologia moralis* 1 (Turin: Marietti, 1967[18]) 88: "Sic ablatio rei alienae, homicidium, famae laesio, sunt intrinsece mala; aliquando tamen licita evadunt." Thus also M. Brunec, "Mendacium—intrinsece malum—sed non absolute," *Salesianum* 26 (1964) 659–60: "Laesio integritatis corporalis, e.g., supponitur in theologia morali esse actio intrinsece mala. Nihilo minus omnes moralistae admittunt liceitatem occisionis aggressoris in casu justae defensionis; admittunt liceitatem operationis chirurgicae qua aufertur aliqua pars corporis, quando haec ablatio necessaria esse videtur ad conservationem vitae."

[36] He notes that even if one concludes that direct deprivation of procreativity is only a nonmoral evil, there still remains the argument about the inseparability of the two senses of sexual intimacy (unitive, procreative). Two points. First, what kind of evil would such a separation constitute? The logic of Hendricks' presentation (as well as previous writing) would suggest that the evil is premoral. Second, *Humanae vitae* itself contains what appears to be an inconsistency. Of infertile acts it states (no. 11) that they are legitimate "since their ordering (*destinatio*) toward the expression and strengthening of the union of the spouses does not cease." The rather clear implication is that any *destinatio ad procreationem* ceases. Otherwise why did the encyclical not say "since their ordering toward procreation does not cease"? The unstated but obvious reason is that any *destinatio ad procreationem* is absent in infertile acts. If it is absent, clearly the unitive and procreative dimensions are most often separated. This point is sharply made by Hubert Windisch. He argues that the message of *Humanae vitae* and *Familiaris consortio* is prophetic in the sense that it discloses a future state of affairs more becoming to human persons but not necessarily possible for

conflict-solvent only if certain actions are intrinsically evil (= *morally* evil). But (1) if that term means rather *ex natura sua* and (2) if other actions are said to be intrinsically evil (= *ex natura sua*, not *ex lege positiva*) but still justified at times, then the double-effect principle is no longer necessary. I think Hendricks is right and his logic impeccable.

Fernando Citterio presents a long review essay of recent developments in Catholic moral theology.[37] He concentrates especially on the work of Fuchs, Knauer, Schüller, and Scholz. Much of this material has been reviewed previously in these "Notes." Citterio is not persuaded by these "novatori," as he calls them.[38] For instance, where Fuchs's thesis is concerned (denial of *intrinsece malum* in the traditional sense), he believes that this denies "the proper structure of an action." As for Schüller and Knauer, he is not convinced that an evaluation of the consequences of an action can be the determining element of the moral character of the act. He also believes that in such teleological theories far too much power ("potestà illimitata") is conceded to human beings.

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all now. Prophecy and norm are not identical. Prophetic statements open new horizons. They urge people not to settle for what is possible now. The difference between NFP and other (nonabortifacient) methods is morally *significant* but not morally decisive. Windisch regards no. 32 of *Familiaris consortio* (which condemns the separation of the unitive and procreative in artificial methods but denies that it occurs in NFP) as unintelligible ("unverstandlich"), because there is such a separation in NFP. Three elements must be considered in assessing the ethical character of birth regulation: the intention, the method, the circuumstances (479). Individually, these elements in themselves are premoral or "morally meaningful" but not decisive. Cf. "Prophetische Moral: Moraltheologische Anmerkungen zu lehramtlichen Aussagen uber Empfangnisverhutung," *Stimmen der Zeit* 200 (1982) 473–82. A similar point was made by John Wright, S.J., as reviewed in these "Notes" last year (TS 43 [1982] 74) and by this author (cf. ibid. 75–76).—In a similar vein Patrick Verspieren, S.J., gives cautious approval to *in vitro* fertilization even though it involves separation of the unitive and procreative in the sense rejected by *Familiaris consortio.* Of this separation he says that "it represents an intrusion (regrettable from certain points of view) of technology into the domain of profound intimacy. . . ." It is clear that Verspieren would regard this as a nonmoral evil, and the action morally wrong only if it involved "insémination artificielle intra-conjugale mise en oeuvre sans raison proportionée" ("L'Aventure de la fécondation in vitro," *Etudes*, Nov. 1982, 479–92, at 482). Cf. also J. G. Ziegler, "Extrakorporale Befruchtung: Ein moraltheologischer Beitrag," *Theologie der Gegenwart* 25 (1982) 254–60. Ziegler sees such a separation as justified by the principle of totality. Cf. also Jorg Splett, "Natur: Norm oder Prinzip? Philosophische Uberlegungen zu einer personal verantworteten Sexualitat," *Lebendiges Zeugnis* 37 (1982) 58–72, at 68–69.

[37] Ferdinando Citterio, "La revisione critica dei tradizionali principi morali alle luce della teoria del 'compromesso etico,' " *Scuola cattolica* 110 (1982) 29–64.

[38] Two points. Citterio states (46) that the "novatori" declare moral the "Caiphas principle" whereby it would be permissible to kill one innocent person to prevent the unjust slaughter of many more. One of his references is to my 'Il principio del duplice effeto," *Concilium* 120 (1976) 129–49. In that article I reject the "Caiphas principle" (146). Second, Citterio continually supports his assertions by ample quotations from traditionalist critics without citing the many responses made to them.

But his basic reservation is that this analytic development downplays the importance of the object.

This discussion is almost stalemated by now. It is growing repetitious, arid, and fruitless, especially so when carefully crafted positions are summarily dismissed with terms such as "consequentialism" and "proportionalism" (cf. Finnis, Grisez, and now Pinckaers). One has to wonder why. Is there a term (or terms) that is being used but is variously understood by the participants? Is there somewhere a fundamental misunderstanding that could dissolve the standoff? Has the whole question been misstated? I am not sure, but let me make a stab at clarification here. The attempt brings together the notions of consequence, object of the act, and intrinsic evil.

I detect an ambiguity in the literature about the meaning of the term "consequences of the act." This ambiguity affects one's notion of the terminology "premoral" and "ontic" as well as one's notion of the object of an act. The term "consequence" can refer to the immediate implications of our activity, or to later-on effects, as William Van der Marck has noted.[39] Those who oppose contemporary teleological tendencies interpret the term "consequence" as later-on effects of an action one performs here and now. Thus they argue that teleologists must hold that one may perform morally wrong actions to achieve a good end. For example, an abortion now could be justified because it will later spare the family the crushing price of an additional college education.

Those who espouse teleological tendencies most often interpret the term "consequence" as applying to the immediate intersubjective implications of an action. Thus, by "consequence" they mean that the physical reality of killing (death = consequence) can be, as intersubjective reality, murder, waging war, self-defense, the death penalty, or resisting insurrection, depending on the circumstances, especially depending on the reason (*ratio*) for which the act is done. Taking something from another can be intersubjectively stealing, borrowing, satisfying dire need, or repossessing one's property.

The teleologist's contention is that too often the meaning of an action is identified with a single form of intersubjectivity; then all actions sharing similar generic features are called by the same name, regardless of the reason for which they are done. For instance, *Persona humana* states (of masturbation) that "*whatever the motive* for acting in this way, deliberate use of the sexual faculty outside normal conjugal relations essentially contradicts the finality of the faculty."[40]

[39] William Van der Marck, *Toward a Christian Ethic* (New York: Newman, 1967).

[40] *The Pope Speaks* 21 (1976) 60–73.

In this reductionist *Denkform* every killing would be a murder, even killing in self-defense or in a just war. If, however, every killing is not murder, but occasionally can find moral justification, then that means that the immediate implications of the action (consequence)—the reason the act was performed—are different, and this difference makes a different action, a different object.[41] Before this difference, this *ratio*, is considered, there is no final moral character of the action, because there is no human action as yet. Thus one may refer to the generic features (killing) as premoral or nonmoral. This is utterly traditional. Otherwise, how could Thomas say that not every *occisio* constitutes *homicidium*, even though abstractly considered it remains a "difformity"?

The distinction, then, between consequence as immediate implication (*ratio*) and as later-on effect seems very important. For instance, it is sometimes popularly but simplistically stated that the teleologist judges actions by their consequences, but that the deontologist prescinds from them. But that is false, because it is impossible to define an action independently of its consequences (understood as immediate implications). "To act" means intentionally to bring into being certain effects, or to refrain from doing so. If we prescind from effects, we can no longer speak of an action. In this sense everyone judges actions by their consequences.

In this light the concern of some traditional theologians that revisionist thought would do away with the notion of the object of an act and lead to extrinsicism is misplaced. It is, I believe, not so much a matter of abandoning this notion; it is much more a matter of what is to determine the object of an action. It is the contention of many of us that the traditional understanding (e.g., as in *Persona humana*) of this term excludes elements essential to the very meaning of the action (consequences in the sense of immediate implications) and narrows the significance to physical realities, the *materia circa quam*. Knauer, Fuchs, and others have insisted on this for many years, and it is one of the emphases

[41] Jacques Maritain notes: "The moral law must never be given up, we must fasten on to it all the more as the social or political environment becomes more perverted or criminal. But the moral nature or specification, the moral *object* of the same physical acts, changes when the situation to which they pertain becomes so different that the inner relation of the will to the thing done becomes itself typically different. In our civilized societies it is not murder, it is a meritorious deed for a fighting man to kill an enemy soldier in a just war. In utterly barbarized societies like a concentration camp, or even in quite particular conditions like those of clandestine resistance in an occupied country, many things which were, as to their moral nature, objectively fraud or murder or perfidy in ordinary civilized life cease, now, to come under the same definition and become, as to their moral nature, objectively permissible or ethical things" (*Man and the State* [Chicago: Univ. of Chicago, 1952] 73).

underscored in a recent review of these discussions by Philip S. Keane, S.S.[42]

It is the great merit of Hendricks' essay to state this problem with utter clarity where the term "intrinsic evil" is applied to an action or its object. Essentially Hendricks makes three moves. (1) He shows that in traditional thought (Pius XII) a contraceptive effect is regarded as intrinsically evil but can be justified, but only when indirect. Therefore this effect cannot be called a moral evil. (2) He shows that in traditional teaching certain other actions considered intrinsically evil (that is, *ex natura sua*, not *ex lege positiva*) may occasionally be justified even though directly done. The evil caused in such actions must also be called nonmoral or premoral. (3) Therefore he raises the absolutely unavoidable question: Why is this not true of all actions said to be intrinsically evil? If certain areas are excepted from this analysis, it must be for special reasons. But it has been shown that the reasons traditionally adduced are not sound arguments. In other words, the tradition itself, if we are to be consistent with it, calls for the adjustments Hendricks suggests.

What Hendricks is arguing, and in my judgment has established, is that when there is a different *ratio* (immediate implication or consequence) for performing the action, then that action is different. It has a different object, to use traditional terminology. That means that the sharp contrast Citterio and others are trying to establish between teleology (in the sense explained) and morality *ex objecto* simply does not exist; for it is precisely teleological considerations that tell us what the object is.

Does this clarify matters? I shall await the reactions of my kind and gracious critics.[43]

[42] Philip S Keane, S S , "The Objective Moral Order, Reflections on Recent Research," *TS* 43 (1982) 260–78

[43] Further interesting literature in the area of general moral theology would include L P Gillon, O P , "Charite et amour universel de l'être," *Angelicum* 59 (1982) 37–44, Peter H Van Ness, "Christian Freedom and Ethical Inquiry," *Calvin Theological Journal* 17 (1982) 26–52, Theodore R Jungkuntz, "Trinitarian Ethics," *Center Journal* 1 (1982) 39–52, Douglas A Knight, "Old Testament Ethics," *Christian Century* 99 (1982) 55–59, Gunter Virt, "Epikie—ein dynamisches Prinzip der Gerechtigkeit," *Diakonia* 13 (1982) 241–47, Dietmar Mieth, "Brauchen wir Gott fur die Moral?" *Freiburger Zeitschrift fur Philosophie und Theologie* 29 (1982) 210–22, Wilhelm Ernst, "Gewissen in katholischer Sicht," *Internationale katholische Zeitschrift* 11 (1982) 153–71, *Journal of Ecumenical Studies* 19 (1982) 1–267, the whole issue being on authority in the Church, Edward V Vacek, S J , "Scheler's Phenomenology of Love," *Journal of Religion* 62 (1982) 156–77, Robert L Hurd, "The Concept of Freedom in Rahner," *Listening* 17 (1982) 138–52, Josef Blank, "Aspekte des Bosen," *Orientierung* 46 (1982) 44–47, François Marty, "Loi universelle et action dans le monde sensible L'Universel et le particulier dans la morale de Kant," *Recherches de science religieuse* 70 (1982) 39–58, Jean Remy, "Sociologie de la morale," *Recherches de science*

MORAL REASONING AND STORYTELLING

The intense concern of the past decade with moral norms and their grounding can lead to a one-sided view of the moral-spiritual life and to a one-dimensional perspective on moral reasoning. For this reason three essays that address this subject are both timely and extremely interesting. Ronald Green examines Genesis 22 in Soren Kierkegaard and rabbinic writings.[44] Kierkegaard had claimed that the biblical episode of Abraham's near-sacrifice of Isaac represents a kind of suspension of the ethical. There is a chasm between Abraham's conduct and any possible justification of it. That is, it is antirational.

