Theological Studies
49 (1988)

CURRENT THEOLOGY

NOTES ON MORAL THEOLOGY: 1987

Moral theology deals with issues that have been central to the life of the Church from the time of the first Pentecost. But it is also very much the product of its own time, trying to read the "signs of the times" and to respond to the needs and problems of contemporary society. The first section of these "Notes," in which David Hollenbach deals with the intersection of morality, politics, and religion, treats of issues that go back to Romans 13 and earlier, and that are at the same time matters of concern to citizens of the U.S. as they prepare to choose national leadership for the next four years. This general area has been not merely a focus for considerable public debate over the last ten years, but also a major topic of scholarly interest. Conclusions about this general area are often the basis for further arguments about more specific topics such as the political aspects of opposition to abortion and the involvement of the churches in debates over nuclear weapons and arms control. But they are also open to modification and revision in the light of conclusions that people reach on the more specific issues. In the second section, William Spohn considers a very recent addition to the list of our moral concerns, the development of a morally adequate response by both Church and society to the deadly epidemic of AIDS (acquired immune deficiency syndrome). The issues considered are a specification of the larger issues about preserving moral and religious values in a democratic and pluralistic society. At the same time, AIDS presents a challenge to both civil and religious traditions about the balance between individual rights and public authority, about sexual morality, and about effective and compassionate responses to major calamities. The third section, by Edward Vacek, deals with the recent instruction of the Congregation for the Doctrine of the Faith on technological assistance to human reproduction. This instruction provokes further reflection both about the sexual and medical topics it addresses and about the relationship of Church teaching to theological argument and personal conscience. It also exemplifies in a different way the challenges which the contemporary world, in both its grandeur and its vulnerability, presents to the Church and its teaching.

The fourth section, by John Langan, takes up recent literature on the perennial question of the distinctiveness of Christian ethics. This is a question that is present in policy debates about the public relevance of Catholic social teaching, in ecclesial discussions about the relationship

of the Church to the world, and in theological disputes about nature and grace, faith and reason, Christ and culture. It is clear that Christians generally want to make a distinctive contribution to the building up of the contemporary world as a free and just society, but also that there is considerable disagreement about just what that contribution ought to be and how it is to be understood theoretically. All four sections can be read as variations of this fundamental theme. They can also be seen as providing continuing evidence of the vigor and creativity of contemporary moral theology as it strives to make the Catholic tradition effectively present in a world of many changing traditions.

RELIGION, MORALITY, AND POLITICS

Between the time of the publication of this edition of the "Notes" and the national elections in November 1988, the people of the United States will be debating numerous questions in which the concerns of religion, politics, morality, and civil law overlap. If 1984 provides any precedent, these debates are not likely to be always serene and coolly rational. The recent literature discussing the relationship of the spiritual, political, ethical, and legal orders has been extensive. Both the extent of this literature and the diverse backgrounds of the authors suggest that many thoughtful people think something important is happening in the zone where religion and politics interact in the U.S. today. But the agreement does not go much further than the bare fact of the significance of this heightened interaction. Some observers are cautiously hopeful that politically significant activity by religious groups can help transform American public life for the better; others are fearful that this activity could shatter the fragile moral bonds that hold this pluralistic society together. These "Notes" attempt to make some contribution to the former outcome.

The New Christian Right

University of Virginia sociologist Jeffrey K. Hadden's recently published 1985 presidential address to the Society for the Scientific Study of Religion provides a point of entry into the topic. It is a sympathetic study of the reasons for the influence of fundamentalist Christians such as Jerry Falwell and Pat Robertson.[1] The debates about this "new Christian right" have raised a number of issues that are central to the broader religion-and-politics question, and so it will be useful to consider them. Hadden begins with some interesting remarks that challenge the sociological model of religion in modern society known as secularization theory. According to this model, the modern history of religion has been

[1] Jeffrey K. Hadden, "Religious Broadcasting and the Mobilization of the New Christian Right," *Journal for the Scientific Study of Religion* 26 (1987) 1–24, at 1.

a linear, one-directional process in which religion has progressively lost influence in the public arena. It projects a future in which religious believers become fewer and fewer, and less and less politically potent. Hadden does not see compelling evidence for this secularization hypothesis. He thinks that it represents an overhasty generalization from the decline of religious belief in the globally nonrepresentative case of Western Europe. Hadden does not reject the concept of secularization entirely, but proposes to give it a more restricted meaning: the movement from a religiously legitimated state to a secularly legitimated state. This definition of secularization does not necessarily imply a decline of religious belief or behavior. Rather, it focuses attention on "the legal and quasi-legal institutional relationships between religion and regime."[2]

Hadden believes that his definition opens up the possibility of understanding the public role of religion in a more accurate way than does the linear secularization model. It provides a way to account for the fact that countries with established or quasi-established churches such as England and Sweden have low rates of religious participation among their people, while a country with no establishment like the U.S. has notably higher levels of belief and practice. The linear, across-the-board view of secularization cannot explain this apparent anomaly. But Hadden's approach enables him to propose the following explanatory hypothesis: "The greater the degree to which modern states legitimize their existence in secular rather than religious foundations, the greater the autonomy of religious institutions to pursue their own interests vis-a-vis the state."[3] This is another way of saying that the free exercise of religion is enhanced by the elimination of religious establishment. Moreover, Hadden's formulation has the advantage of pointing out that the free exercise of religion is not simply a private affair; it can have powerful cultural and political impact. Indeed, Hadden asserts that religions possess a unique capacity "to mobilize social movements in pursuit of reform, rebellion, or revolution" when the conditions are right.[4]

Hadden then uses this sociological framework to develop an argument that the rise of the "new religious right" is not simply a temporary pause or aberration in the relentless march toward decreased religious influence in public affairs. He argues that significant social movements to change the conditions of public life can be expected to emerge whenever a collectivity of persons identifies certain social conditions as intolerable and also has the resources to mobilize for change. The "new religious right" possesses both of these prerequisites. It has a normative criterion

[2] Ibid. 3.
[3] Ibid. 4.
[4] Ibid.

of the "intolerable" and the organized resources to move people to collective action in its far-flung electronic network.

Normatively, those segments of fundamentalist and evangelical Christianity that form the constituency of "televangelists" such as Falwell and Robertson have become the principal custodians of what Hadden calls "the creation myth of America." This myth "resonates with an imagery of God's dominion, humanity's unfaithfulness to stewardship, the call for repentance, and the promise of redemption."[5] Because of the special place this myth assigns to America in the providence of God, all these images are invoked to interpret the life of the nation in religious terms. Also, this implies that special religious and moral responsibilities rest on America's shoulders, namely those proclaimed in the Bible as interpreted in a peculiarly American way. Seen in this light, there are numerous aspects of recent American life that suggest that the nation has rebelled against the dominion of God, stands under judgment, and is in need of repentance. The assassination of public leaders, the loss of the war in Vietnam, impotence in the face of terrorism and hostage crises, Watergate, high crime rates, family breakdown, the drug culture—all these seem incongruous with the image of an America under God. They are "intolerable" and point to a "deeper and fundamental cultural malady," a malady that will be cured only if we "repent and make things right with our maker . . . [so] we can resume our providential role in his divine plan."[6]

Evangelical Protestantism has traditionally exhibited two contrary kinds of response to such "crises of dominion." The first is based on a premillennial eschatology that is convinced that things are getting so bad that only the return of Christ can stem the tide. This eschatology recommends saving as many people as possible while faithfully awaiting the end. It lacks and even delegitimates a sense of the public/political mission of Christians. The alternative view, postmillennialism, calls for an active engagement in social and public affairs to set things back on course. The new religious right is caught in a tension between these two views. Its fundamentalist reading of the Bible pulls it toward a premillennialist eschatology, which has a strong privatizing effect on its understanding of Christian faith. The fact that the new religious right has also become the bearer of the myth of the special dominion of God in the life of America as a nation, however, pushes it toward much greater public engagement, even on the political level. As Hadden puts it, "Falwell is still preaching premillenialist theology, but the dominion covenant is

[5] Ibid. 7.
[6] Ibid. 22.

tugging at his soul."[7] The outcome of this tug of war within the heart of the religious right will have a significant impact on the interaction of religion and politics in this country. Hadden's prediction of the outcome is quite rosy. He believes that there are powerful forces operating to pull the new religious right much closer to the center of the nation's public life than some of its fundamentalist tenets would seem to prescribe. "If Jesus isn't coming very soon, then it behooves all who are in positions of leadership and responsibility to recognize and protect our fragile interdependence on this planet."[8]

One can question, however, whether Hadden's sociological analysis goes deep enough to ground his hope for this outcome. The question of whether premillennial apocalypticism or postmillennial engagement is the appropriate Christian stance is at root a theological question. Also, once engagement has been judged appropriate, a whole series of partly theological and partly political questions surfaces. These issues have been addressed by two nonfundamentalist evangelical scholars in ways that shed light on the broader debate. Richard Mouw, professor of Christian philosophy and ethics at Fuller Theological Seminary, is a strong supporter of the effort to relate evangelical Christianity to the common life of society. He argues that this effort demands a sophisticated theological understanding of how to approach political realities that is presently lacking in the new Christian right. For example, Mouw cites the widely-publicized critical judgments about Bishop Desmond Tutu made by Falwell after his brief visit to South Africa several years ago. In Mouw's judgment, Falwell "was not just wrong in his judgment, he was in way over his head." And he was in over his head because fundamentalist activists "have been skilled communicators with very little to communicate by way of a carefully developed Christian perspective on the important issues of public life."[9]

Mouw maintains that Falwell et al. are caught in a conflict between several theological impulses, with resulting ambivalence in their approach to political life. First, they oscillate between cultural pessimism (whose one hope is that believers will be "raptured" out of an inhospitable society before the final "tribulations") and cultural optimism (America is God's "city on a hill," a Christian nation). Second, they fluctuate between anti-intellectualism (modern rationality is both deadening to the heart and threatening to orthodoxy) and a predilection for grand classificatory schemes (the "Christian philosophy of life" versus "secular humanism").

[7] Ibid. 18.

[8] Ibid. 22–23.

[9] Richard J. Mouw, "Understanding the Fundamentalists' Retreat," *New Oxford Review* 54, no. 7 (Sept. 1987) 11–15, at 12.

Finally, they are caught in a conflict between "a strong individualism and an equally strong tendency toward mystical nationalism."[10] These tensions are interconnected in complex ways. Common to each of them is an unresolved question about how Christian faith, rooted in the Bible, is to be related to what Hadden calls the "secular foundations" that provide legitimation for the government of this country.

If secular legitimation of government provides the conditions needed for vital public activity by religious groups, as Hadden maintains, the question that must be faced is this: Are these religious groups prepared to affirm these secular warrants for the government of a pluralistic society? If they believe that all arguments about morality and politics that are not explicitly and directly biblical are a form of godless "secular humanism," they will be unable to do so, and will be logically forced to reject the legitimacy of religious freedom and perhaps democracy itself.[11] Most fundamentalists and evangelicals insist that they have no such agenda. But their lack of theological clarity about the relation between the biblical and secular warrants for political activity makes this activity somewhat confused and unpredictable.

This point has been made with considerable force by a second evangelical critic of the new Christian right, Dean C. Curry, who is chair of the department of history and political science at Messiah College, Pa. Curry notes that evangelical Christianity in this country is internally quite diverse in its political views, ranging from Falwell and Robertson on the right to Jim Wallis and the Sojourners community on the left. Despite their diversity, these groups are held together as a self-conscious community or subculture by the doctrine of the final authority of Scripture. This conviction provides them "with their agenda for biblical living."[12] As this agenda has expanded from exclusive concern with personal salvation to concern with the public sphere, "most evangelical elites have come to accept the idea of a biblical—i.e., Christian—politics."[13] Curry traces this understanding of politics back to epistemological foundations. There is one truth, and one source of our knowledge of this truth—the Bible. "There is no truth in the realm of politics apart from special revelation."[14]

Curry has two responses to this line of reasoning, the first theological

[10] Ibid. 13–14.