Green surveys a variety of classical Jewish sources and concludes that Kierkegaard's interpretation has almost no resonance within the Jewish tradition. Rather than involving a suspension of the ethical, this episode is viewed by Jewish writers as involving a moment of supreme moral responsibility on the part of both God and man. It is the lesson of obedient self-sacrifice, not an enjoined violation of the ethical. Green notes that this midrashic treatment of the biblical episode points up a central fact about the Jewish tradition: although the Jewish ethical tradition is unquestionably based on the divine command, it is also a tradition of reason and human autonomy. If Jews have regarded God's commands as absolute, they have also found it unthinkable that they would ultimately defy our sense of right and wrong. Reason and revelation cannot disagree.

Daniel Maguire treats practical moral reason from a Catholic point of view.[45] It is Maguire's thesis that there is an "intellectualistic fallacy" rampant in contemporary ethical deliberation, an analytical and rationalistic approach that assumes that morality becomes intelligible in the same way that mathematics and logic do.

Maguire first shows that *ratio practica* in St. Thomas is profoundly shaped by an affective component. While Thomas did not systematize this notion, it is undeniably present in many of his treatises: on prudence, wisdom, the gifts of the Holy Spirit, delight, and faith. For example, where prudence is concerned, that virtue perfects reason by being conjoined with the moral virtues. But the moral virtues attune a person to the morally good so that it becomes connatural to judge correctly about

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religieuse 70 (1982) 75–108; Joseph Moingt, "Moralité de la morale," *ibid.* 195–212; Douglas Sturm, "Two Decades of Moral Theology: Charles E. Curran as Agent of Aggiornamento," *Religious Studies Review* 8 (1982) 116–24; Helmut Weber, "Eine neue Wende in der Wertung des Gewissens?" *Trierer theologische Zeitschrift* 91 (1982) 18–33.

[44] Ronald Green, "Abraham, Isaac, and the Jewish Tradition: An Ethical Reappraisal," *Journal of Religious Ethics* 10 (1982) 1–21.

[45] Daniel C. Maguire, "*Ratio practica* and the Intellectualistic Fallacy," ibid. 22–39.

the good. This connaturalizing effect of virtue affects the manner of knowing and perceiving the good. "The way of knowing is affectively qualified." This same is true of the gift of wisdom, which has its essence in the intellect but its cause in the will, so that the resultant knowledge involves a kind of tasting. Or again, where delight is concerned, its first effect is a broadening or expansion of the soul. This results in a heightening of the awareness of the good. As Maguire words it, "the good delighted in is experienced more expansively and thus is better known."

After showing that the affective component in moral knowledge is more explicit and systematized in John of St. Thomas, Maguire presents his own formulation of the matter. How do we know that promises ought to be kept? He rejects as inadequate a host of answers given to such questions (noncognitive answers, naked rationalism, custom, the promotion of survival). Maguire argues that moral knowledge is born in the awe and affectivity that characterize "the foundational moral experience"—the experience of the value of persons and their environment. This experience is not the conclusion of a syllogism, even though it can be supported by human reasoning. Maguire points out in illuminating ways how this knowledge differs from metaphysical and mathematical abstractions. For instance, it is partitionable ("experienced, but then barbarically limited to one's own tribe"), universal ("universally available to all persons"), but constantly in process of growth or recession. It is specially related to faith, mysticism, and religious awareness. Thus Maguire notes that the fundamental moral experience is not complete in its intelligibility "unless a deeper Preciousness underlies the preciousness that gives birth to moral awareness." In this sense ethics is naturally religious. This fine study concludes with the assertion that we can know much of what is right and wrong but that we should be a bit more modest about the claims of reason.

Maguire's insistence on the affective shaping of moral knowledge is certainly correct. It suggests many things. One thing I want to highlight is the expansive and deepening role of affect in moral knowledge. From the Christian point of view, faith creates sensitivities in the believer beyond the reach of natural vitalities. It bestows sensitivity to dimensions of possibility not otherwise suspected, or what Thomas Clarke, S.J., refers to as "distinctive habits of perception and response."[46] This is no call to a new obscurantism, nor is it an invitation to authority to press unsupportable claims. It is simply an acknowledgment of the depth and beauty of the spiritual life, the complexity of reality, and therefore of the many-faceted ways of discovering moral truth. Or, as Maguire nicely

[46] Thomas E. Clarke, S.J., "Touching in Power: Our Health System," in *Above Every Name* (New Jersey: Paulist, 1980) 252.

words it, "Through love the person is rendered more subtle and open to knowledge of things divine and created." This should paradoxically make the theologian both more tentative and more confident: more tentative because he/she knows the depths of love still to be achieved; more confident because he/she knows that this achievement is, thank God, not entirely or chiefly our own doing.

John Howard Yoder presents a different perspective on practical moral reasoning.[47] It is not so much a matter of asking how ideas work but how the community works. Therefore he enumerates the functions of the community that have an immediate and irreplaceable contribution to make to practical moral reasoning.

First, the community will have "agents of direction," a term Yoder uses to describe prophecy (a statement of the place of the believing community in history). Next, the community will be aided by "agents of memory" who bring from the storehouse of tradition the memorable and identity-confirming acts of faithfulness and failure. Third, the community will be guided by "agents of linguistic self-consciousness"—teachers or *didaskaloi.* Yoder has some edifying things to say about such persons. For example, the teacher "will scrutinize openmindedly, but sceptically, typologies that dichotomize the complementary and formulae that reconcile the incompatible." They will resist the tyranny of language, and because few of us do that teachers ought to be few in number. Fourth, the community will be guided by "agents of order and due process." These are the overseers (bishops) whose task is to enable the open conversational process, to make sure that all are heard.

Having stated the importance of community as the context for moral reasoning, Yoder next specifies the distinctive way such a community will go about moral analysis. The first characteristic he highlights is shared decision-making. In this process the teacher will teach the community the pitfalls of methodological dichotomies (e.g., duty vs. utility) and insist that "every decision includes elements of principle, elements of character and due process, and elements of utility."

Yoder then engages Daniel Maguire. Yoder agrees with Maguire's conclusion about affectivity in moral knowledge but argues that the importance of this emphasis is that it better highlights how moral personality is formed, that is, in community. The intellectualistic fallacy Maguire had attacked becomes possible by abstracting from community.

Yoder concludes with a statement of ethical perspective which we have learned to associate with him, especially distrust of ethical approaches that appeal to commonly knowable and broadly shared values. "Practical

[47] John H. Yoder, "The Hermeneutics of Peoplehood: A Protestant Perspective on Practical Moral Reasoning," *Journal of Religious Ethics* 10 (1982) 40–67.

moral reasoning, if Christian, must always be expected to be at some point subversive. Any approach which trusts the common wisdom enough to make specifically subversive decisions unthinkable has thereby forfeited its claim to be adequate." Yoder argues that the search for a public moral language "is motivated . . . by embarrassment about particularity." When we focus on the generalizability of ethical demands, we forget that "we confess as Lord and Christ the man Jesus." To abstract from this particularity to get at the general is a denial of faith.

Yoder's great emphasis on community as the conveyor of ethics leads naturally to a consideration of the place of narrative in moral theology; for a community is defined and specified by its story. The importance of story to ethics has become synonymous with the name of Stanley Hauerwas, most notably in his acclaimed book *A Community of Character.*[48] In a recent study Hauerwas argues that the renovation of moral theology called for by Vatican II has not occurred because of a lack of appreciation for the narrative character of Christian ethical reflection.[49] Rather, the new "liberal" moral theologians continue to use the basic natural-law methodology of Neo-Scholasticism but with the language of "human experience." This methodology of "universalistic laws," desires, tendencies fails to take as fundamental the community and thus its narrative context. This failure leads to a failure in pastoral practice.

Hauerwas then points out the direction of a true Christian ethic. Narratives are essential for our understanding of God, ourselves, and the world. The central claim of Christian ethics is that we know ourselves truthfully only when we know ourselves in relation to God. Our participation in God's life is a participation in the history He creates, His story. And that story is particularistic, that is, it deals with Israel, Jesus, and the ingathering of disciples we name the Church. "Christian ethics is, therefore, not an ethic based on universal presuppositions that can be known separate from these particular peoples' tradition." Rather, it is "the discipline that attempts to remind us of the kind of skills, linguistic, conceptual and practical that are necessary to be such a people."

In this perspective Christian ethics is not primarily concerned with doing. "Its first task is to help us rightly see the world" with Jesus (his life, death, and resurrection) as central to its meaning. This seeing is not just looking but involves our personal initiation into the narrative, learning to grow in that story.

[48] A recent study, which owes much to Hauerwas and Alasdair MacIntyre, is Harold Alderman's "By Virtue of a Virtue," *Review of Metaphysics* 36 (1982) 127–53. Alderman argues that the ultimate moral appeal should not be rights, goods, or rules but the "character of the paradigmatic individual."

[49] Stanley Hauerwas, "Story: Ethics and the Pastoral Task," *Chicago Studies* 21 (1982) 59–71. The entire issue is devoted to the place of narrative in a variety of contexts.

How does this perspective affect practical problem-solving? Hauerwas insists that its effect should be to direct our attention away from "dilemma ethics." The first question in pastoral care is not "What should I do?" but "What should I be?" Furthermore, this perspective helps to make the Church's stance about marriage and divorce more intelligible in itself. This stand as absolute is not intelligible in itself. It must be seen as an aid to help us live more nearly faithful to the story that forms the Christian community. It functions as a reminder of what kind of "virtues are necessary to sustain a Christian people to carry on the story of God." Christian ethics, understood in this narrative way, is deeply antithetical to the natural-law method of Catholic moral theology. It does not pretend to be based on a universally valid stand applicable to all persons irrespective of their story. In this sense it may be called sectarian.

Hauerwas, like Yoder, who has clearly been a strong influence on him, is fresh and provocative, and with others I am constantly instructed by him. What he is doing is very important. I agree with John C. Bennett when he refers to Hauerwas' work as "rich, moving," and "mind-changing."[50] It is also easy to agree that Catholic moral theologians have overstressed decision-making to the neglect of virtue and character. But I am constrained to agree with Bennett when he states of Hauerwas—and one could say this of Yoder also—that he "neglects decision-making too much and gives no help to the members of the Christian community in their capacity as citizens of the larger society."[51]

Because Hauerwas has contrasted his narrative approach with the methodology of Catholic moral theology and because his analyses are so enriching (particularly as a critique of liberalism), I should like to append a few glosses here. First, there is the emphasis on being rather than doing, virtue rather than decision-making. This represents an appropriate redressing of an imbalance. After all, the moral-spiritual life is primarily and properly a manner of being (good-bad, to use the language used earlier) and only by analogy taken up with rightness-wrongness of action. However, if one overpresses this emphasis to the neglect of considerations of rightness-wrongness, even to the point of declaring such considerations irrelevant, then that would be dereliction of responsibility. It would leave

[50] John C. Bennett, "John C. Bennett on Stanley Hauerwas' Social Ethic," *Review of Books and Religion* 10, no. 3 (1981) 1–2.

[51] Kenneth Himes, O.F.M., has made this same point in his review of Gerard Fourez's book *Liberation Ethics*. He notes: "Setting normative ethics and calling [story] ethics in opposition is mistaken because they are not mutually exclusive but complementary. Calling ethics highlights certain dimensions of moral life—vision, character, metaphor—but does little to assist in the task of moral justification" (*National Catholic Reporter*, Oct. 15, 1982, 10).

rightness-wrongness considerations untouched by the very narrative that should nourish them.[52]

Second, there is Hauerwas' contrast between an ethic built on a particular narrative and one of "universalistic laws," as he puts it. This is also explicit in Yoder's study. That cuts reality too sharply. If one asserts that certain basic obligations or duties apply across the board to persons as persons, that is not an indication, as Hauerwas maintains, that one has failed to take community and its narrative context as fundamental. Nor is it, as Yoder asserts, "motivated . . . by embarrassment about particularity." It is to argue something about the human condition that we think is generally knowable if our story is to include, for example, Romans 1.

The root of the dichotomy Hauerwas and Yoder assert between narrative and "universalizing" morality is the particularizing and exclusive character they give the story—as if the Incarnate Word of God had nothing to do with or to say about those persons who never lived that particular story. Thus I would guess—possibly erroneously—that Hauerwas' phrase "faithfulness to this man as a guide," which he correctly says is "morally central to Christian ethics," means that others simply cannot share *any* of the insights and judgments such faithfulness generates. Otherwise, why the overstated contrast between narrative and "universalizing" tendencies and the attack on the latter? Similarly, when Yoder sees a focus on generalizability as forgetting that "we confess as Lord and Christ the man Jesus," he is giving this confession a practical ethical content unavailable to those outside the confession.

Whatever the case, this exclusive dichotomizing is not the Catholic reading and living of the story; and Yoder's suspicions about dichotomies should have made him suspicious here. Roger Shinn makes this point very well.[53] He notes that the ethical awareness given to Christians in Christ "meets some similar intimations or signs of confirmation in wider human experience." Christians believe, Shinn writes, that the Logos made flesh in Christ is the identical Logos through which the world was created. He concludes: "They [Christians] do not expect the Christian faith and insight to be confirmed by unanimous agreement of all people, even all decent and idealistic people. But they do expect the fundamental

[52] Perhaps this is responsible for Alasdair MacIntyre's mistaken perception that Roman Catholic theologians seem only "mildly interested in God or the world; what they are passionately interested in are other Roman Catholic theologians" ("Theology, Ethics and the Ethics of Health Care," *Journal of Medicine and Philosophy* 4 [1979] 440). I say "mistaken" because these theologians are interested in the positions and arguments of other theologians precisely because they become a part of the ongoing story of God's will for individuals and the community.

[53] Roger L. Shinn, "Homosexuality: Christian Conviction and Inquiry," in Ralph W. Weltge, ed., *The Same Sex* (Philadelphia: Pilgrim, 169) 43–54.

Christian motifs to have some persuasiveness in general experience." It is this "some persuasiveness in general experience" that can found confidence in the possibility of public moral discourse, a possibility Yoder distrusts.

Let me put it this way. For some years there has been discussion framed in terms of how Athens relates to Jerusalem. Jerusalem, it is argued, simplistically I am sure, tells stories but has no theology properly so called. Athens analyzes and rationalizes, without need of a story or in a claimed lofty independence of all stories. Thus, in stark contrast, if you belong to Jerusalem, you have no need of reason; if you are of Athens, you have no need of a story.

The Catholic tradition refuses to accept the desperate exclusivity of these alternatives. Briefly, it reasons about its story. In the process it hopes to and claims to disclose surprising and delightful insights about the human condition as such. These insights are not, therefore, eccentric refractions limited in application to a particular historical community—as if it were wrong to abort Catholic babies but perfectly all right to do so with Muslim, Protestant, or Jewish babies. Quite the contrary. Reasoning about the Christian story makes a bolder claim. It claims at times to reveal the deeper dimensions of the universally human. That is a bold claim, of course, and even an arrogant one unless it is clearly remembered that Christian communities have, more than it is comforting to recall, botched the job.[54]

And that brings us to the third point, Hauerwas' notion of the Church. It is quite rarified. Bennett believes that Hauerwas expects too much of it as a conveyor of ethics. One cannot but be impressed by the fact that the Church has at key times been corrected by secular society, for example, with regard to religious liberty and racism, and now sexism. At present the Catholic Church can learn a good deal from the tradition of civil liberties in the United States.

In a warm and properly appreciative review of Hauerwas' powerful writing, Richard John Neuhaus notes this aspect of Hauerwas' work and correctly says that in Catholic ears it will sound integralist and "Feeney-like."[55] The prophetic-minority notion of the Church Neuhaus regards as "a serious flaw in Hauerwas' argument" and a "romantic indulgence . . . of false consciousness."

I address these three points as questions to Hauerwas and Yoder in the hope, first, that we can grow in understanding of the matter, but secondly because a too exclusivist reading of the Christian story will render their imposing contributions muted in the political lives of Chris-

[54] Cf. Richard A. McCormick, S.J., "Theological Dimensions of Bioethics," *Logos* 3 (1982) 25–45 and forthcoming in *Eglise et théologie.*

[55] Richard John Neuhaus, "The Hauerwas Enterprise," *Commonweal* 109 (1982) 269–72.

tians. That would be both regrettable and unnecessary. One can agree with so much of the Yoder-Hauerwas critique of both moral theology and society that it would be unfortunate if this critique proved to be the vehicle of their marginalization. In this sense I cannot agree with Yoder's pessimism about the communality of language in public discourse. He states that the use of justice language commonly available to all "hardly helped" debates on abortion funding, multinational corporations, and arms limitation. There are many reasons other than justice language for this "hardly helped": for instance, ingrained interests and ideology, the complexity of the matter, differing metaethical suppositions, etc. But that brings us to nuclear deterrence and nuclear war.

NUCLEAR DETERRENCE AND NUCLEAR WAR

On Sept. 24, 1982 an international group of scientists, almost one fourth of them from Soviet-bloc countries, presented Pope John Paul II a document ("Declaration on the Prevention of Nuclear War") on nuclear warfare.[56] The group had met under the auspices of the Vatican's Pontifical Academy of Sciences. The document had its origins a year earlier in an initiative of Theodore Hesburgh and Cardinal Franz König (Vienna). It referred to the arms race as "the greatest moral issue that humanity has ever faced, and there is no time to be lost." It stated that science can offer no real defense against the consequences of war and that "it is the duty of scientists to help prevent the perversion of their achievements." It concluded that the arms race "must be stopped, the development of new more destructive weapons must be curbed, and nuclear forces must be reduced, with the ultimate goal of complete nuclear disarmament."

In a remarkable parallel development, Yevgeny I. Chazov, a member of the Soviet Academy of Medical Sciences and late President Leonid I. Brezhnev's personal physician, addressed a message to the people of the United States.[57] The message concluded as follows:

> Nuclear weapons can lead to a nuclear war simply because they exist. That is why all people of the globe, irrespective of nationality, religion or political views, should raise their voices against the nuclear arms race, against plans for the use of nuclear weapons and against the very thought of nuclear war. Nuclear weapons should be outlawed, their production stopped and their stockpiles destroyed.

These statements are not only important in themselves; they are symbols that the vigorous activity within the Catholic community reported in these "Notes" last year is shared by many other groups. Nor has the episcopal concern itself diminished. Three incidents stand out.

[56] *Catholic Review*, Oct. 8, 1982, 1.
[57] *New York Times*, Oct. 16, 1982, A27.

One is the excellent pastoral letter of Roger Mahony (Stockton).[58] Mahony states that the current arms-race policy of both superpowers "has long since exceeded the bounds of justice and moral legitimacy." He condemns as "always morally wrong" the use or intention to use nuclear weapons. As for possession for deterrence, Mahony argues that the legitimacy of such possession depends on three related moral judgments. (1) The primary moral imperative is to prevent any use of nuclear weapons. (2) Possession of such weapons is always an evil that can only be tolerated, but only if deterrent strategy is used to make progress on arms limitation and reduction. (3) The ultimate goal of an interim deterrence policy is elimination of nuclear weapons. Mahony judges that the U.S. and Soviet policies do not meet any of these standards.

Another incident of note was the "Call to Peacemaking" day held Sept. 18, 1982 by the Archdiocese of Washington under the leadership of James A. Hickey. The day was described by Hickey in his pastoral letter[59] as a "program of prayer, reflection, study, and discussion" on nuclear armaments.

The third event of interest was the annual meeting of Pax Christi held at Rochester (Minn.) in early October 1982. Carroll T. Dozier (Memphis, retired) in his keynote address underscored the "emptiness of just-war theories." "The just-war theory," he argued, "must be filed away in that drawer which conceals the flat-earth theory."[60] He expressed disappointment with the first version of the U.S. bishops' pastoral on peace.

In all this episcopal fervor the Catholic Theological Society of America should not be overlooked. The plenary session of the New York meeting (June 1982) passed a motion stating that "the use of nuclear weapons, under any circumstances, is contrary to the will of God." The reason: inability to place traditional constraints on nuclear war. Therefore it endorsed an immediate world-wide freeze, a staged reduction in present arsenals, and eventual total abolition.[61]

The recent activity of the American episcopate is reported by Francis

[58] Roger Mahony, "The Catholic Conscience and Nuclear War," *Commonweal* 109 (1982) 137–43. Cf. also *Origins* 11 (1981–82) 504–11.

[59] *Catholic Standard*, June 3, 1982, special supplement.

[60] *Catholic Review*, Oct. 15, 1982, 1. John J. O'Connor, vicar general of the Military Ordinariate, stated at a conference sponsored by the American Catholic Committee: "Far from feeling that we have reached the point that just war tradition is no longer applicable, we have ... reached the point where it is infinitely more important than it ever was" (*Catholic Review*, Oct. 22, 1982, 1). William V. O'Brien had criticized some episcopal statements in "The Peace Debate and American Catholics," *Washington Quarterly* 5 (1982) 219–22. Responses by Monika Hellwig, John Langan, S.J., James Schall, S.J., and Francis Winters, S.J., are found in "From the University: American Catholics and the Peace Debate," *Washington Quarterly* 5 (1982) 120–42.

[61] Council on the Study of Religion, *Bulletin* 13 (Oct. 1982) 103.

X. Winters, S.J.[62] In another extremely interesting study Winters turns his attention to the episcopal stances within the larger Atlantic community.[63] The English hierarchy as a group has been reluctant to do more than state the key questions. Basil Cardinal Hume, however, after condemning total war or its threat, states his personal reluctance to condemn "outright the possession of nuclear arms." But there are two conditions emphasized. First, we must be able in practice to delineate between civilian and noncivilian. Second, use of strategic weapons must not escalate. If these conditions are not fulfilled, even deterrent weapons cannot be justified.

The Scottish hierarchy condemns all use of nuclear weapons as too dangerously escalatory and it rejects the willingness of citizens to leave these crucial decisions to governments. The French hierarchy is notably silent on the whole issue. The German hierarchy is still developing a common response, but Joseph Cardinal Höffner (Cologne, and president of the German Episcopal Conference) has already defended nuclear weapons as a deterrent.

Winters discovers a notable difference in views and drifts between the Continental hierarchies and those in the English-speaking world, these latter being much more outspoken about nuclear deterrence. Proximity to the poised forces of the Warsaw Pact might be a partial explanation. Flexibility of maneuver available to the English-speaking groups might be another. Some will see this as cacophony within the magisterium. Winters, however, sees it as a healthy collegiality, as "the promise of a universal magisterium more supple and responsive to the accelerating urgency of moral challenges."

Without any question, the most discussed event of the past year has been the first version of the American bishops' pastoral on nuclear war and deterrence entitled "God's Hope in a Time of Fear."[64] It may be useful to recall here some of the principles and the reasoning used in the first version. It lists six such immediate principles applying to nuclear war and deterrence.

First, there is no possible justification for the use of nuclear or other weapons "for the purpose of destroying population centers or other

[62] Francis X. Winters, S.J., "U.S. Bishops and the Arms Race," *Month* 244 (1982) 260–65. Cf. also Dona Palmer, Jacqueline Haessly, and Daniel Di Donizio, "U.S. Catholic Response to the Arms Race," *Ecumenist* 20 (1982) 17–22; René Coste, "La course aux armements en procès," *Esprit et vie* 92 (1982) 430–32; Karl Weber, "U.S. Bischöfe gegen nukleare Bewaffung," *Orientierung* 46 (1982) 27–30.