[11] For an extremely interesting and alarming discussion and critique of one school of fundamentalism that draws just these conclusions, the "reconstructionists," see Rodney Clapp, "Democracy as Heresy," *Christianity Today* 31, no. 3 (Feb. 20, 1987) 17–23.

[12] Dean C. Curry, "Evangelicals, the Bible, and Public Policy," *This World* 16 (Winter 1987) 34–49, at 36.

[13] Ibid. 38.

[14] Ibid. 44–45.

and the second practical. Theologically, he asserts that the notion that the Bible is the sole source of political wisdom "marks a break with the historic orthodox Christian understanding of biblical hermeneutics and epistemology."[15] To back up this claim, he briefly surveys the thought of Augustine, Thomas Aquinas, Luther, and Calvin to retrieve the notions of "general revelation" and "common grace," both of which imply that genuine knowledge of the ethical can be mediated through nature, human reason, and the ordering of history. In other words, Curry is attempting to convince evangelicals that they should reconsider their abandonment of the tradition of natural law, and he marshals familiar biblical and theological reasons why they should do so (e.g., the creation of all human beings in the image of God means that the basic principles of morality apply to all persons and are accessible to all persons).

Second, Curry raises practical problems for the idea of "biblical politics." Though there are clear biblical imperatives to act fairly, justly, and in a spirit of love and compassion, one may also ask: "what is the biblical approach to tax reform? What is the biblical view of aid to the Nicaraguan *contras*? What is the biblical perspective for dealing with South Africa?"[16] In order to test whether the Bible actually informs the way evangelicals answer such questions, Curry conducted a somewhat informal experiment. He analyzed all the articles dealing with Central America that appeared between 1980 and 1985 in five of the major evangelical journals (*Fundamentalist Journal*, *Moody Monthly*, *Christianity Today*, *Reformed Journal*, and *Sojourners*). Of the 169 articles surveyed, he found that only four contained any scriptural or theological references, and none of these four attempted to construct a systematic argument from biblical doctrine.[17] Curry admits that this does not invalidate the idea of biblical politics; the biblical texts could be operative in shaping conclusions in an implicit way. However, because the ideological perspectives of the magazines differ so widely, if they are rooted in the Scriptures it would appear that their authors and editors are reading different Bibles. Curry concludes that the central problem arises from "a failure on the part of American evangelical theology to acknowledge the limits of biblical revelation and the validity of general revelation."[18] One could add that it is also a result of some highly selective reading both of the Bible itself and of the social realities to which Christians are trying to respond.

William A. Stahl of Luther College in Regina, Saskatchewan, has offered an interpretation of the rise of the new Christian right in the

[15] Ibid. 38.
[16] Ibid. 45.
[17] Ibid. 48.
[18] Ibid. 48.

U.S. that has notable implications for the larger religion-and-politics discussion. Stahl argues that the movement is attractive to those who have come to perceive a moral vacuum at the center of public life. This vacuum has been created by the insistence that morality, and even more so religious morality, are private matters. Politics thus becomes simply the brokering of interests. This form of politics, which Stahl refers to as "contemporary liberalism," does not possess the resources needed to respond to people's need for a sense of meaning and purpose in modern social life, which is increasingly complex, disorienting, and alienated. "Contemporary liberalism lacks the means of self-transcendence which could persuade people to put the good of the community ahead of their own selfishness. In making all moral questions purely a matter for the individual, liberals are in effect denying that there is a public good."[19] The simplistic understanding of the common good found among members of the new religious right, however, will not fill the void left by this withdrawal of morality into the private sphere, Stahl argues, because it is not really a vision of the *common* good at all. Rather, it is a set of moral views about how private life should be lived transposed into a political agenda. Though Stahl begs the very important question of how to distinguish private and public morality, his main point is valid. Until we develop a stronger vision of the moral content for public life, reactions such as that of the new Christian right will be likely to continue.

A "Catholic Moment"?

A second stream of writings on the religion-and-politics question deals with the contributions to American public life by the Roman Catholic community in this country. Naturally, much of this material comes from Catholic authors, to be discussed shortly. But it is noteworthy that several Protestant thinkers have undertaken substantive assessments of the strengths and weaknesses of the Catholic community's engagement in the public domain today. Indeed, both William Lee Miller of the University of Virginia and Lutheran pastor Richard John Neuhaus have pronounced the present to be a distinctively "Catholic moment" in the history of the relation between Christianity and modern American culture and politics. Toward the end of his engaging historical and constructive study *The First Liberty: Religion and the American Republic*, Miller declares:

> In perhaps the most remarkable of all remarkable developments of this New World's system of religious liberty, the Roman Catholic Christianity against which its founding movements were rebelling has come, after two centuries, to

[19] William A. Stahl, "The New Christian Right," *Ecumenist* 25 (1987) 81–87, at 86.

be its single most important religious presence. It is becoming one of the most significant sources of political understanding as well .... [I]n the late twentieth century, now is the moment for Catholicism to have its desirable effect upon the America within which at last it is coming to be at home.[20]

Neuhaus goes further, entitling his recent book *The Catholic Moment.* By this phrase he means that

This ... is the moment in which the Roman Catholic Church in the world can and should be the lead church in proclaiming the Gospel. This can and should also be the moment in which the Roman Catholic Church in the United States assumes its rightful role in the culture-forming task of constructing a religiously-informed public philosophy for the American experiment in ordered liberty.[21]

Both of these statements probably have both our Protestant and Catholic forebears turning over in their graves. Both are sources of considerable hope in a time when commitment to the ecumenical enterprise often seems to have waned. Despite the similarity in vocabulary, however, Miller and Neuhaus hope for very different results from what they see as this "Catholic moment." This is not the place to try to summarize or evaluate the full argument of two hefty and provocative books. But it will be useful to draw attention to one way Miller and Neuhaus significantly diverge in their judgments of the distinctive contribution Catholicism can make to American public life today. I would put the difference this way: Miller implicitly relies on the more optimistic Thomistic strand of Catholic thought about the possibilities of social existence, while Neuhaus stresses more pessimistic themes characteristic of the Augustinian (and Lutheran) tradition.