[63] Francis X. Winters, S.J., "Nuclear Deterrence Morality: Atlantic Community Bishops in Tension," *TS* 43 (1982) 428–46.

[64] I work with a manuscript version. The document was never published but was widely reported in the Catholic press.

predominantly civilian targets." Furthermore, it is virtually impossible to justify nuclear attacks on military targets "as proportional to any conceivable rational objective" where the targets lie so close to population centers that these centers would be destroyed.

Second, even "deliberate initiation of nuclear warfare, on however a restricted scale" is morally wrong. Thus no first use is justifiable. The pastoral mentioned "very substantial doubt" about the possibility of control, and in the face of such doubt it stated an obligation to "the safest possible moral course."

Third, even the threat to use nuclear weapons against populations and to initiate nuclear war is morally wrong. Such a threat cannot be justified even if it "is not intended to be carried out." Such threats produce degradation between conflicting sides and carry the danger of loss of control.

Fourth, the pastoral notes that "Christians and others of good will may differ as to whether nuclear weapons may be employed under any circumstances." The draft found it difficult to see how what might be justified in theory could be justified in practice. Any use would have to be defensive and then only in an extremely limited and discriminating manner. The bishops confessed that "in all candor we have no confidence whatever that retaliatory and restrictive usage can be kept limited."

Fifth, the committee warns against "rapid, abrupt" abandonment of nuclear weapons on the ground that it would itself lead to instabilities and possible catastrophe. But "temporary toleration of some aspects of nuclear deterrence must not be confused with approval of such deterrence."

Finally, the committee notes that it has outlined "a marginally justifiable deterrence policy." Faced with a deterrent that is in place and that they cannot approve, they appeal to the principle of "toleration of moral evil."

This draft was widely circulated in order to get the broadest possible range of reactions, a process followed throughout the consultations that led to the draft. The reactions came, many hundreds of pages of them. The document was castigated for confusion and accused of everything from political naiveté to moral cowardice. It was said to be based on the "consequentialism" of Fuchs and Curran, both of whom testified before the episcopal committee. The most hotly controverted passage was that dealing with the principle of toleration of moral evil. The reactions were so voluminous that the committee felt compelled to delay the process. As I write (November 1982), the episcopal committee has completed a second version that attempts to listen to the various publics who have responded to the first draft. That will be interesting. The following chronicle will

attempt to report some of the reactions and some of the voices to which the final version will have to listen.

Amongst the first the NCCB committee will listen to is the Pope himself. At the present time it is probably inconceivable that the American bishops will take a position incompatible with the Pope's. So what has the Pope said? Two concrete statements can be distilled from his many excellent statements on war and peace. The first constitutes the context of our reflections. At Coventry (May 30, 1982) John Paul II insisted that "today the scale and the horror of modern warfare, whether nuclear or not, makes it totally unacceptable as a means of settling differences between nations. War should belong to the tragic past, to history; it should find no place on humanity's agenda for the future."[65]

The second occurred in his presentation to the special session on disarmament of the U.N. General Assembly. It was read to the Assembly June 11 by Agostino Cardinal Casaroli, Vatican Secretary of State. In that statement John Paul II asserted: "Under present conditions, deterrence based on balance—certainly not as an end in itself, but as a stage on the way to progressive disarmament—can still be judged to be morally acceptable."[66]

It seems clear, therefore, that the Pope regards the present deterrence policy of the superpowers as "morally acceptable"—not desirable, but tolerable. I say "seems clear." The Pope does not say "is morally acceptable"; he says "can still be judged to be." That wording raises a host of questions. (1) "Can" legitimately? (2) "Be judged"—by whom? Objectively? Notwithstanding such questions, it strikes me as inconceivable that the Pope would make such a statement if he judged the present deterrence policies to be clearly immoral.[67]

This point was not missed by Secretary of Defense Caspar Weinberger in his letter to Archbishop Joseph Bernardin.[68] He noted that he was "heartened" by the papal statement and went on to argue that our deterrence policy has maintained peace for thirty-seven years and that

[65] John Paul II, "The Work of Peace," *Origins* 12 (1982) 55.

[66] John Paul II, "The Necessary Strategy for Peace," *Origins* 12 (1982) 81–87, at 85.

[67] Of the Pope's statement Germain Grisez writes: "Even if Pope John Paul had unqualifiedly affirmed the morality of the deterrent, it is not clear that he intended to speak as supreme teacher in the church and to propose teaching to be accepted by the faithful as certain. Hence there would be no difficulty in supposing him to have erred in this statement" ("If the Present United States Nuclear Deterrent Is Evil, Its Maintenance Pending Mutual Disarmament Cannot Be Justified," *Center Journal*, Winter 1982, forthcoming as I write). Here Grisez implies that a pope cannot err when he speaks as "supreme teacher" about something "to be accepted as certain." This is a theologically false expansion of the charism of infallibility. Cf. *Acta synodalia sacrosancti Concilii Vaticani II*, Vol. 2, Pars 8, p. 85.

[68] *Origins* 12 (1982) 292–94.

the first draft of the bishops' pastoral represents a "dangerous departure from the policies which have kept the peace." Weinberger's letter is extremely interesting for its statement of our government's policy. It is, he says, one of "flexible response." That refers to a "credible continuum" of response that would make clear to the Soviet Union that it "would have no incentive to initiate an attack," That "no incentive" phrase is intriguing. The government says that its policy is *not* to target civilians; yet the "no incentive" usage is broad and loose enough to include them.

Other reactions to the first draft are interesting. I shall force the subsequent literature into the mold of a commentary on it. Francis X. Meehan saw it as "fiddling" while the world threatens to burn.[69] Bishop Walter Sullivan (Richmond) stated: "I would like to save the bishops lots of time." This letter should say "no to nuclear weapons, no to their use, no to their manufacture, no to their deployment, no to their existence."[70] Arthur Jones bluntly argued that if they "in any way permit the manufacture and possession of nuclear weapons, the U.S. Catholic bishops may as well resign and move into the anonymous crowd."[71]

Commonweal presented a very interesting symposium of nine responses to the pastoral.[72] John Langan, S.J., saw the pastoral as "incomplete, inconsistent and therefore very useful." I like that attitude. One of the major problems is that there are three realms of discourse involved (moral-religious, technical-strategic, political) that begin with different assumptions, utilize different concepts, and are employed by different experts.

William V. Shannon agrees with the prudence of the episcopal committee in leaving open the question of whether nuclear arms may ever be used. He urges immediate expansion of conventional forces to rein in the "nuclear horses." Joan Chittester regards the pastoral as morally schizophrenic, stepping tentatively between prophetism and nationalism. The document calls upon us to think of war in "an entirely new way" and then fails to do so itself. Philip Odeen dislikes the heavy emphasis on pacifism and argues that the pastoral "incorrectly portrays the main thrust of our strategic policy over the past twenty years." That is, it supposes that our deterrent policy is built around the threat to attack cities and civilians, which Odeen says is not true.

James Finn highlights and praises the dialogical process that went into

[69] *National Catholic Reporter*, July 2, 1982, 6.

[70] Ibid. On the other hand, John Cardinol Krol, in an address at Penn State University, stated that "in light of the decade of Soviet aggression and expansionism, no reasonable person can insist on unilateral disarmament" (*Catholic Chronicle*, Oct. 8, 1982, 4). I am impishly tempted to suggest that the bishops are "confusing the theologians."

[71] *National Catholic Reporter*, July 16, 1982.

[72] "The Bishops and the Bomb: Nine Responses," *Commonweal* 109 (1982) 419–39.

the composition of the document. He faults it for failure to develop a statement about what a properly ordered international community ought to be and for the murky character of its arguments justifying a deterrent policy. Gordon Zahn sees in the document "troubled ambivalence and a yearning for a compromise on essentially irreconcilable issues." He believes that Christians can no longer tolerate dependence on nuclear deterrence. William J. Nagle is convinced that much more hard cross-disciplinary work is called for before any draft can hope to be adequate.

Finally, Charles E. Curran emphasizes that the notion of toleration of a deterrent is novel and problematic because it involves "tolerating one's *own* intention to do evil." However, it might be possible to understand deterrence and hence toleration differently: as referring simply to the existence of nuclear weapons with no declared intent to use them. He concludes by urging that the pastoral be viewed as a contribution to the ongoing teaching-learning function of the Church.

Curran's last point is very important. There is so much uncritical "magisteriolatry" around these days that it can operate as an undue and unfair pressure on a national episcopate. What the American bishops will end up saying on nuclear arms will, of course, be important. However, it would be a mistake for us or them to view it as *their* last word or *the* last word. We still must learn the humbling reality that our grasp of complex and delicate problems is likely to be partial.

In the remainder of this section I should like to concentrate on some longer studies that have been composed as aids in the teaching-learning process of the Church. But before doing so, I should advert to the excellent issue-overview provided by Michael Mahon, S.J.[73] It is an absolutely first-rate summary of the moral issues we confront. Mahon concentrates on three major issues: (1) the pure form of deterrence (mutually assured destruction and the problem of intentionality); (2) proposals for limited nuclear war; (3) discussion of first-strike scenarios. On this last point, for example, Mahon clearly and accurately reviews the exchange between Theodore Draper and the authors (McGeorge Bundy, George Kennan, Robert McNamara, Gerard Smith) of a highly publicized *Foreign Affairs* article urging a no-first-use policy.[74] Throughout Mahon expertly reviews the analyses of well-known authors in these discussions (e.g., Michael Walzer, Francis Winters, Francis Meehan, Michael Novak, Paul Ramsey, John Cardinal Krol, Roger Mahony, William O'Brien, and others).

Mahon's purpose is to lay out the issues, not to adjudicate them; so he exercises admirable restraint. But his personal reflection at the conclusion of the review is well worth the many months he must have labored

[73] Michael Mahon, S.J., "Nuclear Morality: A Primer for the Perplexed," *National Jesuit News*, Nov. 1982, special supplement.

[74] "Nuclear Weapons and the Atlantic Alliance," *Foreign Affairs* 60 (1982) 753–68.

to construct this overview. Mahon suggests that the nuclear discussion has centered on the principles of proportionality, noncombatant immunity, and last resort. He further suggests that "the principle of right authority is due for a comeback." He means, of course, that the unimpeachable authority for nuclear policy should reside with the prospective victims. It is too serious a matter to be left to governments. The mass movements in Europe and the United States clearly indicate that the victims want to delegitimate the use of nuclear weapons by nation-states. Mahon's concern is shared by others, as will become clear below. If one has time for but a single article, Mahon's is the one to read.

Germain Grisez's evaluation of the present nuclear deterrent unfolds like a syllogism.[75] It is always morally wrong to intend, even reluctantly and conditionally, to kill the innocent. But present deterrent policy involves this murderous intent. *Ergo.* The minor is established by reference to the *United States Military Statement,* which refers to a focus on "Soviet values." But even if the targeting was not aimed at cities, Grisez believes the deaths of millions of innocents is essential to the deterrent and therefore direct (intended). To the objection that it is possible to deter with mere possession—and with no intent to use—he responds that this "might have been helpful had it been offered before the present deterrent policy was adopted."

It had been argued by John Cardinal Krol (September 1979) before the U.S. Senate Committee on Foreign Relations that the deterrent could be tolerated provided the deterrent is used to make progress on arms limitation, reduction, and eventual abolition. Grisez rejects this because it perverts the traditional notion of toleration into a justification for one's own immoral activity. Nor can one argue that choosing to kill innocents is the lesser evil; for "this position requires that one be able to weigh (supposedly 'nonmoral') evils" against one another. This we are unable to do rationally. Rather, this "proportionalist" position calls for a choice before judgment. What we choose to do becomes right.

Two points. During the course of his study Grisez mentions the "theologians Charles E. Curran led in dissent from *Humanae vitae.*" They held that spouses may sometimes decide in conscience that contraception is morally acceptable. Of this Grisez states: "Generalized, the position is: Christians may responsibly decide according to their conscience that any sort of act . . . in some circumstances is permissible." Generalized, it means nothing of the kind. They did not say, nor can their statement be forced to say, that "any sort of act" could be permissible in some circumstances. They said that contraception was not always a morally evil act. That leads to no generalization whatsoever about "any sort of act." It is painful to have to remind others that disputes are not

[75] Cf. n. 67 above.

clarified by misrepresentation.