For Miller, the potential Catholic contribution arises from its ability to address two problems that are particularly urgent for the American republic today. The first of these is the inadequacy of an individualistic culture in a world that is daily growing more interconnected and socially dense. From the beginning, the U.S. has been engaged in a protracted effort to secure the freedom and rights of its citizens. Side by side with this pursuit of "liberation," the founders were also aware of the need for a citizenry committed to the common good. But because of the vicissitudes of history, Protestant pietism and secular rationalism (especially in its utilitarian, commercial forms) have given American culture a distinctively individualistic bent. In contrast with this, the concept of the common good—the *res publica*—is a central theme running down

[20] William Lee Miller, *The First Liberty: Religion and the American Republic* (New York: Knopf, 1986) 280, 291.

[21] Richard John Neuhaus, *The Catholic Moment: The Paradox of the Church in the Postmodern World* (San Francisco: Harper & Row, 1987) 283.

through the centuries of Catholic social thought. Miller calls this tradition "personalist communitarianism"—"that sense of life being bound up with life ... the awareness, as part of the fundamental religious insights and commitment, of the interweaving of human beings in community." Something like this tradition "is the necessary base for a true republic in the interdependent world of the third century of this nation's existence. And the Roman Catholic community is the most likely source of it—the largest and intellectually and spiritually most potent institution that is the bearer of such ideas."[22]

Catholicism also possesses resources needed to address a second cultural problem identified by Miller: the disparagement of moral reason. Protestant evangelicalism, with its excessive emphasis on the "heart" rather than the "head" in the moral-religious life, has combined with the skepticism of much of the secular philosophical tradition to undermine confidence in reasoned argument in public life. These historical currents were also both partly caused and partly reinforced by sustained exposure to the dynamics of a deeply pluralistic society. The result is a distinctively American form of moral relativism already observed by Tocqueville in the 1830s: a "combination of a kind of privatism with a soft, standards-destroying populist conformity."[23] Miller believes that this is dangerously inadequate in the face of the problems of the late twentieth century. He concludes, with a little help from John Courtney Murray, that there must be "some perception of 'truths' we hold, in reason and conscience, sufficient for our common life not to be a pure power struggle of interests but a meaningful civic argument. There will need to be, for the same reason, a perception of the intrinsic goods of human life, including the common goods."[24] We need, in short, a revival of both the tradition of the common good and the tradition of reason in public life. The Catholic tradition is not the only bearer of these traditions, but it is potentially the most significant one.

Miller also argues that if such a Catholic contribution to public life is to be realized, the Catholic Church will have to continue to appropriate the insights into the central importance of religious freedom and the self-rule of the people that have long been part of America's Protestant-Christian and secular-philosophical heritages. If mutual interaction of Catholic, Protestant, and secular philosophical traditions were to produce the creative result for which Miller hopes, it would reveal the positive potential of American pluralism at its best—"a reciprocating deep pluralism in which several communities learn from each other for the

[22] Miller, *The First Liberty* 288–89.
[23] Ibid. 348.
[24] Ibid. 345–46.

better."[25] This hopeful vision puts one in mind of the work of Aquinas, who saw Aristotle not as a threat but as a dialogue partner, and saw political life not simply as a restraint on human sinfulness but as a positive expression of the social nature of human beings. In the same way, Miller regards the Catholic tradition of reasoned discourse as an avenue that opens the way to positive interaction between biblical faith and the secular philosophical warrants for U.S. political institutions, including the institutions of religious freedom. This interaction has already helped Catholicism shed its past commitment to church establishment at the Second Vatican Council. It can now positively contribute to the development of a more communitarian ethos as the basis of U.S. politics at a time when this is urgently needed.

Richard John Neuhaus has another reading of "the Catholic moment." He has taken as his subject "Christian existence in the modern world and, more specifically, in American society."[26] On a world-wide scale, this was also the subject of one of the major documents of the Second Vatican Council, *Gaudium et spes*. Neuhaus clearly intends to include himself when he refers to "anyone who wants to influence the interpretation of the Council."[27] In seeking to exert such influence, he defines the problem to be addressed by the Church differently than Miller does, and not surprisingly makes very different recommendations about how to respond to it.

The problem, simply stated, is lack of faith in Jesus Christ. The central task of the Church, therefore, "*is to alert the world to the true nature of its crisis.* The greatest threat to the world is not political or economic or military. The greatest problem in the Church is not institutional decline or disarray. *The* crisis of this time and every time is the crisis of unbelief."[28] Further, this unbelief not only exists beyond the boundaries of the Church but within it as well. In fact, unbelief is wittingly or unwittingly being encouraged by several significant currents present within theology itself since the Council. This insidious form of unbelief or pseudo faith among theologians results from collapsing the promise of the kingdom of God into the objectives of a political ideology. The terms Neuhaus uses to refer to the supposed collapse of faith and theology into politics and ideology are highly charged and occur repeatedly throughout his book: "loss of transcendence," "premature closure," "accommodation," "apostasy," "idolatry." He asserts that the leadership of the Roman Catholic Church in the U.S. "seems hardly to be trying" to keep politics

[25] Ibid. 291.
[26] Neuhaus, *The Catholic Moment* 2.
[27] Ibid. 54.
[28] Ibid. 284.

under moral-religious judgment.[29] Even more harshly, he asserts that liberation theology collapses the eschatological promise of the kingdom of God "into the 'now' of the liberation process." This is because "the dominant liberation theologians exclude the transcendent as a matter of principle."[30]