Second, in his continuing battle with "proportionalists," Grisez does not seem to realize that his arguments bite back. For instance, if the "proportionalist" must choose before judgment, how is this any different from the "nonproportionalist" who argues legitimate national self-defense against an aggressor? Does such a person not have to weigh political freedom against the loss of human life in defending it and *decide* that it is reasonable to suffer this evil for that good? If values are incommensurable for the "proportionalist," how are they any less so for the person applying the fourth condition of the double effect (proportionate reason)? In this study Grisez answers as follows: "They may not do to an enemy's population (even as a side effect) what they would not have the other nation's leaders do to them and their people. In such cases, proportionality reduces to the Golden Rule."

But that is not an adequate answer. The question—which requires a rational answer if Grisez's critiques against "proportionalists" as arbitrary deciders are to carry any weight—is: *Why* would they not want it done to themselves? Why would a war become "unduly burdensome"?[76] Is it not because the overall evils do not stand in a proportionate relationship to the values to be protected or achieved? Does that not demand the very weighing and balancing Grisez says is rationally impossible? Was it proportionate or disproportionate for the Russians to lose twenty million lives defending the fatherland? Every episcopal and theological document that I have consulted in this summary involves the type of weighing and balancing Grisez excludes in principle. To say that proportion is a matter of political prudence and sometimes imprecise is not to say that it is irrational or arbitrary.[77]

[76] That little phrase hides a weighing and balancing that we all make but that Grisez cannot admit *in principle* because, he claims, it involves incommensurables. "Unduly burdensome"? With regard to what? Concretely, if a war can become "*unduly* burdensome," it can become so only because the cost (in life, economic sacrifice, etc.) is not judged proportionate to the good being protected (e.g., political self-determination). But how does one measure such incommensurables? Grisez says that we cannot. Yet he does so. Otherwise there is no distinction between what is *unduly* burdensome and what is *appropriately* burdensome. Burdens are acceptable or not depending on what is gained or lost if the burden is not borne. David Hollenbach states this well when he notes: "According to this view [traditional double effect] one is still bound . . . to weigh the evil consequences which indirectly accompany the attack against the good effects which flow from it" ("Nuclear Weapons and Nuclear War: The Shape of the Catholic Debate," *TS* 43 [1982] 577–605, at 594). Hollenbach correctly states that these are prudential judgments "not subject to logically certain demonstration." That is not to say that they are not rational.

[77] In his new book *The Nuclear Delusion* (New York: Pantheon, 1982) George Kennan states: "There is no issue at stake in our political relations with the Soviet Union—no hope, no fear, nothing to which we aspire, nothing we would like to avoid—which could conceivably be worth a nuclear war" (cf. *New York Times Book Review*, Nov. 7, 1982, 38). Surely there is a weighing going on here.

John Langan, S.J., reviews what he calls the absolutist position.[78] Langan admits that this position has power and clarity; but does it work? Its basic claim, Langan asserts, is "that every use of nuclear weapons is morally wrong." That is precisely the weakness of the absolutist position. One can conceive of cases where nuclear weapons meet the controlling criteria of the just-war theory. While these may seem antiseptic and abstract (a kind of "two-battleships-at-sea scenario"), Langan regards them as "crucial for understanding the limits of the absolutist argument," If *some* use of nuclear weapons is in principle justifiable, "then possession and production of nuclear weapons must be allowable in principle," and the absolutist case collapses. Unattractive as this may seem, Langan sees it as freeing us to "understanding the balancing of values which is required in shaping strategic policy."

Langan prefers a contextualist approach to deterrence, one in which the serious danger of a catastrophic exchange plays a central role, but not one that justifies an exceptionless moral rule. Dangers can be greater or less, and where policy is concerned one must get involved in the weighing and balancing of risks: for instance, the likelihood of enslavement of free political communities without a deterrent against the likelihood of nuclear catastrophe with one. We are faced with the danger of doing terrible things and the danger of suffering terrible things. Langan lists three things that no policy may do or threaten to do, and whose risk must be minimized: the destruction of humanity, the destruction of an entire society, direct attacks on noncombatants. If a policy involves doing or committing us to do these things, it is immoral. But it need not so involve us, because there is the possibility in principle of a moral use of nuclear weapons. Langan concludes by insisting that the American bishops should not ban the bomb "but should adopt a stance which affirms the limitations of violence that are central to the just-war tradition and which at the same time points to the dangers of using nuclear weapons and of allowing the arms race to continue."

Langan's study is carefully crafted and sensitive to the distinction between moral and political judgments. Grisez would doubtless regard him as a "proportionalist," since Langan sees the need to weigh values and disvalues of very different kinds, as I believe anyone applying just-war criteria must.

I would raise a single point with Langan's essay. He is clarifying his position against something like a straw man. That is, there is probably no one who holds the absolutist position that *theoretically* any use of a nuclear weapon is clearly morally wrong. That would be a difficult, indeed impossible, position to defend once one had accepted the moral legitimacy

[78] John Langan, S.J., "The American Hierarchy and Nuclear Weapons," *TS* 43 (1982) 447–67.

of national self-defense. What many would hold is a universal moral prohibition (Langan's "exceptionless rule") against use of nuclear weapons because of the almost unavoidable danger of escalation. The single question to be put to Langan, then, is this: Does the *abstract* possibility of a morally justified use of a nuclear weapon really justify the *concrete* retention of an arsenal that has no relationship to the abstract scenario? In other words, what is morally allowable in fact must be related to what is likely to occur in fact. As the second draft of the bishops' pastoral states, "The issue at stake is the *real* as opposed to the *theoretical* possibility of a 'limited nuclear exchange.'"[79]

What Langan's argument does, then, is destroy a so-called pure absolutist position that asserts that any conceivable use of a nuclear weapon is morally wrong. It does not have the same effect on a universal prohibition based on real escalatory dangers. And if a universal moral prohibition of use can still be powerfully argued from escalatory risk, then what is to be said of production and possession of nuclear weapons?

Some of the points just mentioned are made in a challenging study by David Hollenbach, S.J., in this journal.[80] Hollenbach concludes that any use of strategic counterforce weapons cannot be morally justified. Such strategy violates the *in bello* criteria of discrimination and proportionality and the *ad bellum* criterion of reasonable hope of success (because of probability of escalation to mass slaughter). He then turns to tactical nuclear weapons and draws the very same conclusion.

Next he turns to hypothetical cases such as those raised by Langan and states that "such hypotheses have little or nothing to do with the real international situation." Hollenbach's conclusion: "the use of nuclear weapons can never be morally justified." I agree with this conclusion, even though I could imagine with Langan antiseptic cases where the use would be controlled.

But what about possession and the threat to use nuclear weapons as a deterrent? Hollenbach refers to the pastoral letter of the American bishops (1976) in which they condemned attacks on civilian populations and threats to do so. John Cardinal Krol repeated this in 1979 but distinguished between threatening and mere possession, justifying toleration of the latter as the lesser of two evils, providing that meaningful negotiations were taking place toward reduction and elimination of nuclear weapons. The Krol testimony, Hollenbach notes, sees in the *threat* to use such weapons the *intention* to do so; but it also assumes that possession is compatible with an intention not to use them.

Hollenbach wrestles with this testimony on two grounds. First, we

[79] *Origins* 12 (1982) 315.

[80] Cf. 76 above.

must distinguish the intention to use nuclear weapons and the intention to deter their use. To pursue policies that make war less likely, even though they involve threats, "is to *intend* the avoidance of war." Making war less likely is what is to be judged where specific policies are concerned, not deterrence in the abstract. Second, with regard to toleration, Hollenbach feels that Krol's notion is essentially correct but that it could be formulated more helpfully. He means that the conditions of toleration should be: (1) any policy must make war less likely; (2) any policy must increase the possibility of arms reduction, not decrease it. These twin conditions acknowledge that the moral judgment about deterrence is one about *the direction in which we are moving.*

Hollenbach's study has the great virtue of locating the discussion within the strong overall presumption against violence central to the Christian tradition. The key to his conclusion (carefully conditioned toleration of possession) is the distinction between intent to use nuclear weapons (never permitted) and intent to avoid war. Will it stand up? Specifically, a wary critic might point out that there is a means-end relationship between the two, that the intent to avoid war is indeed the *ultimate* intent but that it is served and achieved by the intent to use necessarily involved in any serious threat. In other words, the instrumental intention is not swallowed up in or obliterated by the good of the consummatory intention. Is it not there and still problematic?[81]

Hollenbach's study thrusts intention back to center stage. At this point of the discussion enter John R. Connery, S.J.[82] Connery asks whether the threat of use as a deterrent is morally legitimate. The deterrent comes from mere possession and "would not call for any express intention on the part of the country possessing it." Connery narrows the question by excluding any indiscriminate strikes (nuclear or other) and any first strike of an aggressive kind. The sole remaining question is that of a controlled, defensive response. He argues that nuclear response with tactical nuclear weapons can be controlled and discriminate. To make it so is our moral challenge.

For the assessment of the morality of practical policy, Connery has eliminated the problem of intention. How? In two ways. First, since no express intention is required by mere possession, that possession does

[81] Robert L. Spaeth distinguishes between "the intention to launch nuclear missles" and "a policy decision to launch them if attacked by nuclear weapons." This latter, he says, "shows a supremely moral aspect of deterrence." That is, it has a "moral goal." I fail to see Spaeth's distinction. For "a policy decision to launch if . . ." contains a conditioned intention. Can a "moral goal" eliminate this? ("Disarmament and the Catholic Bishops," *This World*, no. 2, Summer 1982, 5–17).

[82] John R. Connery, S.J., "The Morality of Nuclear Warpower," *America* 147 (1982) 25–28.

not create an insuperable problem. Indeed, Connery states that it is hard to see how strategic weapons "could legitimately serve any other but deterrent purposes"—which presumably he would countenance. Second, where tactical weapons are concerned, there is no intention problem because their use is justifiable when discriminate. All we need do, in our possession of nuclear weapons, is have the intention to use them discriminately.

Connery's article did not go without response. In a letter to the editor, Dan DiLuzio referred to it as a "remarkable rationalization." The use of any weapon could be judged sufficiently controllable, but only in "some idealized construct of the world."[83] Similarly, Walter Sullivan protested that the article did "not seem to be touched by the nuclear reality" that arsenals are located near population centers, that limited exchange carries enormous risk of escalation.[84] Furthermore, he rejects the distinction between merely having the bomb and intending to use it. The bomb exists for one reason: to be used if necessary.

From what has been said above, it is clear that I would agree with Hollenbach against Connery that no use of nuclear weapons can be justified in the present circumstances because of the unjustifiable risk of escalation. Second, can mere possession be divorced from some intent to use, as Connery asserts along with Winters (below)? That is a key question in the moral analysis. Langan, Sullivan, and others believe that such divorce is not possible. Langan states that "a firm and settled intention not to use nuclear weapons in all foreseeable circumstances makes the possession of such weapons literally useless as well as irrational and needlessly provocative."[85] In other words, he argues that *some* intention is there. The problem of intention just will not go away.

Now enter Michael Novak and Joseph O'Hare, S.J.[86] Novak insists that the question is not Vatican II's "an entirely new attitude" toward war, but whether Catholic teaching is "moral, realistic, and prudent." After that little rhetorical salvo—involving, as rhetoric usually does, false alternatives—he states the two purposes of deterrence: to deter military use of nuclear weapons, and secondarily to deter nuclear blackmail. To achieve these objectives, mere possession of nuclear weapons is not enough. "It must be intentional." Novak notes that intentionality when applied to political systems is only analogous to intention in individual subjects. It is like ("but not exactly like") the intentionality embedded in acts themselves: for example, in sexual intercourse as "objectively

[83] *America* 147 (1982) 101.

[84] Ibid. 61.

[85] Langan, "American Hierarchy and Nuclear Weapons" 452.

[86] Michael Novak, "Nuclear Morality," *America* 147 (1982) 5–8; Joseph A. O'Hare, S.J., "One Man's Primer on Nuclear Morality," ibid. 9–12.

ordered to procreation" regardless of subjective intentions of individual agents.

Thus the objective intentionality of a nuclear deterrent is "readiness for use." It is this readiness that threatens and deters. The system is *designed* to convey a sense of readiness for use. But, he asks, is it moral to maintain a system whose very existence threatens use if it is immoral ever to use it? His answer: that depends on the purpose of the system. If it is to deter use of nuclear weapons, the threat aims at a high moral purpose (a good) and "does so in a morally sound way." Thus he justifies the nuclear deterrent but disagrees with Cardinal Krol on the condition. Krol had stipulated that possession is tolerable only if efforts are being made toward nuclear disarmament. Thus Krol's criterion would seem to apply only if other nuclear powers were willing to engage seriously in disarmament negotiations.

What move has Novak made? He has, if I understand him, attempted to finesse the classic problem of intention by shifting the "intention" from the agent to the system itself. But there are problems in doing that. Let me put it as follows. If one constructs a system that has inbuilt intentionality ("readiness to use"), does not the intention of the maintainer have to conform to this inbuilt intentionality? What sense does it make to construct a whole system whose very sense is "readiness to use" if the constructor is absolutely unready to use it? And if the constructor is ready to use it, is that not exactly what Novak would condemn?

Another way in on my problem with Novak's analysis is his discussion of "the purpose of the system." May we, he asks, maintain such a system? "That," he says, "depends on the purpose of the system." If it is deterrence, then we may; if it is other than deterrence, no. But who decides this purpose other than the agent? And if it is clearly the agent (political authorities) who intend to deter, what else must they intend to achieve this? Must the agent not intend conditionally to use the system if the deterrence is to be credible? Here we are back to the question I put to Hollenbach. The intention to deter is obviously noble, but can it obliterate the instrumental intention to use? If not, we are back to the problem of the agent's intention, which Novak rather cavalierly dismissed at the outset as "rather traditional stuff."

Francis X. Meehan is very close to Novak's understanding of intention.[87] He believes that distinguishing mere possession from intention to use confuses individual with social morality. In individuals possession may be distinguished from threat or intention to use. Not so in social morality. At this level there are mechanisms beyond individual control (e.g., chains of command, planned operating procedures, computers), all

[87] Francis X. Meehan, "The Moral Dimensions of Disarmament," *New Catholic World* 226 (1982) 68–70.

of which carry an "inbuilt objective intention." To view the matter otherwise is Platonic. Meehan further suggests that the Church may well be at an exciting "kairotic" moment. That is, we are literally pulled by historical circumstances to rediscover the early Christian witness and transform ourselves from within.

What does this dynamic mean with regard to arms possession? Meehan distinguishes the Church's address *ad intra* and *ad extra* (policymakers, the world at large). He understands the appeals of the "peace bishops" for unilateral disarmament to be addressed *ad intra* and to be altogether appropriate. When, however, the Church addresses a larger public (*ad extra*), she cannot realistically call for unilateral disarmament. But by addressing a clear moral message to her own adherents, the Church can create a kind of "third force" that will bring pressure on governments of both superpowers. The only and obvious problem with Meehan's scenario is that there is virtually no effective public opinion in the Soviet Union.

Joseph O'Hare, editor of *America* magazine, has Novak in his sights in his companion article. He protests Novak's dismissal of Vatican II's call for "an entirely new attitude" by noting that war waged with nuclear weapons "would almost certainly be total." O'Hare believes that the preoccupation of Catholic debate with the purity of moral intention distracts us "from the actual moral choices available to us." He rejects unilateral disarmament as morally irresponsible, defends the present deterrent as "the least dangerous of the choices available to us," but insists on unilateral initiatives toward arms reduction by the United States.

The key to O'Hare's analysis is the phrase "least dangerous." On the one hand, there are the dangers associated with unilateral disarmament—dangers that something would happen to us and the Western world. On the other hand, the danger involved in keeping a deterrent is that we would do something to others with it. The first seems to be a risk of enormous nonmoral evil; the second is the risk of doing moral evil. I can fairly hear Grisez shouting "consequentialist" at O'Hare's essay.

Francis Winters, S.J., also engages Novak's dispute with the bishops.[88] He believes that Novak is especially rankled by the "power of the bishops to articulate binding moral imperatives." Winters is startled at the first version of the proposed episcopal pastoral because it allows some retaliatory use of nuclear weapons when it can be reasonably expected that it will escape human control, as "the professional consensus believes." This

[88] Francis X. Winters, S.J., "Catholic Debate and Division on Deterrence," *America* 147 (1982) 127–31.

more permissive attitude, which one finds also in Connery's study, fails to deal with the condition that war be waged by competent authority. In a nuclear war competent authority will be *hors de combat* very quickly and the control will slip to the unco-ordinated command of multiple subordinates—in a word, the control will be gone.

Winters argues that as between an immoral military strategy and subjugation to godless communism, there still remains a third option: retention of the nuclear arsenal without any intent to use it. The arsenal *in itself* is "the necessary and sufficient condition of strategic deterrence." Novak had dismissed this by postulating that weapons do not deter apart from the public consensus to use them, because they have an inbuilt intentionality ("ready for use"). Winters believes this is a postulate without proof. Equivalently, then, Winters is reiterating the Krol distinction between threat/intention/use and mere possession. The latter need not involve the former.

This is the way the recent discussion has gone. It is a rich and lively literature. It represents a believing community trying agonizingly to discover God's will in a very complex and dangerous world. A few remarks might not be out of place here.

First, as noted, it would be unrealistic to see the American episcopal document as the final word on the subject. The bishops, like anyone else, discover the Christian truth on these questions through an arduous groping process. If anything is clear from the literature I have reviewed, it is that there is little theological unanimity to aid and inform this process. For this reason I would qualify Winters' assertion that the teaching "will be binding in conscience on American Catholics." No, bishops ought not shrink into harmless statements about "moral ambiguity" when matters are clear and certain. But not all matters are.

Second, given the different views within the Catholic community and the strong feelings that accompany those views, the bishops are in something of a no-win situation. Some, perhaps many, Catholics are bound to be disappointed. We will almost certainly hear further accusations either of "accommodationist" or of "political naiveté." But given the state of the discussion, that should not surprise us or lead to genuine divisions, even schism within the community, as some have suggested. Rather, it should make us aware of the fact that bishops, as a group, deliberate and speak from a certain "social location" both within the broader community and the Church and are probably unavoidably sensitive to jostling and pressures from all sides, not excluding Rome, other national hierarchies, the United States government, etc., sides where they would wish to retain credibility and effectiveness. That is one reason for viewing their ultimate pastoral document as a transitional contribu-

tion to a still developing public opinion in the Church.[89] It is also a reason for individual bishops—and all of us—to continue to explore and speak out on this most serious of all contemporary moral problems. Whatever they do, the American bishops should not be viewed as closing the debate, as the always insightful George Higgins notes.[90]

Third, there is a growing conviction (popular, strategic, moral-theological) that any use of nuclear weapons is morally irresponsible. The issue most hotly debated is that of possession for deterrence and the conditioned intention apparently involved in it.[91] The possession question, as a moral question, raises and rests on three issues. (1) Does mere possession with no intention to use factually deter, as Winters and Connery would argue against Novak, Langan, and others? (2) Is it possible to possess weapons which do deter without intending (conditionally) to use them, as Winters, Krol, and others would maintain against Langan, Meehan, William O'Brien, Matthiesen,[92] and others? (3) Is it possible to threaten (something that seems essential to deterrence) the use of nuclear weapons without the intention to use them? In other words, is the notion of threat different from conditioned intention? It will be recalled that Dubarle proposed years ago that a threat does not necessarily involve such an intent.[93]

Fourth, it has become increasingly clear that the one instrumentality capable of influencing the bureaucratic paralysis that leads to superpower deadlock on nuclear weapons is public opinion.[94] There were 400,000

[89] It is interesting to note here the pastoral letter of Francis T. Hurley (Anchorage), Robert L. Whelan, S.J. (Fairbanks), and Michael H. Kenny (Juneau). It concerns Proposition 6 and the withdrawal of public funding for abortion in Alaska. The bishops invite their diocesans to reflect and pray about this matter and "come to a decision." They are careful not to dictate the decision ("On Christian Life and Christian Responsibility," *Inside Passage* 13 [Oct. 8, 1982] 4–5). John Reedy, C.S.C., has properly called attention to the distinction between the religious and moral values involved in contemporary issues and specific political choices (e.g., a nuclear freeze, the Hatch Amendment). On these latter the bishops have no particular competence. When this distinction is not observed, there is a "degradation of teaching authority" ("Bishops and Public Issues," *Catholic Telegraph*, June 25, 1982, 4). For an interesting article in support of a nuclear freeze, cf. James L. Hart, S.J., "The Case for a Freeze on Nuclear Arms," *America* 147 (1982) 226–28.

[90] George Higgins, "Nuclear Debate: A Caution," *Catholic Standard*, Nov. 4, 1982, 9.

[91] It is interesting to note that the English bishops cite lack of clarity about a government's intention as a reason for their perplexity ("Désarmement et paix," *Documentation catholique* 64 [1982] 818).

[92] Leroy Matthiesen states: "The possession of nuclear weapons is the same thing as a threat to use them" (*Time* 120 [Nov. 8, 1982] 18).

[93] D. Dubarle, "La stratégie de la menace nucléaire devant la morale internationale," *Revue de l'action populaire*, 1964, 645–60.

[94] Two episcopal documents call attention to the importance of public opinion in this matter. Cf. "Le désarmement," *Documentation catholique* 64 (1982) 682, and "Le désarmement: Point de vue d'église de France," ibid. 787–88. When Robert S. McNamara was asked

demonstrators in Amsterdam, 200,000 in Bonn, 200,000 in Rome, 150,000 in London, 200,000 in Brussels, 200,000 in Paris, 200,000 in Athens, 300,000 in Bucharest, and many more in the United States. These protests do have an effect. I believe that we need our prophets, politically naive and theologically imprecise as they may at times seem. They provoke public opinion out of its sense of powerlessness, a sense undoubtedly nourished by the "principalities and powers" because it ends in apathy. They provoke us to visualize in faith a different future and to challenge the endless wrangling of strategic experts mired in the mathematics of destruction.[95] George F. Kennan, former ambassador to the Soviet Union, proposed (Washington, D.C., 1981) that the President suggest to the Soviet government an immediate across-the-board 50% reduction of the superpowers' nuclear arsenals. We need that type of bold and sweeping gesture, just as we need the prodding of the Hunthausens, the Gumbletons, the Matthiesens, the Sullivans of the episcopate.[96]

Whatever the case, this roundup has summarized and critiqued the work of others, especially as they went about informing the bishops. It is only fair to expose to the favor of criticism my own response to the first draft. The response suggested the following episcopal wording on two matters touching nuclear weapons.[97]

1. *Retaliatory defensive use.* Some of our military and political consultants believe that the use of tactical nuclear weapons can be isolated and limited, and therefore that such use cannot be morally excluded. Much as this might be true in an abstract scenario, the lessons of history, both past and more recent, lead us to believe that any use of nuclear weapons is inseparable from the *danger* of escalation and totalized warfare. We can identify no human or political purpose that will purge this risk of irresponsibility.

2. *Possession for deterrence.* For us the very possession of nuclear weapons has been the most difficult of all problems. We are aware that many people of good

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by Robert Scheer how the tremendous nuclear buildup occurred, he answered: "Because the potential victims have not been brought into the debate yet, and it's about time we brought them in" (Cf. Kermit D. Johnson, "The Nuclear Reality: Beyond Niebuhr and the Just War," *Christian Century* 99 [1982] 1014–17). Johnson concludes his fine article by noting that if our politicians cannot exercise moral leadership on this matter, "then it is time for the leaders to be led." Similarly, Roger Ruston, O.P., in his study *Nuclear Deterrence: Right or Wrong* (published under the auspices of the Commission for International Justice and Peace of the Bishops' Conference of England and Wales) puts great emphasis on public opinion (cf. *Tablet* 236 [1982] 862 and 631).

[95] For an excellent study of faith and visualization, cf. Walter Wink, "Faith and Nuclear Paralysis," *Christian Century* 99 (1982) 234–37.

[96] For other valuable suggestions, cf. Alan Geyer, "Disarmament Time at the U.N.: It's Never Enough to Say No," *Christianity and Crisis* 42 (1982) 127–30. Geyer is one of our best-informed and most influential Christian ethicists in the area of disarmament.