In response to the contemporary problem so defined, the Church's principal task today is a recovery of its ability to proclaim the transcendent promise of the gospel. Christian commitment to the gospel relativizes all political objectives and activities. Thus "it is one of the greatest obligations of the Church to remind the world that it is incomplete, that reality is still awaiting something." And that which it awaits is not a new political achievement but the gift of salvation, the gift of the kingdom of God. This gift is "already" partially present in the life of the Church itself. But it is only a partial presence, for the fulfilment of the promise has "not yet" fully occurred. Thus in this time "between the times" the Church stands in a "paradoxical" relationship with the world. In words that echo the 1975 "Hartford Appeal for Theological Affirmation," Neuhaus states that the Church must stand "against the world" and all of the world's imperious delusions and tendencies to idolatry. In this very "againstness," however, the Church is "for the world," bearing witness to the one and only hope for redemption, the promised kingdom of God. As a sign of its faith in this promise, the Church must seek to synthesize whatever genuine truths are to be found in secular thought with the truth of the gospel. Such a synthesis, however, will never be final and complete; this side of the Parousia there will always be great tension between authentic Christian faith and the world of politics. This paradox of the Church in the world "cannot be solved; it can only be superseded" by the final coming of the kingdom.[31]

This theology leads Neuhaus to conclusions about the religion-politics relationship today that some might regard as internally self-contradictory but which he would doubtless call paradoxical. The judgment that all political ideologies and achievements are incomplete in light of the promise of the kingdom of God leads him forcefully to reject liberation theology and what he regards as the moralistic and overpoliticized teachings of the National Conference of Catholic Bishops. At the same

[29] Ibid. 287. For an even stronger, at times intemperate, argument along these lines, see Peter L. Berger, "Different Gospels: The Social Sources of Apostasy," *This World* 17 (Spring 1987) 6–17.

[30] Neuhaus, *The Catholic Moment* 194–95.

[31] Ibid. 23–24. This paragraph presents only the briefest sketch of Neuhaus' positive theological position. Because of the need to compress his argument here, many details have been omitted. I hope, however, that I have not done violence to the lineaments of his argument.

time, the legitimacy of seeking to synthesize Christian faith with whatever partial truths are to be found in the secular sphere leads him to affirm the liberal democracy of the American experiment on theological grounds. Precisely because American liberal democracy makes no claim to provide ultimate salvation, and because it provides a reasonable way of securing rightly-ordered freedom in an imperfect world, Neuhaus concludes that there are "distinctly Roman Catholic warrants for sustaining the American experiment in republican democracy."[32] And following George Weigel, Neuhaus argues that the leadership of the Catholic community in the United States has abandoned the theology that provides these warrants and has in fact largely turned against the American experiment itself.[33]

Since I have recently evaluated this thesis as it was originally argued by Weigel, I will not repeat that evaluation here.[34] Suffice it to say that I find it odd that Neuhaus so easily adopts such an enthusiastic and uncritical stance toward the neoconservative political agenda for U.S. politics. His theology seems to lose its critical edge precisely at the point where one would expect it to be most needed, namely in making a creative response to American political life that goes beyond the reigning ideological alternatives. Also, I think one might be forgiven for suspecting that his repeated suggestion that both U.S. Catholic leaders and Latin American liberation theologians are cryptoapostates and quasi idolaters is not unrelated to the goals of neoconservative politics. One can ask whether the political or the theological is really the controlling factor in Neuhaus' argument.

What, then, is one to make of the so-called Catholic moment? First, Neuhaus is certainly correct that Catholic and indeed all authentic Christian faith must avoid any confusion of salvation with political achievement. Second, both Neuhaus and Miller (and the new Christian right as well) are convinced that something is amiss in the public moral life of modern society and that the Church has a duty to help correct this. Their understandings of the nature of this duty, however, are very different. One can characterize these diverse understandings with the

[32] Ibid. 240. For another Lutheran argument that leads to similar conclusions, see Gilbert Meilander, "The Limits of Politics and a Politics of Limited Expectations," *Dialog* 26 (1987) 98–103.

[33] The whole of Part V of *The Catholic Moment* develops this thesis.

[34] See George Weigel, *Tranquillitas Ordinis: The Present Failure and Future Promise of American Catholic Thought on War and Peace* (Oxford/New York: Oxford Univ., 1987); David Hollenbach, S.J., "War and Peace in American Catholic Thought: A Heritage Abandoned?" *TS* 48 (1987) 711–26.

help of Eugene TeSelle's recent study of Augustine's theology of politics.[35] TeSelle argues that the relation between the heavenly and earthly cities is not entirely clear in Augustine's own writing and has received several different interpretations in practice through the centuries.

First, Christians can view themselves as resident aliens in the earthly city, granting the political life only provisional significance as a source of order and peace. TeSelle maintains that this is probably the most authentic interpretation of Augustine and that it may well be the required Christian response in historical circumstances where Christians see virtually no possibility of changing secular society. Though Neuhaus' analysis supports efforts to produce such change through political activity by Christians, his skepticism about whether "there is a known direction in which culture, or the world, should be moving" makes one dubious about how serious he is about the prospects.[36] It is for this reason, I think, that Neuhaus is quite close to this pessimistic form of Augustinianism. And as TeSelle observes, the earthly city is quite willing to tolerate the presence of Christians of this sort in its midst "as long as they do not interfere with the exercise of power or the making of money."[37] I think this is where Neuhaus' analysis would finally leave us. A second interpretation of Augustine grants the heavenly city an earthly presence, and does so by identifying the Church with the City of God and giving it superiority over earthly rulers. The "political Augustinianism" of the Middle Ages that gave the Church authority over the state is an example of this. Some elements of the new Christian right seem to seek its revival. It is, however, completely contrary to the teachings of the Second Vatican Council and to the U.S. Constitution as well. Third, TeSelle argues that it is not un-Augustinian to affirm that Christians should "maintain a kind of dual citizenship, living in the earthly city with the critical distance of an alien even while trying to make it the best city possible."[38] Quoting James Dougherty, TeSelle calls this view of the relation between the two cities "analogical"; it "finds Jerusalem, old and new, within the secular, historical city, and proposes there to redeem the Time Being."[39]

[35] Eugene TeSelle, "The Civic Vision in Augustine's *City of God*," *Thought* 62 (1987) 268–80.

[36] Neuhaus, *The Catholic Moment* 21.

[37] TeSelle, "Civic Vision in Augustine" 278.

[38] Ibid. 279.