[97] Personal communication to Bryan Hehir, July 12, 1982.

will believe that possession of nuclear weapons has served as a deterrent for many years. Furthermore, they believe that unilateral disarmament would be destabilizing and would heighten the possibility of the use of weapons of mass destruction by an irresponsible and adventuresome political adversary. Others believe that since there can be no morally legitimate use of nuclear weapons, and no morally justifiable threat to use them—a belief we share—then even possession of nuclear weapons is morally unjustified. We believe that both sides of this discussion make valid points. That is the very meaning of a "sinful situation." It is a situation we should not be in in the first place. There is no choice without some regrettable and destructive aspect. We cannot justify any use of or any serious threat to use nuclear weapons. On the other hand, we cannot entertain the greater possibility of such use that would seem to be associated with the imbalance created by unilateral disarmament. This is a paradoxical situation. The very evil that must be avoided at all costs can only be avoided *for the present* by maintaining its own possibility. There are risks in retention of nuclear weapons. There are risks in their unilateral abandonment under present conditions. And the risk is the same—that nuclear weapons might ever be used. Perception and judgment of this risk differ amongst people of good will, people with hearts and minds firmly set on the maintenance of peace. In such a situation of difference of factual perception, moral clarity is agonizingly difficult to achieve.

We have been able to arrive at only the following clarities. (1) The possession of nuclear weapons is at the very best morally ambiguous, and therefore at best only tolerable. It may not even be that. (2) Such possession is tolerable only for the present and under certain conditions. (3) These conditions are: a firm resolve never to use nuclear weapons and a firm resolve to work immediately to assure their abolition, in law and in fact. (4) While unilateral disarmament may not be a clear moral mandate, unilateral steps toward multilateral disarmament certainly are.

We realize that some, perhaps many people will view this matter somewhat differently. We are aware that even some American bishops have taken a different individual stand. We encourage such forthrightness and courage. In a matter so morally problematic and ambiguous, this is understandable. There is room, even need for a variety of approaches lest apathy freeze the *status quo*. Warfare of any kind represents the collapse of rational political discourse and in this sense it is always irrational. It is at the very fringe of the justifiable. Nuclear war is beyond that fringe. That being the case, it is understandable that there can be many people who believe that even possession of nuclear weapons is morally intolerable. We share that conviction, but as a goal to be achieved without increasing the threat that such weapons will be used as we move toward the goal. If our government does not take unilateral steps toward multilateral nuclear disarmament, the only morally acceptable option may soon become unilateral disarmament.[98]

[98] A Church of England report stated that Britain should renounce its independent nuclear deterrent. "The evils caused by this method of making war are greater than any conceivable evil which the war is intended to prevent." It also noted: "You may either decide for a nuclear component in deterrence and risk nuclear war, or decide against it and

It is to be noted that these suggestions state about possession of nuclear weapons that it is "at best only tolerable. It may not even be that." Serious scholars disagree on the three questions raised concerning possession, threat, and intention. The proposed wording is a *rebus sic stantibus* matter meant to reflect this unclarity and leave the question open.

Just as these "Notes" are being completed, the second draft of the pastoral has been made public.[99] A full analysis would expand this chronicle beyond tolerable limits. Therefore only a few points related to the previous literature will be highlighted, always with the reminder that we are still dealing with a draft subject to further discussion and modification by the bishops.

Within an overall theology of peace, the document does the following: (1) It condemns all targeting of civilians. (2) It rejects attacking targets whose destruction would devastate nearby populations. ("The relevant moral principle in this case is the disproportionate damage which would be done to human life.") (3) It rejects any initiation of nuclear war, however limited. ("Nonnuclear attacks by another state must be resisted by other than nuclear means.... We find the moral responsibility of beginning nuclear war not justified by rational policies.") (4) It expresses scepticism about the realism of so-called "limited nuclear war," a tenet of some weapons technicians. (5) It refers to nuclear deterrence as a "sinful situation" composed of five negative dimensions. (6) It tolerates in a strictly conditioned way (as long as there is hope of reducing and totally abolishing nuclear weapons by negotiation) the possession of nuclear weapons as the lesser of two evils. However, "If that hope were to disappear, the moral attitude of the Catholic Church would certainly have to shift to one of uncompromising condemnation of both use and possession of such weapons." In sum, then, the second draft states: "Our arguments in this pastoral must be detailed and nuanced; but our 'no' to nuclear war must, in the end, be definitive and decisive."

We shall have to watch the reaction to this second version and summarize it next year. My own reaction is that the conclusions are

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risk the political and human consequences and defeat by someone with fewer moral inhibitions." For a Christian the second risk is preferable, for "the issue is not whether we will die for our beliefs but whether we will kill for them." The committee included a Catholic moral theologian (Brendan Soane). Its report was expected to be hotly debated in the February 1983 general synod (*Catholic Review*, Oct. 22, 1982, A2). Robert F. Rizzo argues that the momentum of just-war reasoning is carrying the American Catholic bishops toward pacifism, "which will reject the technological weapons of modern warfare, whether conventional or nuclear" ("Nuclear War: The Moral Dilemma," *Cross Currents* 32 [1982] 71–84).

[99] *Origins* 28 (1982) 306–28.

correct, a not surprising response in light of the submissions cited above. But one thing is absolutely clear: the U.S. bishops are eyeball to eyeball with the deterrence policies of the government. They were not content to state principles. They cite the *U.S. Military Posture Statement for FY 1983*, which calls for the "manifest will to inflict damage on the Soviet Union disproportionate to any goals that rational Soviet leaders might hope to achieve." Simply and straighforwardly they reject as clearly immoral such a deterrence policy aimed at "targets of value."

There remains a problem, however, in the wording of the document. On the basis of the 1976 pastoral (*To Live in Christ Jesus*) it accepts the idea that one may not threaten to do what it is immoral to do . However, it seems to say that the evil intention can be overcome by the good of deterrence. My own suggestion for modification to avoid this contradiction would be that the document acknowledge the unclarities involved in the possession/threat/intention discussion and conclude that an absolutely clear moral proscription of possession for deterrence cannot be drawn in the face of such unclarities.

WOMEN, NEWBORNS, AND THE CONCEIVED

These subjects are grouped together merely for convenience, the convenience being a report of some important literature without expanding into more sections. In no way is this grouping intended as reinforcement of the notion that anatomy is destiny. There is, however, a thread of unity in this section. That thread is violence.

For the past two years the U.S. bishops' Committee on Women in Society and in the Church has been dialoguing with representatives of the Women's Ordination Conference. The content and results of this important dialogue were published recently.[100] The goal of the dialogue was "to discover, understand, and promote the full potential of woman as person in the life of the Church." In summarizing their experience of the dialogue ("a unique event in U.S. Catholicism"), the NCCB representatives acknowledged sexist attitudes as pervasive among members of the Church and its leadership. They noted the discrepancy about the Church's teaching on women as applied in civil society and within the Church itself. They conceded that the notion of "complementarity" in church documents often practically implies subordination of women to men. Finally, they admitted that patriarchy had "deeply and adversely influenced the Church in its attitude toward women as reflected in its laws, theology, and ministry."

The Women's Ordination Conference, for its part, is strongly committed to the conviction that only when the ministries of priest and bishop

[100] "The Future of Women in the Church," *Origins* 12 (1982) 1–9.

are open to women will there be genuine equality. They adverted to the tension between the personal beliefs and inclinations of the bishops and the institutional roles to which they are committed, as well as to the "ponderous weight of the institutional structures we hope to see transformed." They left the dialogue more deeply persuaded "that our cause is a matter of justice that is intrinsic to the gospel message." If one wants to catch up on the state of the question, this would be the document to read first.

There are three interesting statements emanating from dioceses. The first is that issued over the signature of John S. Cummins (Oakland).[101] It notes that this decade has produced singular discernment of the place of women in the Church and that these are but the initial stages of an "obviously new and continuing development." The statement, drawn up by a committee of the priests' senate, made several concrete recommendations. For instance, those in charge of formation and continuing education should see to it that their programs are sensitive to and supportive of women's ministry. Other recommendations included greater financial support for women's ministerial education and a clearinghouse for women seeking ministerial placement.

The second statement is a pastoral letter issued jointly by Victor Balke (Crookston) and Raymond Lucker (New Ulm).[102] The letter was written in "the hope that it will raise to a new level of awareness the issue of Christian feminism and the sin of sexism." It includes excellent and very detailed questions for an examination of conscience for members of the Church regarding attitudes and pastoral practices involving women. Rectifying sexist attitudes and practices is a matter of justice deserving "high priority."

The third document is that of Matthew Clark (Rochester).[103] Clark stated: "Women of every state of life and nation, every financial stratum, every culture and religious tradition are asking for what is rightfully theirs." In an excellent, even if somewhat wordy, pastoral, Clark notes that some women view their life in the church as "painfully confusing." This has led them to perceive the Church as "generating and reinforcing circumstances oppressive to them." He urges diocesan agencies to make participation of women a priority. Clark acknowledges that current norms on women's ministry "are a source of suffering." But he asks all to face these questions in an "open and communal manner." Finally, Bishop

[101] "Oakland Statement on Women in Ministry," ibid. 331–33.

[102] Victor Balke and Raymond Lucker, "Male and Female God Created Them," *Origins* 11 (1982–82) 333–38.

[103] Matthew Clark, "American Catholic Women: Persistent Questions, Faithful Witness," *Origins* 12 (1982) 273–86.

Clark proposes sixteen "courses of action." For instance, he makes it a priority for the Rochester diocese to bring women into the various agencies of the diocese. Women should be on all study commissions and advisory boards. All educational programs should include the role of women in their curricula. Women's participation in liturgical functions should be encouraged "in those roles now open to them."

These are just three recent initiatives by American Catholic bishops. Others have preceded them.[104] What are we to make of them? It would be easy to dismiss these moves as episcopal fads. But that would be a mistake, and for two reasons. First, the feminist movement has been heard in these quarters and the hearers have done their homework. Second, the very practical and concrete policy moves mandated show a profound moral seriousness. In summary, I believe we are witnessing an inchoate change in consciousness in the Church. The very first step leading to this change is, of course, the realization of the extent and depth of sexism in the Church—in its policies, leaders, structures, symbols, liturgy. All three pastorals cited acknowledge such sexism.

A change of consciousness does not happen overnight and without preparation. There have been theologians working for years, often thanklessly, on this problem. One thinks of Anne Carr, Rosemary Ruether, Elisabeth Schüssler Fiorenza, Margaret A. Farley, Carol P. Christ, Judith Plaskow, Anne E. Patrick, and Phyllis Trible, to mention but a few. On the narrower problem of women and the priesthood, Bernhard A. Asen brings together an excellent bibliography.[105]

There are two comments one frequently hears vis-à-vis this literature and movement. First, it is asked: How can we get interested in feminist theology when the world is plagued with the problems of hunger, war and peace, racism, political oppression? This theology is middle-class and peripheral. Second, it is argued that the contemporary theological literature on women stems from a vociferous and alienated minority hardly representative of most women in the Church.

The appropriate response to the first comment is to show the interrelationship of these problems as Schüssler Fiorenza has done.[106] The answer to the second statement is properly a *retorqueo* in this form: that may be factually correct, but it simply underlines the extent and depth of patriarchy in contemporary society and the Church.

An excellent begining for one interested in pursuing this matter theo-

[104] Cf. *Origins* 12 (1982) 286.

[105] Bernhard A. Asen, "Women and the Ministerial Priesthood: An Annotated Bibliography," *Theology Digest* 29 (1981) 329–42.

[106] Elisabeth Schüssler Fiorenza, "Sexism and Conversion," *Network* 9, no. 3 (May–June 1981) 15–22.

logically would be Anne Carr's essay in this journal.[107] Carr notes that the major work of feminist theologians thus far has been negation, the unmasking of cultural and religious ideology that denies women's full humanity. Many Christian symbols are one-sidedly patriarchal and have been interpreted in a way that legitimates subordination of women. Carr shows convincingly that this need not be the case, that symbols can be purified and brought to bear on society and religion in a transformative way.