[39] James Dougherty, *The Fivesquare City: The City in Religious Imagination* (Notre Dame: Univ. of Notre Dame, 1980) 144, cited in TeSelle, "Civic Vision in Augustine" 279. For an approach to Luther's theology of the "two kingdoms" that moves in a similar direction, see Roy J. Enquist, "Two Kingdoms and the American Future," *Dialog* 26 (1987) 111–14.

Rethinking the Boundaries

This analogical view of the relation between the two cities does not conflate, much less identify, them. But it does insist that there is an element of the sacred within the temporal order. Leslie Griffin, moral theologian at Notre Dame, has published an informative essay examining the way the relation between the spiritual and the temporal has been understood in the official teachings of the Roman Catholic Church over the past hundred years. Because it appeared in this journal, a brief comment will suffice. Griffin's central thesis is that there has been a subtle but important shift in the way the magisterium has understood this relationship, especially since John XXIII and Vatican II. This shift is not from a position that denies the importance of Christian activity in the temporal order to one that affirms it. Rather, the shift has been one in which "the spiritual and temporal aspects of human life have moved closer to one another, become more interrelated, more interdependent."[40] The standard source for the discussion of this increased interdependence is *Gaudium et spes*, which affirms that love of God and neighbor cannot be separated, and that neglect of one's duties in the social order "jeopardizes [one's] eternal salvation."[41] Avery Dulles, who strongly stresses the transcendence of the gospel and its distinction from any political ideology, has also given a succinct summary of the Council's emphasis on the intimate connection between faith and social responsibility:

> The church, rather than being a *societas perfecta* alongside the secular state, is seen as a pilgrim people, subject to the vicissitudes of history and sharing in the concerns and destiny of the whole human race (GS, 1). The church is linked to the world as the sacrament of universal unity (LG, 1), a sign and safeguard of the transcendence of the human person (GS, 76), a defender of authentic human rights (GS, 41). In a dynamically evolving world (GS, 4) social and political liberation pertains integrally to the process of redemption and hence is not foreign to the mission of the church.... The church's concern for human solidarity, peace and justice, therefore, is not confined to the sphere of supernatural salvation in a life beyond.[42]

As Griffin points out, and as the intensity of the current religion-politics debate makes clear, the affirmation of this sort of interconnection between the spiritual and temporal leads to a host of thorny questions: the relation between biblical/theological and natural-law approaches to morality; the degree to which church teachings on social matters should

[40] Leslie Griffin, "The Integration of Spiritual and Temporal: Contemporary Roman Catholic Church-State Theory," *TS* 48 (1987) 225–57, at 249.

[41] Vatican Council II, *Gaudium et spes*, no. 26; see Griffin, "Integration" 253.

[42] Avery Dulles, "The Gospel, the Church, and Politics," *Origins* 16 (1987) 637–46, at 641.

propose concrete solutions to pressing problems; the distinctive roles of lay persons and clergy in social or political activities; the problem of maintaining church unity in the midst of the inevitable conflicts that arise from involvement in the political domain. Griffin rather understates the situation when she observes that the developments stimulated by the Council have led to "increased difficulty in drawing clearly established boundaries between the moral and religious areas of life, or between the temporal and the spiritual."[43]

In a masterful discussion of these questions, J. Bryan Hehir has given a succinct summary of the Council's perspective that can aid in determining where the lines should be drawn. Relying on John Courtney Murray's distinction between society and the state, Hehir argues that *Gaudium et spes* impelled the Church more deeply into interaction with the modern world, rendering it "more political" in broad social terms, while at the same time *Dignitatis humanae* (the Declaration on Religious Freedom) has made the Church "less political" in its juridical relationship to the state.[44] Thus Hehir's essay provides a theological counterpart to Hadden's sociological thesis that disestablishment and religious freedom can be conducive of greater public activity by religious communities. In this activity the central principle is that the Church's social role must always be religious in nature and finality. Nevertheless, the exercise of this role will frequently have politically significant consequences. The Church's proper competence is that of addressing the moral and religious dimensions of political questions. The result will be an "indirect" engagement in the political arena. And this is where the hard questions arise. In Hehir's words,

> The casuistry of keeping the Church's engagement in the political order "indirect" involves an endless series of choices and distinctions. But the effort must be made precisely because the alternatives to an indirect engagement are equally unacceptable: either a politicized church or a church in retreat from human affairs. The first erodes the transcendence of the gospel; the second betrays the incarnational dimension of Christian faith.[45]

This general framework does not provide ready-made answers to the question of when the Church has crossed the line into illegitimately "direct" political action. It does provide a framework for serious argument about where this line is located.

A similar conclusion about the need for careful discernment of the line

[43] "Integration" 251.

[44] J. Bryan Hehir, "Church-State and Church-World: The Ecclesiological Implications," *Proceedings of the Catholic Theological Society of America* 41 (1986) 54–74, at 56.

[45] Ibid. 58–59.

between legitimate and illegitimate political activity by the Church has been reached on nontheological grounds by A. James Reichley of the Brookings Institution. Reichley's study is a substantial one and cannot here be dealt with adequately. But one point is worth noting. Like William Lee Miller, Reichley has concluded from his study of the origins of American constitutional arrangements that the founders of the nation did not intend to exclude religion from public influence. Indeed, the founders believed that religion was an important support for the moral virtue on which the success of a democratic republic depends. Thus Reichley states that the founders "sought to construct a charter of fundamental law that would maintain a balance between the dual, and they believed complementary, goals of a largely secular state and a society shaped by religion."[46] Moral values and moral virtues are the mediating link between the religious and the political, and action to strengthen this link is the proper way for the churches to influence the political. In Reichley's view, the most important social role of the churches is the nurturing of virtue in their members and in the citizenry at large. This will help humanize economic life and give moral direction to our democratic society. Beyond the educational role of nurturing virtue, however, Reichley also believes that the churches can make a limited though very important contribution to the policy process:

> Up to a point, participation by the churches in the formation of public policy, particularly on issues with clear moral content, probably strengthens their ability to perform this nurturing function. If the churches were to remain silent on issues like civil rights or nuclear war or abortion, they would soon lose moral credibility. But if the churches become too involved in the hurly-burly of routine politics, they will eventually appear to their members and to the general public as special pleaders for ideological causes or even as appendages to transitory political factions. Each church must decide for itself where this point of political and moral peril comes.[47]

In other words, Reichley is suggesting that there is a significant difference between church intervention on questions where the link between morality and policy is clear and those where it is tenuous. This is quite sensible.