Daniel Maguire, in his presidential address to the Society of Christian Ethics, argues that the exclusion of women from most of the centers of power in most civilizations has impoverished the species.[108] The experience of women gives them certain advantages in moral perceptivity (e.g., at-homeness with bodily existence, integration of affect in moral judgment, association with children). By contrast, the experience of macho-masculine culture has in varying ways impeded male sensitivity (e.g., via proneness to violent modes of power, anticommunitarian tendencies, disabling abstractionism, a consequentialist bias, hatred of women). Maguire is not proposing the triumph of femininity over masculinity, but an emerging humanity that banishes stunted femininity and macho-masculinity. The study is particularly helpful in suggesting the debilitating effects of macho-masculinity on the discipline of Christian ethics.

Some feminists, recognizing that androcentric language and patriarchal traditions have stamped the Bible, argue that biblical religion is not retrievable. It merely legitimates prevailing sexism. Not so Elisabeth Schüssler Fiorenza.[109] She refuses to abandon the Bible to the Right. In a fascinating study, she uses the *Haustafeln* texts to exemplify "the political function of biblical remembrance." This function can be seen in the interpretative trajectory of those texts down through the history of the Christian Church. These texts, with their patriarchal themes of submission, have blunted the earlier NT ethic of coequal discipleship. She then moves to establish a "feminist hermeneutics of the Bible." By this she means a combination of the critical analytic methods of historical biblical scholarship and the theological goals of liberation theology. She would make the biblical texts and their interpretation the object of scrutiny in order to break the tyranny of the submissive patriarchal

[107] Anne Carr, B.V.M., "Is a Christian Feminist Theology Possible?" *TS* 43 (1982) 279–97.

[108] Daniel C. Maguire, "The Feminization of God and Ethics," *The Annual* (Society of Christian Ethics) 1982, 1–24. A modified version is found in *Christianity and Crisis* 42 (1982) 59–67.

[109] Elisabeth Schüssler Fiorenza, "Discipleship and Patriarchy: Early Christian Ethos and Christian Ethics in a Feminist Theological Perspective," *The Annual*, 1982, 131–72.

ethics present there. We must bring to such texts a bias against oppressive patriarchal structures.[110]

The studies of Carr, Maguire, and Schüssler Fiorenza—all acknowledged scholars—are presented as examples, from different points of view, of a growing awareness that in sexism we face one of the great moral problems and challenges of our time. I will say no more about it here lest these "Notes" bloat the literature on women written by men. But two things are clear. First, feminist theology is locked into some of the most neurological issues of the historical Christian faith (symbols and practices such as celibacy, ministry of women, sexual ethics, theological language, hierarchy, and patriarchy). Second, it deserves to be taken very seriously, and it is, if my reading of the burgeoning episcopal pastorals is correct.

Subordination of women, or anyone, wherever it occurs, is a form of violence. A more radical and final form of subordination is homicide. That brings us to the problem of newborns. On April 15, 1982 "Infant Doe," a week-old Down's syndrome baby, died in Bloomington, Indiana. The parents had obtained a court order barring doctors from feeding or treating him. The infant suffered from tacheoesophageal fistula, a condition that, unless surgically corrected, prevents ingestion of food. This case received widespread publicity and aroused a great deal of public concern about the protection of newborn infants. Indeed, Richard S. Schweiker, Secretary of the Department of Health and Human Services, stated on May 18, 1982 that "the President has instructed me to make absolutely clear to health care providers in this nation that federal law does not allow medical discrimination against handicapped infants."[111] At the same time Betty Lou Dotson, Director of HHS's Office for Civil Rights, sent a letter to the nation's nearly 7000 hospitals reminding them of the applicability of section 504 of the Rehabilitation Act (1973) to these cases. That section stipulates: "No otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."[112]

Dotson's letter to the hospitals stated: "Under section 504 it is unlawful for a recipient of federal financial assistance to withhold from a handicapped infant nutritional sustenance or medical or surgical treatment required to correct a life-threatening condition, if: (1) the withholding is based on the fact that the infant is handicapped; and (2) the handicap

[110] Cf. the suggestive responses to Fiorenza's study by Bruce C. Birch and Thomas W. Ogletree, *The Annual*, 1982, 173–89.

[111] *Washington Post*, May 19, 1982, A21.

[112] *Hastings Report* 12 (Aug. 1982) 6.

does not render the treatment or nutritional sustenance medically contraindicated."[113]

This directive has been commented on by two authors well known in bioethics. Norman Fost, M.D. (University of Wisconsin School of Medicine) lauds the intent of the directive but faults it—correctly, I believe—on almost every other score.[114] First, the language ("handicap") is imprecise. After all, the reason we do not bring lifesaving treatment to patients is precisely that their handicap is so severe (e.g., metastatic carcinoma) that prolongation is no longer in their best interest. Clearly, then, "handicap . . . is a morally valid reason for withholding treatment *in some cases.*" Second, the directive refers to treatments that are "medically contraindicated." Fost rightly insists that judgments to withhold or withdraw life-prolonging treatments are ethical judgments, not medical (scientific) ones. He concludes that the fundamental flaw of the directive is "its failure to distinguish between handicaps that justify nontreatment and those which do not."

John R. Connery, S.J., takes a different point of view.[115] The regulation "coincides with traditional moral norms which allow one to forgo a means the patient judges too burdensome or useless to prolong life." He believes that the directive "can only improve the lot of handicapped infants." In the course of his essay Connery explains that the patient's best interest is the criterion to be used. If means are judged to be excessively burdensome or if they offer no hope of preserving life in any significant way, they are no longer in the patient's best interest. "Whether the patient is handicapped makes no difference. A substandard quality of life would not justify forgoing means to preserve life. . . ."

As between these two approaches, I prefer Fost's. The traditional burden-benefit distinction cannot be separated out from the condition of (handicap of) the patient as cleanly as Connery suggests. As Fost puts it, "The reason we let patients die and withhold lifesaving or life-prolonging treatment is that they are so handicapped (by pain, or mental incapacity, or disability) as to make further life, and therefore further treatment, not in their interest." In other words, if the handicap "makes no difference," Connery would be forced to demand a kidney transplant for a child totally and permanently devoid of consciousness or of mental capacity if this treatment is given to other nonhandicapped babies. That, in my judgment, is not in the best interest of the patient.

[113] Ibid.

[114] Norman Fost, M.D., "Putting Hospitals on Notice," ibid. 5–8.

[115] John R. Connery, S.J., "An Analysis of the HHS Notice on Treating the Handicapped," *Hospital Progess* 63 (1982) 18–20.

Robert Veatch brings this point out well.[116] After adverting to the useless-burdensome criteria, Veatch rightly notes that these are value judgments. In some cases the judgment that the treatment is useless is directly related to the handicap. As he puts it, "in some cases the handicap becomes the factor that leads us to decide whether a treatment is fitting or not." Veatch gives the example of an infant with Lesch-Nyhan syndrome, a genetic disease afflicting males characterized by severe mental and physical retardation and bizarre aggressive behavior including self-mutilation that leads literally to chewing away lips and fingers. It is sometimes accompanied by kidney failure, difficulty in eating, and repeated vomiting. Death almost always occurs under five years of age. Such children are subject to pneumonia. Veatch suggests that penicillin may be withheld from such a child "because of uselessness or grave burden *even though these are causally linked to the presence of a handicap.*"

Veatch concludes by noting that some of these calls are close and that parents should be given limited discretionary freedom "to choose among reasonable, morally responsible courses of action."

Allen Verhey, in an excellent article, states bluntly that the "Infant Doe" decision was morally wrong, a verdict shared by every commentator I have encountered.[117] Verhey is especially good in pointing up why this could happen. First, there is growing confusion about the physician's role. Medicine, practiced as a neutral skill separated from a value tradition, is "being conscripted to serve consumer wants and desires, hired to do the autonomous bidding of the one who pays." Similarly, there is growing confusion about the parental role. Contemporary attitudes are fostering a notion of parenting that reduces our options to the perfect child or the dead child.

Compassion exercised outside of a moral tradition of parenting is quite capable of seeing its task as killing. Verhey correctly sees the minimalistic concepts of autonomy and privacy as reducing role relations (e.g., parental) to contractual ones. The Christian community is an inclusive one that welcomes society's outcasts. It is such a storied tradition that provides our best chance of returning to health the roles of physician and parent. What is interesting and appealing about Verhey's analysis is the bridge it builds between character-virtue considerations and right-wrong perspectives.

Fost had suggested the need to distinguish between handicaps that justify nontreatment and those that do not. Veatch is equivalently saying

[116] Robert Veatch, "Should We Let Handicapped Children Die?" *Newsday*, Aug. 8, 1982, 1, 8–9.

[117] Allen Verhey, "The Death of Infant Doe," *Reformed Journal* 32 (June 1982) 10–15.

the same thing. What we seem to need is criteria that will aid us in making this distinction and therefore in fostering the best interest of these tiny patients. I have tried to provide some help by offering four guidelines.[118] They are as follows.

1) Lifesaving interventions ought not to be omitted for institutional or managerial reasons. Included in this specification is the ability of *this particular family* to cope with a badly disabled baby. This is likely to be a controversial guideline, because there are many who believe that the child is the ultimate victim when parents unsuited to the challenge of a disadvantaged baby must undertake the task. However, it remains an unacceptable erosion of our respect for life to make the gift of life once given depend on the emotions or financial capacities of the parents alone. At this point society has some responsibilities.[119]

2) Lifesaving interventions may not be omitted simply because the baby is retarded. There may be further complications that justify withholding life-sustaining treatment. But retardation alone is not an indication. To say that it is constitutes fundamentally unequal treatment of equals.

3) Life-sustaining interventions may be omitted or withdrawn when there is excessive hardship, especially when this combines with poor prognosis (e.g., repeated cardiac surgery, increasingly traumatic oxygenization for low-birthweight babies, low-prognosis transplants).

4) Life-sustaining interventions may be omitted or withdrawn at some point when it becomes clear that expected life can be had only for a relatively brief time and only with the continued use of artificial feeding (e.g., some cases of necrotizing enterocolitis).

Obviously, such rules as these do not solve all problems. But they do provide *some* guidance for *many* instances. And I would emphasize the word "some." Concrete rules cannot make decisions. They do not replace prudence. Rather, they are simply attempts to provide some outlines of the areas in which prudence should operate. Unless we attempt to concretize further the altogether valid burden-benefit categories, I fear that we may have more "Infant Doe" cases, that is, cases of compassionate and well-meaning homicide.[120]

[118] Richard A. McCormick, S.J., "Les soins intensifs aux nouveau-nés handicapés," *Etudes*, Nov. 1982, 493–502.

[119] It is sad and even inconsistent that the very administration that insists that handicapped infants be treated is the one drastically reducing the funds to make this care possible.

[120] Readers should be alerted to a forthcoming report on treatment of handicapped newborns by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. It is very well done.

Finally, this section and these "Notes" will conclude with a few references to nascent life. As is well known, the Hatch Amendment, backed by the American bishops, failed in this congressional session. But the issue will not go away. A thorough review of the issues involved both in the Helms initiative and the Hatch Amendment is provided by Mary Seegers.[121]

The next lively discussion in bioethics may well be the experimental use of embryos. Recently Pope John Paul II stated to a distinguished group of scientists meeting in Rome: "I condemn, in the most explicit and formal way, experimental manipulations of the human embryo, since the human being, from conception to death, cannot be exploited for any purpose whatsoever."[122] I say "lively" because it is well known that some theologians (e.g., Karl Rahner) have come to a different conclusion where the preimplanted embryo is concerned.[123] However, further discussion of this and other matters will have to await another edition of these "Notes."

[121] Mary Seegers, "Can Congress Settle the Abortion Issue?" *Hastings Report* 12 (1982) 20–28.

[122] *Catholic Standard*, Oct. 28, 1982, 6.

[123] For further recent literature and techniques involving the moral status of the fetus, cf. LeRoy Walters, "Biomedical Ethics," *Journal of the American Medical Association* 247 (1982) 2942–44. Cf. also Clifford Grobstein, "The Moral Use of 'Spare' Embryos," *Hastings Report* 12 (1982) 5–6, as well as O. de Dinechin, S.J., "A propos de la recherche scientifique sur embryons humains," *Cahiers de l'actualité religieuse et sociale*, no. 243 (1982) 203–6.