But there remains a serious difficulty. A number of authors have pointed out that there is considerable dispute today about which public-policy questions are in fact questions of morality at all. There are also serious disagreements about where to draw the line between the domain

[46] A. James Reichley, *Religion and American Public Life* (Washington, D.C.: Brookings Institution, 1985) 114.

[47] Ibid. 359.

of public morality (where civil law has a legitimate role to play) and that of private morality (where civil freedom should prevail). A century and a half ago Tocqueville was confident that the different religious groups in the U.S. shared a common moral code despite their differences in faith. In Richard McBrien's judgment, this is no longer the case. He maintains that debates over issues such as abortion demonstrate that there is no longer any national moral consensus.[48] This may go too far, for there are clearly areas of public life where moral consensus does in fact exist in this country today. But McBrien is surely correct about the hard cases like abortion, which would not be hard cases if consensus existed about them. McBrien proposes several guidelines for relating moral norms to the civil law in such difficult areas. In developing these guidelines, he relies on the now-classic discussion of the subject by John Courtney Murray, who himself relied on Aquinas.[49]

McBrien states that the translation of moral convictions into civil law must first meet the criterion of enforceability. "Will the repressive law be obeyed? Can it be enforced against the disobedient? Is it prudent to undertake its enforcement, given the likelihood of harmful effects in other areas of social life?"[50] This enforceability argument is a part of the second criterion for the legislation of morality: it must meet with the consent of the people. And the possibility of attaining such consent is obviously qualified by the reality of pluralism. In McBrien's words, "In a pluralist society like the United States of America, winning consent for a law, necessary for its enforcement, is complicated by the existence of many different moral (and religious) points of view. What are we to do?"[51]

Two easy answers to McBrien's question are clearly unacceptable. A first oversimplification would maintain that wherever there is disagreement with the moral content of a policy or piece of legislation, the conscientious objectors should have veto power. But this really amounts to a kind of anarchy; it implies that there can be no law at all when unanimity is lacking.[52] A second apparent escape from the difficulties of pluralism is strict majority rule. Those who have the votes may write their moral and religious convictions into law. But this is incompatible with the very notion of human rights against the sometimes tyrannical

[48] Richard McBrien, *Caesar's Coin: Religion and Politics in America* (New York: Macmillan, 1987) 97.

[49] See John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed and Ward, 1960) chap. 7.

[50] *Caesar's Coin* 165.

[51] Ibid.

[52] Basil Mitchell touches on this problem in his carefully reasoned "Should Law Be Christian?" *Month* 20 (1987) 95–99, at 97.

will of the majority. It is also contrary to the Council's rejection of an earlier Catholic position on church-state relations that would seek to establish the Catholic Church in countries where Catholics are in the majority.

Because of the inadequacy of these two simple solutions, it is apparent that a more complex approach is needed. Such an approach may be less satisfying to those who, perhaps quite rightly, are convinced of the righteousness of their cause. McBrien, adapting Murray, sketches the framework of such an approach. First, every religious community can demand conformity to its beliefs on the part of its own members. Second, no group in a pluralist society can demand that government legislate a moral conviction for which support in society at large is lacking. Third, any group, including any church, has the right to work toward a change in society's standards through persuasion and argument. Finally, no group may legitimately impose its religious or moral convictions on others through the use of force, coercion, or violence.[53] McBrien observes that these criteria are not divinely revealed norms; they are the result of an effort to discover a reasonable way of dealing with *both* the importance of religion and morality in public life *and* the reality of pluralism. Because of this the virtue of prudence must guide their application.

I think McBrien has the matter essentially right. However, several concluding observations may be in order. There is, unfortunately, no guarantee that observance of McBrien's criteria will in fact produce morally worthy civil laws. Christopher Mooney is very much concerned about this in his recent book *Public Virtue.* Mooney strongly defends both U.S. constitutional institutions and criteria for church activism like those proposed by McBrien. He argues that these institutions and criteria provide the conditions that enable conflict and debate about the moral content of our laws to be creative. "Such conflicts, we have come to believe, give rise to moral judgments which are as close to the practical truth as we can get. In other words, as a free people in a pluralist society, we accept the principle that conflict among all interested parties to a decision can be creative of moral insight."[54] Here Mooney is echoing Jefferson's conviction "that truth is great and will prevail if left to herself."[55] He also places much confidence in James Madison's well-known argument in the *Federalist* that various "factions" in society will counterbalance one another, preventing tyranny and securing a basic

[53] *Caesar's Coin* 165–66.

[54] Christopher F. Mooney, *Public Virtue: Law and the Social Character of Religion* (Notre Dame: Univ. of Notre Dame, 1986) 58.

[55] Thomas Jefferson, "A Bill for Establishing Religious Freedom," printed as Appendix I in Miller, *The First Liberty* 357–58.

standard of justice. This is the great hope of a liberal democratic polity, and the respect it exhibits toward the dignity and consciences of all citizens was judged to be an exigency of both Christian faith and human reason by the Second Vatican Council. Jefferson's free argument and debate and Madison's countervailing factions, however, did not prevent the institution of chattel slavery from existing under our Constitution for 75 years nor avert the great bloodletting of the American Civil War. Purely procedural protections of social debate and existing moral conviction, it seems from historical experience, are not sufficient to secure even minimal justice when disregard for the dignity of vulnerable and marginal persons becomes widespread in society.

Mooney is aware of this weakness in a purely procedural republic. For he notes, as does Miller, that the American experiment in democracy was premised on another conviction of the founders and framers. This conviction was "so obvious to them that they felt no need to incorporate it in the Constitution, namely that the pursuit of the common good was and would continue to be a major motivation of all citizens."[56] This pursuit of the common good, rooted in the sense of the way life is bound up with life, was what the founders meant by "public virtue." Mooney sees this as significantly threatened in the U.S. today and suggests two crucial ways that the churches can help resist this threat. "Religion's task in this public sphere is to reverse the ever present tendency of citizens in an economically prosperous democracy to privatize their lives by immersing themselves exclusively in commercial pursuits."[57] In addition, the churches themselves (both laity and clergy) must be involved in the ongoing struggle to define and locate the common good. This is significantly different from viewing the churches as just another interest group pressing a predetermined agenda (even a religious agenda). Rather, Mooney regards the churches as having the capacity "to be the primary means by which morality and moral discourse enter politics."[58] They will have to be prepared not to see their entire moral vision enacted into law. But by seeking to transform the public debate into one about the public good rather than private or special interests, they will already have made a major contribution to the public virtue of society.

I think McBrien, Mooney, and Miller, taken together and synthesized, lead to several conclusions about this entire complex and controverted subject. McBrien is surely correct in his emphasis on the illegitimacy of attempting to enact a moral agenda in civil law other than through persuasion and civil argument. He is also absolutely in harmony with

[56] *Public Virtue* 59.
[57] Ibid. x.
[58] Ibid. 19.

both the Second Vatican Council and the U.S. Constitution when he insists that government has no business granting either privileges or disabilities to any group in society simply because it is religious. Mooney takes the argument a step further with his emphasis on the need for the churches to encourage a commitment to the common good and to participate creatively in the effort to specify the substantive content of the common good through public argument. He provides a positive vision of the role of the churches that complements McBrien's emphases on the limits of the role of the churches in politics and on the difference between morality and civil law.

Finally, and with full awareness of the way the Roman Catholic Church and its leaders have sometimes missed the mark in their political interventions, I think Miller is right that Catholicism has something very important to contribute to American public life today. The two elements of the Catholic tradition that Miller thinks are especially needed in the late twentieth century are equally important: a moral vision of "personalistic communitarianism" and a commitment to the vigorous exercise of moral reason in addressing public issues. The vision of the common good in this personalistic communitarianism is not the same as the ultimate, eschatological good of the kingdom of God. But it is more than a *modus vivendi* worked out by rational egoists in a commercial, procedural republic. This vision must be nourished in numerous ways: in the life of the Church itself through preaching the word of God and the sacramental life of the community; through the Church's educational efforts on all levels; through the involvement of Christians in public affairs. It can also be communicated to the larger society beyond the Church itself through manifold efforts to influence our cultural milieu. Similarly, the exercise of practical moral reason is essential to what Mooney calls the effort to locate and define the meaning of the common good. This can occur within Christian communities themselves, as members seek to understand what their response to political issues should be through dialogue and reasoned discussion. It can also occur through efforts such as the U.S. bishops' recent pastoral letters, which seek to provide an overarching vision that should shape our culture's attitudes toward peace and economic justice.

These letters also "get down to cases" in the policy sphere by making a number of specific recommendations for action. This has probably been their most controversial aspect. In light of Miller's analysis, however, this can be seen as an additional contribution. Miller is right when he observes that "The American Protestant ethos—therefore the American ethos—resisted the concept, and even the word, *casuistry*, revealingly

turning it into a pejorative."[59] But he notes appreciatively that respect for the practical intellect is the source of the Catholic tradition's reliance on "reason, argument, and conversation" rather than intuition in dealing with concrete cases in the moral life.[60] Albert Jonsen has described casuistry as "the attempt to formulate expert opinion about the existence and stringency of moral obligation in typical situations where some general precept would seem to require interpretation due to circumstances."[61] Jonsen points out that casuistry flourished in Catholic moral theology in the 16th and 17th centuries, largely because of the many new societal problems that emerged in the wake of the Reformation, the discovery of new lands, the emergence of a mercantile economy, and the development of the modern nation-state. The moral choices facing American society today as a result of new medical technologies, new dangers of massively destructive war, and new forms of global economic interdependence call for just the sort of "careful, devout effort to discover, by reflection and discussion, the right course of action" that characterizes casuistry at its best.[62] This tradition of casuistry is clearly at work in the recent efforts of the U.S. bishops, both in their concern to discover the fitting response to several concrete policy issues and in their care to distinguish the different levels of certitude and obligation that characterize their conclusions. If it is true that American culture has lost confidence in the possibility of reasoned argument about concrete issues of public morality, this may be the single strongest reason supporting the U.S. Catholic bishops' decision not to confine their recent social teachings to the level of moral vision and general moral principles. This specificity is not simply a way of gaining public attention. Rather, it is an attempt to contribute to the recovery of the very possibility of public moral argument. And that, I think, is the single greatest need in the interaction between religion, politics, law, and morality today.[63] It does

[59] *The First Liberty* 289.

[60] Ibid. 289.

[61] Albert R. Jonsen, "Casuistry," in James F. Childress and John Macquarrie, eds., *The Westminster Dictionary of Christian Ethics* (Philadelphia: Westminster, 1986) 78–81, at 78.

[62] Ibid. 78–79. Following this line of reasoning, the recent statement of the U.S. bishops addressing the moral dimensions of the 1988 elections argues that religion has become such a visible part of the contemporary political scene precisely because of the major new moral problems that public policy must face: "From medical technology to military technology, from economic policy to foreign policy, the choices before the country are laden with moral content.... Precisely because the moral content of public choice is so central today, the religious communities are inevitably drawn more deeply into the public life of the nation" (United States Catholic Conference Administrative Board, "Political Responsibility: Choices for the Future," *Origins* 17 [1987] 369–75, at 371).

[63] There has been much additional recent literature on this complex set of issues. A very valuable new scholarly resource is John F. Wilson, ed., *Church and State in America: A*

not end the discussion of this interaction, but it does insure that such a discussion will be an important part of the quest for the common good of this pluralistic society.

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THE MORAL DIMENSIONS OF AIDS

The emergence of Acquired Immune Deficiency Syndrome (AIDS) as an epidemic raises profound moral questions for every institution of American society, including the churches. A review of the literature on AIDS gives the impression that a disaster is relentlessly unfolding. We

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